CT Health Insurance Exchange
Brokers, Agents and Navigators Advisory Committee
DRAFT MEETING MINUTES -- Teleconference

Location: Legislative Office Building
300 Capitol Avenue, Room 1E, Hartford, CT
Date: Friday, November 16, 2012
Time: 8:30 a.m.

Members Present by Phone
Mickey Herbert (Co-Chair), Exchange Board Member; Mark Czarnecki (Co-Chair), Douglas Financial Services, Inc.; Antonio Caporale, CT Insurance Department (CID); David Guttchen, Office of Policy and Management; Ellen Andrews, CT Health Policy Project; Jay Festa, USI Insurance; John Calkins, CT Benefits Brokers & Chapt. NAHU; Ken Lalime, CT State Medical Society-IPA, Inc. (CSMS-IPA); Matthew Fair, Pierson & Smith; Phil Boyle, The Health Consultants / Connecticut Benefits Brokers; Stephen Glick, Chamber Insurance Trust; Barbara Saxton, HUB International; Elizabeth Krause, CT Health Foundation; Jeanette Ziegler, Mohegan Tribe

Members Absent
Michael Nicastro, Central CT Chambers of Commerce;

Other Participants
Jason Madrak, Health Insurance Exchange (HIX); Kevin Counihan, HIX; Victoria Veltri, Office of Health Care Advocate

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I. Call to Order and Introductions

Chairperson Mickey Herbert opened the meeting at 8:35 a.m. Committee members and staff introduced themselves.

II. Review and Approval of Minutes

Chairperson Mickey Herbert requested a motion to approve of the minutes from the September 13, 2012 meeting. Ken Lalime made the motion. Mark Czarnecki seconded the motion. **Motion passed unanimously.**

III. Review Revised Navigator Program Recommendations

Jason Madrak provided an overview of the final recommendation for the Navigator Program. The four main differences from previous navigator program documents include a simplified Navigator program that combines the roles of "educator" and "enroller"; there is no SHOP-specific Navigator program – alternatively, the Navigators will be educated about SHOP; Navigators are prohibited from recommending a specific QHP or carrier but they can give general advice on how to select a QHP and the compensation model has been simplified. The previous document provided for a multi-tiered grant but was too difficult

to administer. Instead, 75% of the agreed funding will be provided up front and after completing the required duties, the remaining 25% of the grant will be issued. These changes have been presented to CMS.

Barbara Saxton asked for clarification as to defining who Navigators can actually be. Licensed agents and/or brokers can be navigators as long as they do not receive compensation from carriers. Ms. Saxton also asked if, as an entity, do you have to be non-profit or be profit and not have a conflict of interest and meet the conflict of interest benchmark. Mr. Madrak confirmed. Ms. Saxton further inquired as to the definition of "conflict of interest". Jason responded that the standard will be continued to be defined; there may be additional guidance on that. Finally Ms. Saxton asked if the assister program has moved forward and what the clear definition is. Mr. Madrak responded that the deadline for the assister grant/program was yesterday. Assisters will do all the same things as navigators; CMS did come up with an assisters program. Phil Boyle questioned whether assisters were listed in laws. Mr. Madrak responded that the final assisters regulations were added at the end of August. Additional guidelines and comments can be provided by CMS; there is not a very robust amount of information. Mickey Herbert inquired as to how regulations can become part of statute. Mr. Madrak indicated that it is not a change to law but an additional category proposed.

Mr. Boyle asked Mr. Madrak to forward the regulations relative to the In Person Assister program.

Mr. Herbert indicated that the Exchange is awaiting model navigator training standards and inquired if any were issued. Mr. Madrak indicated that CMS has not released any guidance as to any navigator training standards. Mr. Madrak further indicated that the Exchange will look at any guidance very carefully when it comes out and it will be incorporated upon release.

Mr. Herbert inquired as to the definition of conflict of interest located in section 5.3 of the Navigator program requirements. Barbara Saxton inquired as to what the relationship between the navigator entity and brokers can be. Can the navigator entity that meets all the standards and criteria have a relationship with a producer and would there be a conflict.

An inquiry was made by a member as to further guidance for navigators. Mr. Madrak responded that in the documentation provided, if a navigator requests guidance beyond their capabilities then the navigator will be referred to a broker. There will also be training for brokers.

The discussion turned to funding for navigators. Mr. Herbert indicated that there are currently no Exchange funds for the Navigator program however, in 2013, there is $500,000 in budget that cannot come from federal funding. Mr. Madrak indicated that there are funding challenges and therefore CMS was engaged. Navigators are still challenged to find dollars to set up that program, however, the Exchange is aggressively looking for organizations to form a funding coalition.

The discussion turned to In Person Assisters. Mr. Madrak responded that the in person assister will be a way to secure robust funding to have a substantial network of people to perform that function. The Exchange will want to reach out in the spirit of the law and use an IPA to build a network. From a consumer standpoint they will have access to a network of individuals of navigators and network assisters. A program will be set up to fund through the IPA and additional funds secured.

A member inquired as to whether the Navigator program is a one or two year program. After that is maintenance an issue and should it be scaled back. Mr. Madrak agreed that year one will be a very

substantial push and will be substantial. The future will depend on how the Exchange performs next October.

Mr. Herbert stated that assister monies are going to DSS and the Office of the Healthcare Advocate. He inquired as to whether that was where all money was intended to go. Mr. Madrak responded that the Exchange is touching on the fact that there is a robust group of individuals that can have substantial impact on communities that need to be engaged similarly utilizing the current network of federally qualified health facilities as they are in the front lines and to make sure there are IPAs and navigators to enroll individuals.

Ellen Krause stated that she is associated with a funder who will be happy to meet to discuss further. It is important to have a meaningful navigator program to assist the public.

Jeannette Ziegler indicated that under the navigator program, tribes are referred to as a public agency. The Tribes have a unique status and will be offered additional provisions in the law. With conflicts of interest, it will raise some red flags. There is a unique set of circumstances with tribal government and it must be separated out as the Exchange gets into the model.

Mr. Herbert moved the discussion on to voting on the approval of the staff recommendations for the navigator program and requested that if there were any fundamental objections with the document, committee members should so indicate.

Mr. Glick expressed his concerned about fiscal responsibility.

Mr. Madrak indicating that the type of funding will have to be known before the launching of the program, however, there is a need to work on parallel paths. Navigator funding is an outstanding issue. The intent of the document is how the navigators/in person assisters program will work with public.

Mr. Herbert stated that if the document is approved, that budgeted amount of $500,000 is not approved and that the Exchange is not authorized to spend the $500,000. Mr. Madrak indicated that this amount is estimated.

An inquiry was made by Ms. Saxton as to when the money will be necessary. Mr. Madrak responded that it will be the beginning of next year with the RFP process to procure an organization and then get the program up and running. Ms. Saxton further inquired as to whether there is a formula as to how much the entities receive and the criteria. Mr. Madrak responded that the Exchange is in the process of putting together a broad set of projections through the website, brokers, and navigators, etc. Assumptions are being put into place, and the Exchange will then put those assumptions in place for service of those interactions, and then the staffing model will be put in place. There is a need to factor in resources, hourly figure for time, and then estimate how much money the program will need and how much to be given to the entity. That process is currently being finalized.

Phil Boyle asked if there are any conversations taking place with organizations similar to Ms. Krause's and if those groups can be defined as well as a funding commitment.

Mr. Madrak responded there have been meetings to assure navigator programs are in place around the country and that the names will be provided in that regard. Mr. Madrak further welcomed any further suggestions.

Mr. Herbert indicated that the Exchange Board needs to be apprised there is no success in raising monies for the navigator program and it will have to be done de facto.

Mr. Madrak moved to page 4 of the presentation which provided a brief overview of the policy process of the navigator program. There were some comments and the majority of discussions were concerns of the execution mode which is critical. The document is a framework. Mr. Madrak confirmed that the Exchange staff was looking for a vote on the document today. Mr. Herbert inquired as to whether the other committee approved the recommendation document and Mr. Madrak responded that only the Brokers committee needs to approve it but the other committee did not have any changes.

Mr. Saxton inquired as to Section 5.3 -- producer compensation which she expressed, seems to be a contradiction. Mr. Madrak explained that if a broker wants to enroll through the Exchange, an appointment with the carrier that is offering through the Exchange will be required. Ms. Saxton inquired as to carrier appointments having to be severed if brokers are to enroll through the Exchange. Mr. Madrak indicated that in the most general sense, if a broker receives compensation from the carriers then it is apparently a conflict of interest. Further discussion also included commission structure.

Ms. Krause asked a question about training schedules, further inquiring if the document was approved as it currently stands and whether there is any flexibility. Mr. Madrak responded that the document has a proposed training schedule and what is proposed has room for flexibility. Mr. Madrak further indicated that in terms of this document, it serves as a compass regarding the broader parameters of the program. There are several things that will come to light and the document covers a broad array of topics. Mr. Herbert indicated that the Board will need to be informed that the document is a compass.

A committee member inquired as to whether there will be a requirement for an errors and omissions policy. Mr. Madrak responded that some states are stipulating requirements while others are not. Some states are still interpreting the statutes. Mr. Madrak indicated that he will get the answers as soon as possible.

John Calkins inquired as to when the insurance department will be delivering any opinions. Antonio Caporale responded that the certification for the Navigators will need to be done by the Exchange rather than the insurance department given that the role of navigators and producers are very different and that the CID does not have authority given no navigator requirements. Further inquiry was made by Mr. Herbert as to in person assisters. Mr. Caporale indicated that it is envisioned more as a process that the Exchange is the authority for granting certification. This was confirmed by Mr. Madrak.

Co-Chair Herbert asked for a motion to approve the Navigators and Brokers Program. David Guttchen seconded.

Inquiry was made by a committee member as to whether there was a copy and paste error on page 10 – producer requirements.

Mr. Guttchen inquired as to whether the Exchange Board is fully advised of the assister issue and indicated that the Board needs to be on board; Mr. Madrak responded the Board is being kept abreast of this issue and at the very least all training certification for assisters will mirror navigators and clarity will be provided for navigator and assisters.

Discussion returned to voting on the approval of the Navigator program. Mr. Herbert indicated that the vote is in spirit of the document being flexible. Ms. Saxton indicated that she will have a difficult time

approving the program because of Section 5.3. Mr. Madrak responded that there can be a vote to approve on the caveat that the language will be clarified. The intent is simply if a broker wants to sell through the Exchange, there will need to be an appointment and the compensation is unchanged. Ms. Saxton inquired as to whether there will be a need for two appointments; Mr. Madrak responded that it will be the same appointment and that there is no parallel approval process. Mr. Madrak further indicated that there will be clarification provided as to the severing of all appointments.

Vote on Accepting Recommendations

Co-Chair Herbert made a motion to approve the Navigator Program subject to additional clarity to Section 5.3. Motion was seconded by David Guttchen. ***Motion passed.***

Mr. Madrak reviewed the Healthy Chat discussions taking place between Thanksgiving and Christmas throughout Connecticut. There will be a robust and open discussion and he encouraged everyone to attend the events.

Public Comment

There was no public comment

Adjournment

Chairperson Herbert adjourned the meeting at 9:36 a.m.

Resources:
Presentation
Navigator Program Update