

# FLORIDA HEALTH INSURANCE ADVISORY BOARD MEETING

Wednesday, April 13, 2022, 2:30 PM

Conference Call

Call-In Number: 866-299-7949

Code: 1433866#

## AGENDA

- I. Call to Order
- II. Roll Call – Attachment
- III. Antitrust Statement – Attachment
- IV. Chair’s Opening Remarks
- V. Approval of Minutes - Attachments
  - November 4, 2021 (Board)
  - February 15, 2022 (Executive Director Selection Committee)
- VI. Executive Director Selection Committee Report/Recommendation
- VII. Other Business
- VIII. Public Comment
- IX. Adjourn

# FLORIDA HEALTH INSURANCE ADVISORY BOARD

September 21, 2021

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## Vacant

Agent

**FLORIDA HEALTH INSURANCE ADVISORY BOARD  
BOARD MEETING**

**April 13, 2022**

**Antitrust Statement**

We are here to discuss and act on matters relating to the business of the Florida Health Insurance Advisory Board. We are not here to discuss or pursue the business interests of any individual companies. All of us should proceed with caution and awareness of the requirements and prohibitions of federal and state antitrust laws. We should not engage in discussions, either at this meeting or in private conversation, of our individual companies' plans or contemplated activities. We should concern ourselves only with the business of the Florida Health Insurance Advisory Board, as set forth in the agenda for this meeting and each company's business plans cannot be discussed. If you have questions, please contact the General Counsel.

**Florida Health Insurance Advisory Board  
Board of Directors Meeting Minutes  
Thursday, November 4, 2021, 2:00 PM  
Via Teleconference  
Tallahassee, FL**

**Board Members Present:**

Mike Yaworsky, Chair Designee	Ken Stevenson, Vice Chair	Louisa McQueeney
Christina Lake	William "Bill" Herrle	Eric Johnson, PhD, ASA
Richard B. Weiss, CPA	Seth M. Phelps	Rick Wallace
Robert Muszynski	Nathan Landsbaum	

**Others Present:**

- Amy Hardee, Administrative Assistant II to the Deputy Commissioner – Life & Health, Office of Insurance Regulation (OIR)
- Monica Ross, Chief Legal Counsel, OIR

**I. Call to Order**

Mike Yaworsky (Chief of Staff, Office of Insurance Regulation) announced that he had been appointed as the Chair's designee for this meeting by Commissioner and Chair David Altmaier. The Chair then called the meeting to order at 2:00 pm indicating that the meeting was properly noticed to the public in accordance with Florida Law.

**II. Roll Call**

Amy Hardee conducted a roll call, noting the presence of a quorum.

**III. Antitrust Statement**

Monica Ross was recognized and reviewed the antitrust statement.

**IV. Chair's Opening Remarks**

The Chair thanked the members for their attendance today to provide their expertise and insights.

**V. Approval of Minutes, October 12, 2021**

The Chair presented the minutes from the October 12, 2021, meeting for adoption, noting that members had been provided with advance copies. Ken Stevenson moved to adopt the minutes as written, with a second by Seth Phelps, and the minutes were adopted without objection.

**VI. Executive Director Selection Committee Status Report**

The Chair turned the time over to Seth Phelps (Chair, Executive Director Selection Committee) for a status report on the search for a new Executive Director.

Mr. Phelps reported that the position was posted on October 27 on the following websites:

- LinkedIn
- NAAIA
- FHIAB

The deadline to apply is close of business, November 17. The next step is for the Committee to meet to begin the evaluation process.

The Chair thanked Mr. Phelps for the report and the Committee's work so far.

## **VII. State of the Market Annual Report Approval**

The Chair presented the 2021 State of the Market Annual Report for adoption, noting that members had been provided with an advance copy.

Rick Wallace moved to adopt the report, with a second by Christina Lake, and the report was adopted without objection.

## **VIII. Discussion/Approval of Legislative Proposals for 2022**

The Chair noted that the substantive business before the Board today is the discussion and approval of the Board's 2022 legislative recommendations. He reminded members that only those proposals reaching a full consensus by the members today would be submitted to the 2022 Florida Legislature on behalf of the entire Florida Health Insurance Advisory Board (FHIAB). Eight proposals have been received. They will be read with time for questions and discussions following each proposal.

### **1. Employee/Dependent Option Coverage in Small Group Plans**

- Recommendation:** *Provide a clear legislative directive whereby small group employers be specifically allowed the option to offer "employee/dependent(s)" coverage in the open market, where dependent(s) are dependent children only.*

Louisa McQueeney moved that the Board make this recommendation, with a second by Rick Wallace. The motion passed unanimously.

### **2. Deductible Health Credit Transfer**

- Recommendation:** *Expand statute 627.666 to include individual on- and off-exchange policyholders a Deductible Health Credit Transfer to a new policy equal to the deductible paid by the policyholder to the prior insurer. The Credit Transfer should be for the entire amount paid by the consumer without limitations such as a period of 90 days preceding the effective date of the succeeding insurer's plan or recognition of the expenses actually incurred under the terms of the succeeding insurer's plan and subject to a similar deductible provision.*

Louisa McQueeney moved that the Board make this recommendation, with a second by Rick Wallace. The motion passed unanimously.

**3. Provide health care consumers with one free copy of their own medical records**

- Recommendation:** *Provide consumer with one free copy of their medical record provided to consumer by mail or electronic mail, at the time of payment request for services provided.*

Louisa McQueeney moved that the Board make this recommendation, with a second by Rick Wallace. The motion passed unanimously.

**4. Protect Consumers from prescription drug formulary changes during a policy year**

- Recommendation:** *Prohibit insurance carriers from amending or removing a covered prescription drug during the policy year. This will not preclude the insurance carrier from expanding the formulary and lowering prices throughout the policy year. This would exclude the formulary for Florida Medicaid which is covered under section 409.91195, Florida Statutes.*

Rick Wallace moved that the Board make this recommendation, with a second by Louisa McQueeney. The motion passed unanimously.

**5. Prohibit balance billing for emergency medical transportation**

- Recommendation:** *Apply the balance bill rules under HB221, signed into law by Governor Scott, to include emergency transportation.*

The Chair noted that the description for this recommendation has been updated to strike the work “air” per the discussion during the last meeting.

Louisa McQueeney moved that the Board make this recommendation, with a second by Ken Stevenson. The motion passed unanimously.

**6. Include Applied Behavioral Analysis as a covered benefit in all insurance plans**

- Recommendation:** *Require each carrier authorized to sell health insurance in Florida to include at minimum one plan in each service area to cover Applied Analysis Services as covered by Medicaid.*

Louisa McQueeney moved that the Board make this recommendation, with a second by Rick Wallace. The motion passed unanimously.

**7. Include Fetal Alcohol Spectrum Disorder (FASD) to the definition of the term developmental disabilities**

- Recommendation:** *Include Fetal Alcohol Spectrum Disorder to the definition of the term developmental disabilities in statute 627.6686.*

Rick Wallace moved that the Board make this recommendation, with a second by Louisa McQueeney. The motion passed unanimously.

**8. Apply payments by, or on behalf of, a beneficiary to count toward the out-of-pocket cost sharing calculations**

- **Recommendation:** *Require each health insurer, issuing, delivering, or renewing a policy in Florida, which provides prescription drug coverage, administered by the insurer or pharmacy benefit manager, to apply any amount paid by the insured or paid on his or her behalf through a third-party, for which there is no generic drug available, shall be applied toward the policyholder's total contribution to any cost-sharing requirement. Include disclosure in policy documents and on websites, that these payments will be applied to the policyholder's out-of-pocket maximum, deductible, or copayment responsibility.*

Louisa McQueeney moved that the Board make this recommendation, with a second by Rick Wallace. The motion passed unanimously.

The Chair thanked everyone for their participation and input into the discussion. He then asked Amy Hardee to finalize the Board's recommendations and issue a copy to the Office of Insurance Regulation, the Senate President, and the House Speaker.

**IX. Other Business**

The Chair asked if there was any other business to be brought before the Board. There being none, the Chair moved to the next agenda item.

**X. Public Comment**

The Chair asked if there were any members of the public who would like to comment. One person expressed his appreciation for the experience and opportunity to participate.

**XI. Adjourn**

The Chair thanked everyone for participating. Having no further business, the meeting was adjourned at 2:26 pm.

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Mike Yaworsky, Chair Designee

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Date

**Florida Health Insurance Advisory Board  
Executive Director Selection Committee Meeting Minutes  
Tuesday, February 15, 2022, 2:30 PM  
Via Teleconference  
Tallahassee, FL**

**Committee Members Present:**

Seth Phelps, Chair

Louisa McQueeney

Ken Stevenson

**Others Present:**

- Amy Hardee, Administrative Assistant II to the Deputy Commissioner – Life & Health, Office of Insurance Regulation (OIR)
- Monica Ross, Chief Legal Counsel, OIR

**I. Call to Order**

Chair Seth Phelps called the meeting to order at 2:30 PM.

**II. Roll Call**

Amy Hardee conducted a roll call, noting that all Committee members were present.

**III. Antitrust Statement**

Monica Ross was recognized and reviewed the antitrust statement.

**IV. Chair's Opening Remarks**

The Chair noted that the purpose of the meeting was to finalize the Committee's recommendation for Executive Director to submit to the Florida Health Insurance Advisory Board (FHIAB) for their vote, following the six interviews conducted in public meetings last week.

**V. Approval of Minutes, February 11, 2022**

The Chair presented the minutes from the February 11, 2022, meeting for adoption, noting that members had been provided with advance copies. Louisa McQueeney moved to adopt the minutes as written, with a second by Ken Stevenson, and the minutes were adopted without objection.

**VI. Review Results of Interviews/Finalize Recommendation**

The Chair noted that the following candidates were interviewed:

1. John "Jack" McDermott
2. William (Bill) Eichhoefer
3. Christopher "Scott" Jenkins
4. Ashlee Tising
5. Cathy Nelson
6. Keith Dean
7. John Trombetta (withdrew prior to being interviewed)



Before discussing specific candidates, the Chair noted that historically, based on the last three contracts with Executive Directors, the FHIAB has contracted with a candidate's employer consulting firms. However, the real issue, in addition to the qualifications outlined in the job posting, are (1) can the candidate devote the time necessary to actually complete the Executive Director job functions and (2) does the candidate have any actual or apparent conflicts of interest that cannot be properly addressed.

When asked if there were any other issues to be discussed, Ken Stevenson disclosed that Keith Dean was a client of his 15 years ago and the Chair disclosed that he had previous interactions with Jack McDermott when Mr. McDermott worked for the Office of Insurance Regulation.

The Chair then asked each member to list their top three candidates (in order) based on the grading matrix:

- Ken Stevenson: Jack McDermott, Keith Dean, Ashley Tising
- Louisa McQueeney: Cathy Nelson, Jack McDermott, Ashley Tising
- Seth Phelps: Jack McDermott, Keith Dean, Bill Eichhoefer

The Chair asked each member to explain why they picked their top candidate, focusing on the Job Description criteria. After each member shared their justifications, the Chair noted that he and Ken Stevenson both had Jack McDermott as their top candidate and Louisa McQueeney had him as her second choice.

The Chair asked if any further discussion was needed. Louisa McQueeney expressed her concerns regarding (1) can the candidate devote the time necessary to fulfilling these duties, (2) is there a conflict of interest, and (3) will the candidate remain in the position long-term.

After further discussion, Ken Stevenson made a motion to recommend to the Board that Jack McDermott be offered the position as the Board's Executive Director. The motion was seconded by Louisa McQueeney and approved unanimously.

The Chair thanked all the candidates for their participation in the selection process.

## **VII. Other Business**

The Chair asked if there was any other business to be brought before the Committee.

Louisa McQueeney asked when the next Board meeting is scheduled for. The Chair noted that the next meeting has not been scheduled yet and it will likely not meet until the Florida Legislative Session has ended. The Committee would like the Board to meet as soon as possible after the Legislative Session.

There being nothing further, the Chair moved to the next agenda item.

## **VIII. Adjourn**

Having no further business, the meeting was adjourned at 3:01 PM.

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Seth Phelps, Chair

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Date