

**IDAHO HEALTH INSURANCE EXCHANGE  
DBA YOUR HEALTH IDAHO BOARD  
MEETING MINUTES**

**October 30, 2013  
12:00 PM –3:00 PM**

Capital Building  
West Wing Room WW17 (lower level)

**Call to Order**

Chair Stephen Weeg called the meeting to order @ 12:05pm

**Roll Call**

Hyatt Erstad provided the roll call.

**Members:**

Stephen Weeg, Scott Kreiling, Zelda Geyer-Sylvia, Hyatt Erstad, Tom Shores, Dave Self, Karen Vauk, Jeff Agenbroad, Kevin Settles, Fernando Veloz, Margaret Henbest, Jim Rice, Kelley Packer, John Rusche, Bill Deal, Dick Armstrong; via telephone, John Livingston

Absent: Mark Estess

**Agenda**

Chair Stephen Weeg asked if there were any changes to the agenda. There were none and no minutes to review.

**Executive Session**

Chair Stephen Weeg said that the board would go into Executive Session under Idaho Code § 67-2345(1)(b) to consider the evaluation of staff members. Roll call for Executive Session was provided Hyatt Erstad.

The board returned to regular session at 12:46pm. Chair Stephen Weeg stated that no decisions had been made during the Executive Session. During the Executive Session, Dave Self informed the board that Fred Mack of Holland and Hart had been hired to conduct an independent review of the actions taken regarding the Applied Computing contract. Fred Mack is conducting the review for a price not to exceed \$15,000. The board met with the reviewer to discuss the review process. Based upon amount of materials and the interview process he is undertaking, we expect his review will be completed within the next 7 day period at which time the findings will be presented to the board.

**Acknowledging and curing unintentional quorum violation**

Chair Stephen Weeg stated that in preparation for an Executive Committee meeting on October 16, 2013, he sent out a notice and a copy of the agenda to the full board to provide the information to the board so they were aware of the work of the executive committee including information on organizational update and board structure and functioning. In addition to the executive committee about four or five other board members joined that meeting. Unfortunately none of us realized that created a potential conflict with the public open meeting laws meaning we had a quorum of the board in attendance at the meeting.

During the Executive Committee meeting on October 16, 2013, which was properly noticed and had significant public attendance, there was arguably an unintentional violation of the open meeting laws because enough board members who are not part of the executive committee attended portions of that meeting resulting a quorum of the full board present.

None of those other board members voted on any actions taken by the Executive Committee. To avoid any appearance of impropriety by those in attendance Chairman Weeg recommend that a motion be made acknowledging such a potential violation of opening meeting laws and declaring that all actions taken or resulting from such meeting shall be void.

Jim Rice: I motion to void the executive meeting dated 10.16.13 as stated above.

Second: Kevin Settles

Stephen Weeg, any questions?

Jon Rusche: What actions were voided?

Stephen Weeg, actually the committee can only make recommendations, so no actions were made.

Vote: motion carried.

### **Operational Contingency Plans – Phase 1**

Amy Dowd, Alberto Gonzalez

Amy Dowd: I would like to give you some updates, and also reflected on the accomplishments achieved in a very short timeframe since the enabling legislation passed this in March. Meanwhile we are continuing to move forward with a solid action plan to get off of the federal platform by the fall of 2014 and our evaluation team is reviewing responses to the RFP's right now.

The Executive Committee meeting held recently asked us to come back to the Board in 2 weeks, and we have been able to make tools and information available in that time. We have updated the home page, issued an information booklet, and special thanks to the carriers for responding

so quickly in assisting with these resources. The Kaiser cost estimator tool is available on our website with pull-down menu option, which was excellent feedback from board members. We also have paper applications available on our website.

I encourage and welcome your feedback as we continue. We also have an Idaho specific tax credit estimator tool which will be replacing the Kaiser tool next week.

We are continuing to work on coordination with the federal call center to ensure that Idahoans who call for assistance on their application receive assistance. While there has been misrouting of callers from Idahoans asking for assistance with the federal application, we are hearing the numbers of misrouted calls are reducing. So far the Idaho Call Center has taken nearly 4000 calls and the federal call center has taken nearly 9000 calls from Idahoans since inception. This indicates a high level of interest from Idahoans in wanting to know more about the marketplace and their plan options.

I want to take a moment and inform the board about two options (A and B) we have for an anonymous browsing tool. There is an option that is available on Healthcare.gov today, and it allows anonymous browsing of plans; the Idaho data is currently being loaded into that tool. The challenge with that tool is that it only displays two age bands: less than 49 years of age and 50+ years of age. And, as we know in Idaho we have different rates based on each age, and as ours vary by year and age, this may cause confusion to consumers.

We do have an option to provide a link to that tool from our website, or we can have an anonymous browsing tool built specifically for our website. A custom tool will take several weeks to build and require significant resources from YHI staff, the Department of Insurance and carriers to provide accuracy in testing. The estimated cost would be 40K-50K and the timing would be approximately 6-7 weeks from approval of the tool to launch. This would not be additional money for our web vendor, but would require reorganization and reprioritization of monies that might otherwise be spent in marketing or outreach activities.

Stephen Weeg: Any Q or A?

Jim Rice: Would the tool show the basic price for the plan based on age without any adjustment for APTC is that what the tool would do?

Amy Dowd: Yes, it will show the basic price for the plan and we would have a link to the calculator to estimate the premium assistance so you would have that in pieces.

Jim Rice: Could we do that with just a chart or is it more complicated than that?

Zelda Geyer-Sylvia: My understanding was that there are rate charts for what the rates are, which are very easy to navigate by age. It would seem to me it would not take seven weeks to put that into a spreadsheet.

Amy deferred to the YHI web vendor, Susannah Buckley-Green, to speak to the effort involved in developing this tool.

Susannah Buckley-Green: We have 2 parallel tracks; one is the APTC calculator, which will go live next week. What we are looking at now is anonymous browsing which is the first part being able to see plan descriptions with the rates. Enter age, zip code and plan type and see the options displayed for you and your family size and area of residence. From there we'd have a direct link to the APTC calculator to see what your estimated savings could be. What we heard from carriers is to review those tools in the federal marketplace, that process took several weeks to ensure the displays were accurate. Our vendors have talked to commercial off the shelf products and they say to build and do correctly would take between six and seven weeks.

Stephen Weeg: We have a browsing tool in front of us on paper that is available to every Agent so we have that. There is also an anonymous tool available on the federal site that could be available, but the information is woefully inadequate. We have the potential to build a stopgap that would work for this year, but would be replaced what we are doing for our own marketplace next year. The stopgap measure would cost 40-50k of stopgap measure. It would cost us staff time and would be available as our Christmas present. The need for that is today. I'm not happy with A or B.

Susannah Buckley-Green: What we're trying to do here is create a mini exchange for everything up to APTC eligibility online.

Stephen Weeg: We're being guaranteed the federal marketplace will be fixed before Dec. 25.

Susannah Buckley-Green: The anonymous browsing will never be available on the federal application regardless of when the federal site is available. The timeline is not ideal but it still serves a function to allow anonymous browsing.

Stephen Weeg: So what is the name of this software and how accessible is that?

Tom Shores: I am using Watton's plan. Amy and I talked about it, but apparently there is some conflict of interest issue in there so it can't be used.

Hyatt Erstad: Kudos to staff for at least having a calculator there. The bigger issue is, how do consumers sign up? I echo what Jim Rice said and don't want to spend another 40-50K since the federal site will be open by the end of November.

Karen Vauk: Within our organization we have given our employees a link so they can pull up comparison to give them an idea of plans and given them a link to the Kaiser Calculator.

Dave Self: Have we had explored the option of using this system that Rep. Packer pulled up?

Amy Dowd: Yes, but it doesn't necessarily have all of the exchange plans on it, plus we potentially have a conflict of interest with that party.

Amy Dowd: That is correct, it is a contingency

[John Rusche: I move that we take advantage of our ability as a state-based exchange to build an accurate anonymous shopping experience as is outlined in Option B.]

Second: Kevin Settles

Stephen Weeg: Further discussion?

Kelly Packer: I think we should continue to look at this software option.

Amy Dowd: Our vendor had discussions regarding this tool and received an estimate of \$15-20K to get it ready for Idaho. However, there is also a conflict of interest issue and we would need to go into executive session to discuss.

Zelda Geyer Sylvia: I think we should thoroughly explore options that exist that we can get up and running in the next couple weeks. I would explore one that is already in existence first.

Kevin Settles: Would the tax credit be built into this? Could we go into executive session to see if this is a solvable conflict.

Zelda Geyer Sylvia: Will it have the APTC built into it?

Susannah Buckley-Green: The plan finder tool that we are discussion would have this built in; it would show full rate information and the Idaho built APTC calculator which will be live early next week. Those two things will be displayed side by side. We do not want to show just estimated results so we don't have a liability if that person ends up not being eligible because of the information they provided. We show full rates and then click to estimate your savings to then the Idaho specific tool.

Zelda Geyer-Sylvia: So at the end of the day will I know the cost?

Susannah Buckley-Green: Yes

Zelda Geyer-Sylvia: For the rate it will say if there is a BridgeSpan bronze plan this is what I have to pay?

Susannah Buckley-Green- That is correct, it is a two-step process,.

Jim Rice: One thing that keeps coming up is do we have other options? I feel that we will not be able to discuss other options until we move to Executive Session and find out what the conflict is.

Motion: Jim Rice: I move to Amend the Agenda to allow an Executive Session for negotiations regarding trade or commerce in which this governing body is in competition with another governing body [Idaho Code §67-2345(1)(e)].

Second: Kevin Settles

Motion: Jim Rice: I move that we go into executive session to discuss a matter of trade.

Hyatt Erstad: Point of clarification, we have a motion on the floor, will the motioner and the second agree to withdraw it?

John Rusche: I move to remove the last motion and move into Executive Session

Hyatt Erstad: Then I'll move that we move into executive session.

Second: [Not audible]

Hyatt Erstad provided roll call for Executive Session as motioned above. The board moved into Executive Session @ 1:44pm.

The board returned from Executive Session @ 2:17 pm. Chair Stephen Weeg stated that any potential conflict was discussed, and it was decided there was no conflict, it was more a contracting issue, and that was clarified.

Motion: Kelley Packer: I move that we take a look at possible off-the-shelf solutions that can be adapted to Idaho needs quickly, efficiently and inexpensively to meet the concern's we currently have with the federal government's website and giving accurate information for the browsing of cost-estimates.

Second: Tom Shores

Stephen Weeg; We want to have an RFP to look at off-the-shelf solutions that may have to be customized to some degree, so we're looking for an RFP to give us an Idaho focused anonymous browsing tool. Motion Carried

### **Contingency Plans:**

Alberto Gonzalez returned to Contingency Plans and provided a presentation on updates. He added that prior to October 1<sup>st</sup> we had everything ready to go. The concept was supposed to work, on paper it looked great. We were relying on the Federal tool, which did not work.

For problems occurring right now, the best path is to call Healthcare.gov and speak to someone. Paper applications go to an office in Kentucky. We asked what we could do to have this run smoother. We want any paper applications to be dealt with locally.

It appears that CMS were concerned about setting all this up, concerned about security. We want to create a process or educate the folks on how to close-the-loop, i.e. complete the application. The good news is that our daily complaint logs have reduced. We are also pushing for that anonymous browsing tool.

He reminded the board that the call center does not provide rate information; customers are referred to an agent or broker. It is the same process with the paper applications; they need to call back once a decision has been made. Some organizations and carriers are getting through the online system.

Hyatt Erstad: What does our call center do to help the consumer?

Alberto Gonzalez: Call center refers people to options, to go and talk to an agent, broker or In-Person Assister. That is their best option. We recommend that they apply over the phone with healthcare.gov.

### **Procurement Policy & DOA**

Pat Kelly informed the board that the Procurement Policy in front of them reflected the items that were discussed during the prior board meeting and updates that had been agreed upon during the meeting held on October 25, 2013.

Tom Mortell discussed Item 14: Cooling off period. This item governs that when someone leaves the organization but then later wants to contract with the organization. For a period of 12 months after a person leaves the board, the exchange will not contract with that board member absent a 2/3 vote from the board.

Jeff Agenbroad offered a motion to approve the Procurement Policy as recommended by the Joint Finance and Operations Committee (without the Delegation of Authority).

Second: John Rusche, motion carried

Pat Kelly continued with the DOA document and informed the board that the changes reflect the comments that were recommended by the Joint Finance/Operations meeting. Pat provided the breakdown of each section.

Dave Self said he thought the single invoice approval amount was extraordinarily high for a single signature. He strongly suggested they revisit those figures more reasonable for the single signature.

Jeff Agenbroad said that what they are trying to build is a 'living document' and he expects to change many time in the future.

Zelda Geyer-Sylvia said she had reviewed this document and had a recommendation to make. She would take out the whole invoice approval section and replace it with something else.

All approvals should be required to have a signature in the following way, the finance director would have up to \$100,000 that between \$100,000-500,000 would require both the finance director and executive director and that anything over \$500,000 would require the finance director, executive director and either the board chair, vice chair or treasurer.

Motion: Jim Rice made a motion to amend the invoice approval section in the DOA as given and adopt the DOA document with that change to the invoice section.

Second: Hyatt Erstad

Discussion between Kevin Settles, Stephen Weeg and Jim Rice about the invoice levels in the DOA document.

Zelda Geyer-Sylvia: I would be happy to amend it to \$50,000 and \$100,000. We just wanted to clarify that this is an invoice. It does not matter what the invoice is coming in for.

Stephen Weeg: It is requires a review over \$500K.

Jim Rice: Withdraw his original motion – and change to the following to approve DOA with the following changes:

- Set invoice approval of finance director to \$50,000
- Between \$50k and \$500k is the Finance Director and Executive Director
- \$500k and above is Finance Director, Executive Director, and one of the following: Board Chair, Board Vice-Chair, or Treasurer

Second: Hyatt Erstad, motion carried.

Motion: Zelda Geyer-Sylvia made a motion to Amend the Agenda to go to the Direct Enrollment section next

Second: Jim Rice, motion carried

### **Direct Enrollment**

Zelda Geyer-Sylvia

Chair Stephen Weeg stated that at this point the RFP's for the technology solution are in, but Zelda Geyer-Sylvia wanted this addressed.



Zelda Geyer-Sylvia said she had arranged to have people on the phone from Leavitt Partners who could cover the issue of direct enrollment which they have been working with on a national level. Brett Graham and Dan Skyler discussed how direct enrollment would affect Idaho.

After much discussion, Chair Stephen Weeg established that Leavitt is saying the API that the carriers have just needs to be plugged in.

Jim Rice stated he thought that it is fairly straight-forward; we could do an addendum to the RFP, give the vendors a week to give us whether this was included already in their bid, or what the price of adding this would be, and we just add it in before making the final decision. So I am going to move that we do exactly that:

Motion: Jim Rice: I move to send out an addendum to the RFP asking the vendors to add the connectivity piece so that software can be plugged in and we can do this direct enrollment.

Jim Rice: So that's my motion, with a November 13<sup>th</sup> date.

Amy requested clarification that we are not re-opening the RFP (looking at our legal counsel to make sure we are aligned), but we are saying that we are actually going to ask for an additional response (with scope and cost).

Hyatt: We are beyond our timeline in the meeting, so I would call the question

Chair Stephen Weeg asked the board to vote on the motion that was provided by Jim Rice above; the motion passed.

### Adjourn

Chair Stephen Weeg said that we have a board meeting tentatively set for 11/19/13, and we have a report on the review that will be due to us sometime in the next 7 days. It was determined that the review from Fred Mack should be on the Agenda for 11/12/13.

There being no other business, Chair Stephen Weeg adjourned the meeting at 3:58pm.

Respectfully signed and submitted by:



Stephen Weeg, Chair