

Work Group	Market Regulation	Date	11/13/2012
Facilitator	Aaron Ezekiel	Time	11:00 a.m. MT
Location	Conference Call/ In-Person	Scribe	Cicero Group

Agenda Item
 Discussion Item
 Conclusion
 Action Item

Attendees			
No.	Name	No.	Name
1.	Aaron Ezekiel	8.	Thom Turbett
2.	Milton Sanchez (<i>Human Services Department</i>)	9.	Jane Wishner
3.	Jonni Pool (<i>Human Services Department</i>)	10.	Jim Copeland
4.	Laura Summers (<i>Leavitt Partners</i>)	11.	Jeff Martin
5.	Carol Luna-Anderson	12.	
6.	Gabriel Parra	13.	Stephanie Wright (<i>Cicero Group</i>)
7.	Dan Case (<i>Cicero Group</i>)	14.	Charlotte Roybal

Agenda Item 1: Discussion of Recommendations

Name: Aaron Ezekiel

DISCUSSION ITEM 1 | Introduction and Approval of Prior Minutes

Mr. Ezekiel indicated this would be the final meeting of the Work Group, and results of these discussions would be presented to the Advisory Task Force at its next meeting. The minutes were reviewed and approved with the note that a comment by Mr. Ezekiel on page 1 paragraph 3 be understood to mean, "that one thing they could agree on was that quality healthcare needs to be provided for all New Mexicans, particularly the currently underserved."

DISCUSSION ITEM 2 | Network Adequacy

Ms. Toone was asked to review the standards used to determine network adequacy within a Qualified Health Plan (QHP). She explained that in New Mexico, the quantitative method was used, in which reasonable access to providers and services within a given geographical area is determined. She was asked to provide copies of previous documents distributed to members of the group regarding the issue.

An extended discussion ensued as to the regulatory authority of the DOI vs. the Exchange to determine QHP status. Delegating this to the DOI without official approval from the Exchange was seen as undesirable. Mr. Ezekiel motioned that the HIA and Superintendent of Insurance should recommend that authority be delegated to the DOI to perform Exchange related regulatory functions. An official vote did not follow.

DISCUSSION ITEM 3

Expansion of Definition of Small Group

It was reconfirmed that the definition of Small Group will be changing in 2016 from 50 employees or fewer to 100 employees or fewer, and actuarial studies were requested regarding the resulting change to the risk pool. It was suggested that immediate expansion of the definition might be more attractive to insurers. The regulatory and legislative impacts of this suggestion were discussed. Ms. Summers mentioned the possibility of Leavitt Partners providing additional data and perhaps a list of the pros and cons of expanding or not expanding the definition in time for Exchange introduction. Mr. Ezekiel stated his expectation for the pending release of an actuarial study in this regard.

Mr. Ezekiel invited comments from the audience, and a member indicated that according to some research there is no conclusive evidence in New Mexico that immediate implementation of the broader definition would have any positive impact on pricing or increase of access. A representative from Molina advised that this data would have little impact on their policies. Mr. Parra and Mr. Sanchez advocated for waiting until after the first year of Exchange implementation to study the impact, allowing a basic level of Exchange participation to be ascertained and then to consider adjustments and how the market might adjust accordingly.

The group proposed the following resolution:

- We recommend to the Advisory Task Force that the HIA and DOI be encouraged to conduct actuarial policy and economic analysis, as appropriate regarding an opening of the SHOP Exchange to small groups of 100 at the introduction of the Exchange.

Two members voted against the resolution due to concerns that extending the scope of an already challenging Exchange implementation would be unrealistic. Two members voted in favor and Mr. Ezekiel abstained. Mr. Ezekiel then reviewed the Exchange implementation timeline and offered to distribute copies of Exchange information documents with related links.

CONCLUSION

Mr. Ezekiel solicited other recommendations, and outlined the following Task Force recommendations made to date:

- Certification of QHP status should be delegated to the DOI.
- Establishment of a deadline for submission of plans for inclusion in the Exchange; however, to encourage market participation, late submissions should also be accepted, so long as carriers understand that the review and acceptance process may not be completed in time for the Exchange rollout.

A member recommended adding the following:

- Prioritization of the issue of network adequacy to promote the inclusion of essential community providers
- Outreach to providers and consumers be conducted to maximize access to services and not just coverage

Mr. Ezekiel agreed to consider these as proposed recommendations, and welcomed further discussion on the topics. The member also advised that behavioral health and substance abuse treatment should be included for consideration. It was pointed out that future adjustments to the Exchange can be made as needed. The Work Group debated the balance between over-regulation and carrier flexibility in regards to these additional recommendations and was unable to form a consensus.

Mr. Ezekiel confirmed the Task Force meeting on November 28 at 8:30 a.m. and thanked the group for their participation. The meeting was adjourned.

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