

Policy Committee Minutes
August 23, 2021
1:00 PM – 3:00 PM

Board Members Present: Claire Brockbank, Adela Flores-Brennan, and Marc Reece

Staff Present: Brian Braun, Bailey Dvorak, Jessalyn Hampton, Danny O’Neil, Emma Oppenheim, Carolyn Pickton, Ilana Rivera, Nina Schwartz, Monica VanBuskirk, and Ezra Watland

I. Welcome and Introduction

Adela Flores-Brennan chaired the Policy Committee Meeting and called the meeting to order at 1:02 p.m., welcoming those in attendance.

The June Committee minutes were reviewed and approved.

II. Update on Standardized Plan Stakeholder Meetings

Deputy Insurance Commissioner, Kyle Brown, discussed stakeholder engagement related to public option.

House Bill (HB)21-1232 requires the commissioner of insurance to establish a standardized health benefit plan to be offered by health insurance carriers in the individual and small group markets. The standardized health benefit plan must be in place by January 1, 2022. Preparation for HB21-1232 requires engagement in a robust stakeholder process. Thus far, the stakeholder process includes:

- 14 different public meetings with industries, consumers, brokers, advocates, and communities to analyze implementation and related requirements
- Meetings will continue through November 4, 2021
- Information on stakeholder meetings can be found [here](#)

III. Colorado Health Institute (CHI) Eligible but Not Enrolled Analysis

Staff at CHI presented the results of the 2019 eligible but not enrolled (EBNE) analysis. The EBNE population includes those who are not accessing either public insurance programs or financial assistance/credits through Connect for Health Colorado when they are eligible. Key takeaways from the analysis include:

- In 2019, 68.7% of Coloradans under the age of 65 who were eligible for advance premium tax credits (APTCs) were not enrolled to receive financial assistance benefits
- Coloradans who were EBNE for APTCs were disproportionately under age 35 and identified as Hispanic/Latinx

- Counties in southern Colorado showed higher rates of EBNE
- The 2020 EBNE report will quantify the impact of the COVID-19 pandemic on APTC enrollment and uninsurance across the state

The presentation highlights methodology, reasons individuals are uninsured, and categorized graphics of EBNE rates. The full EBNE report can be found [here](#).

IV. HCPF Update

Staff from the Department of Health Care Policy & Financing (HCPF) provided an update to the Committee:

- The Centers for Medicare & Medicaid Services (CMS) released guidance regarding the population who remained locked in during the public health emergency (PHE)
 - States will have 12 months to complete the proper eligibility redeterminations and provide proper coverage at the end of the PHE
 - Further CMS guidance will be forthcoming
- HCPF is developing a stronger renewal process for the end of the PHE to improve member experience

V. DOI Update

Staff from the Division of Insurance (DOI) provided an update to the Committee:

- Applications are open for the Prescription Drug Affordability Board (PDAB) and Advisory Council. Applications can be found [here](#)
- Staff at DOI discussed the following, upcoming virtual permanent rulemaking hearings:
 - August 31, 2021 regarding [proposed new regulation 4-2-7X](#) – Concerning the requirements for provider data requests and carrier responses confirming out-of-network payment methodology utilization
 - September 1, 2021 regarding [proposed amended regulation 4-2-45](#) – Concerning uniform individual and small group health benefit plan applications and [proposed amended regulation 4-2-29](#) – Concerning the rules for standardized cards issued to persons covered by health benefit plans
 - October 5, 2021 regarding [proposed new regulation 4-2-7X](#) – Concerning infertility coverage by health benefit plans and [proposed amended regulation 4-2-74](#) – Concerning data reporting requirements for carriers' out-of-network reimbursements
 - Links to all virtual hearings can be found [here](#)
- DOI recently posted a revised [telehealth bulletin](#) to provide clarity around existing state requirements to alleviate carrier, provider, consumer confusion, and provide guidance to carriers regarding current and ongoing requirements for coverage of services appropriately delivered through telehealth
- Draft regulations and bulletins for informal public comment can be found [here](#)

Additional analysis regarding uninsured and impact from COVID-19 can be found [here](#).

VI. Public Comment

Comment given by Bethany Pray, Colorado Center on Law and Policy.

Meeting adjourned at 2:15 p.m.

Respectfully submitted,

Adela Flores-Brennan
Policy Committee Chair