

**Florida Health Insurance Advisory Board
Board of Directors Meeting Minutes
Tuesday, December 3, 2019, 2:00 PM
Via Teleconference
Tallahassee, FL**

Board Members Present:

David Altmaier, Chair
William "Bill" Herrle
Eric Johnson

Christina Lake
Louisa McQueeney
Robert Muszynski

Seth Phelps
Ken Stevenson

Others Present:

Michelle Robleto, Executive Director, Florida Health Insurance Advisory Board
Anoush Brangaccio, General Counsel, Office of Insurance Regulation (OIR)

I. Call to Order

Commissioner and Chair David Altmaier 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

Executive Director, Michelle Robleto, conducted a roll call, noting the presence of a quorum.

III. Antitrust Statement

Anoush Brangaccio was recognized and reviewed the antitrust statement.

IV. Chair's Opening Remarks

The Chair thanked the members for their attendance and for bringing their perspectives to finalize legislative proposals addressing health insurance market issues in Florida for the 2020 Legislature.

V. Approval of Minutes – October 18, 2019

The Chair presented the minutes from the October 18, 2019, meeting for adoption, noting that members had been provided with advance copies. The Chair noted that one change to the minutes would be the addition of a signature line for his signature, and called for adoption of the modified minutes. Eric Johnson moved to adopt the minutes as modified, with a second by Seth Phelps, and the minutes were adopted without objection.

VI. Executive Director's Report

The Executive Director reported that 2018 Tax Forms F-1120 were submitted to the Florida Department of Revenue by the October 27, 2019, due date, for both the Florida Individual Health Reinsurance Program and the Florida Small Employer Health Reinsurance Program.

The Executive Director provided a Financial Report, reviewing the FHIAB's Balance Sheet and Income Statement through October 31, 2019. Members were provided with advance copies of the financial statements and there were no questions. Upon a call from the Chair to approve the Financial Report,

Robert Muszynski moved to adopt, with a second by Ken Stevenson, and the report was adopted without objection.

The Executive Director presented the proposed FHIAB 2020 Budget, which was provided to members in advance. With no questions from members, the Chair called for adoption of the FHIAB 2020 Budget. Eric Johnson moved to adopt the budget, with a second by Louisa McQueeney, and the budget was adopted without objection.

The Executive Director next presented the proposed 2019 Assessment, which was provided to members in advance. With no questions from the members, the Chair called for a vote to approve the 2019 Assessment. Bill Herrle moved to adopt the assessment, with a second by Christina Lake, and the assessment was adopted without objection.

As a final item, the Executive Director recommended no changes to the current Plan of Operation, which was provided to members in advance. With no questions from the members, the Chair called for approval of the recommendation to accept the current Plan of Operation with no changes. Eric Johnson moved to accept the recommendation, with a second by Seth Phelps, and the recommendation was adopted without objection.

VII. Discussion and Approval of Legislative Proposals for 2020

The Chair noted that the purpose of today's call was to finalize legislative proposals for 2020 and reminded members that only those proposals with the unanimous consent of the Board would ultimately be submitted to the 2020 Legislature on behalf of the Florida Health Insurance Advisory Board. He added that if any member objected to a proposal, it would not move forward, although this would not preclude members from advancing proposals in their personal capacity.

The Chair noted that he would review each proposal and provide time for questions and discussions.

Recommendation #1: 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.

The Chair reminded members that this proposal was submitted to the 2019 Legislature. With no questions, comments or objections, the Chair noted that this proposal would be forwarded to the 2020 Legislature.

Recommendation #2: Amend and expand statute 627.666 to include individual on- and off-exchange policy holders a Deductible Health Credit Transfer to a new policy equal to the deductible paid by the policy holder to the prior insurer. The Credit Transfer should be for the entire amount paid by the consumer without limitations such as a time frame 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.

The Chair reminded members that this proposal was submitted to the 2019 Legislature. With no questions, comments or objections, the Chair noted that this proposal would be forwarded to the 2020 Legislature.

Recommendation #3: Provide consumer with one free copy of their medical record, to be provided to consumer by mail or electronic mail, at the time of payment request for services provided.

The Chair reminded members that this proposal was submitted to the 2019 Legislature. With no questions, comments or objections, the Chair noted that this proposal would be forwarded to the 2020 Legislature.

Recommendation #4: Codify into state law requirements that Florida health plans may not vary rates based on one or more pre-existing conditions. Rates can vary based solely on four factors: family composition, geographic area, age and tobacco use. Insurers are prohibited from charging an older adult in the oldest age band more than 3 times the rate of a younger person in the youngest age band and from charging tobacco users more than 1.5 times the rate of a non-tobacco-user's rate.

Eric Johnson requested that this proposal be modified to include health insurers as well as health plans. With no objections and no further discussion, the Chair noted that the modified proposal would be forwarded to the 2020 Legislature.

Recommendation #5: In inadequate narrow networks where primary care, mental health and hospital services are not within 30 miles or 30 minutes of each enrollee's place of residence or work, treat out-of-network care as in-net-work care and apply the cost of the care to the annual accumulators, such as the deductible. Improve network adequacy.

Eric Johnson questioned the appropriateness of directing the Office of Insurance Regulation (OIR) to improve network adequacy (included in the title of the recommendation), as this appears to be more within the purview of the Agency for Health Care Administration (AHCA). After a brief discussion, Louisa McQueeney agreed with modifying the proposal to replace OIR with AHCA. With no objections and no further discussion, the Chair noted that the modified proposal would be forwarded to the 2020 Legislature.

Recommendation #6: Apply the balance bill rules under HB221, signed into law by Governor Scott, to include emergency transportation.

With no questions, comments or objections, the Chair noted that this proposal would be forwarded to the 2020 Legislature.

Recommendation #7: Require a stronger consumer disclosure than is required by federal regulation. Ensure brokers and agents read the full disclosure to the consumer and require the consumer to sign a statement that they have read the disclosure.

With no questions, comments or objections, the Chair noted that this proposal would be forwarded to the 2020 Legislature.

Recommendation #8: Establish clear, meaningful, and accessible procedures for prescribers to override the process by requesting an exemption; prohibit insurers from requiring insured patients to fail a drug more than once.

With no questions, comments or objections, the Chair noted that this proposal would be forwarded to the 2020 Legislature.

Recommendation #9: Amend current legislation for agents and brokers, §626.2815 Continuing Education Requirements, using the required 5-hour update course to educate Agents, Brokers and

Navigators on state-specific programs, like the Share of Cost program, that are not covered in the Federal training programs for the Individual Marketplace.

With no questions, comments or objections, the Chair noted that this proposal would be forwarded to the 2020 Legislature.

Recommendation #10: Enact legislation to define what would be considered a qualified dental plan for the ACA's pediatric dental requirements and prevent consumers from being charged additional, unbundled premiums.

Subsequent to concerns expressed by Louisa McQueeney and Eric Johnson, the Chair noted that this proposal would not be forwarded to the 2020 Legislature.

Recommendation #11: Amend the current definitions of "small employer" used in FL Statutes, specifically §627.6699(3)(v)2., to address cost of insurance and access to insurance issues.

Eric Johnson asked for an explanation of the proposal, which was provided by Ken Stevenson. With no further questions, comment or objections, the Chair noted that this proposal would be forwarded to the 2020 Legislature.

The Chair concluded this section of the agenda by directing the Executive Director to finalize the Board's recommendations and issue copies to the Office of Insurance Regulation, the Senate President and the House Speaker.

VIII. Other Business

The Chair informed the Board of the Executive Director's resignation, effective December 31, 2019.

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.

IX. Public Comment

The Chair asked if there were any members of the public who would like to comment. There being none, the Chair moved to the next agenda item.

X. Adjourn

The Chair thanked everyone for participating. Having no further business, the meeting was adjourned at 2:50 pm.



David Altmaier, Chair

10/14/20

Date