

COVERED CALIFORNIA BOARD MINUTES
Thursday, September 15, 2022
Covered California
1601 Exposition Blvd.
Sacramento, CA 95815

Agenda Item I: Call to Order, Roll Call, and Welcome

Chairman Ghaly called the meeting to order at 10:34 am.

Board Members Present During Roll Call:

Jerry Fleming
Kate Kendell
Dr. Mark Ghaly

Board Members Absent During Roll Call:

Dr. Sandra Hernandez
Jarrett Barrios

Agenda Item II: Closed Session

A conflict disclosure was performed and there were no conflicts from the board members that needed to be disclosed. The board adjourned for closed session to discuss contracting, personnel, and litigation matters pursuant to Government Code Section 100500(j), 11126 (a), and 11126 (e)(1).

Chairman Ghaly called open session to order at 12:02 p.m.

Agenda Item III: Board Meeting Action Items

June 16, 2022, Meeting Minutes

Discussion: None.

Motion/Action: Chairman Ghaly called for a motion and a second to approve the June 16, 2022 meeting minutes. Vice Chair Hernandez moved to approve the meeting minutes. The motion was seconded by Mr. Fleming.

Public Comment: None.

Vote: The motion was approved by a unanimous vote of those present. Ms. Kendell and Mr. Barrios abstained from the vote.

August 18, 2022, Meeting Minutes

Discussion: None.

Motion/Action: Chairman Ghaly called for a motion and a second to approve the August 18, 2022 meeting minutes. Mr. Fleming moved to approve the meeting minutes. The motion was seconded by Vice Chair Hernandez.

Public Comment: None.

Vote: The motion was approved by a unanimous vote of those present. Chairman Ghaly abstained from the vote.

Agenda Item VI: Executive Director's Report

Announcement of Closed Session Actions

Jessica Altman, Executive Director, stated that the board met in closed session to undertake issues related to contracting, personnel, and litigation. There were no items to report.

Executive Director's Update

2022 Board Meeting Dates: Ms. Altman presented the Covered California Board meeting dates for 2022, with two meetings scheduled as only a possibility.

Ms. Altman emphasized that this will be Covered California's tenth open enrollment period and highlighted the 2023 open enrollment campaign. The campaign will focus on Covered California's impact in every region and demographic over the past decade. It will also include in-person events.

State and Federal Policy/Legislative Update

Ms. Altman began by giving an update on the state front. She highlighted four bills of interest to Covered California that were passed by the legislature and were sent to Governor Newsom's desk. Those bills included Senate Bill 944 (Pan), Assembly Bill 2530 (Wood), Senate Bill 1473 (Pan), and Senate Bill 644 (Leyva).

Next, Ms. Altman gave a federal update. She noted that on September 2, Covered California submitted a comment letter on the Centers for Medicare and Medicaid Services (CMS) proposed 2023 Revisions to Payment Policies under the Medicare Physician Fee Schedule, Quality Payment Program, and Other Revisions. Also, on September 9, the U.S. Department of Homeland Security published the final rule on Public Charge Ground of Inadmissibility, which specified how individuals' use of public benefits may affect their ability to enter the country or adjust their immigration status. Lastly, on September 7, in *Braidwood Management Inc. et al. v. Becerra*, the U.S. District Court for the Northern District of Texas held that at least part of the Affordable Care Act's preventative services mandate is unconstitutional and violates the Religious Freedom Restoration Act.

Board Comments: Mr. Barrios asked if Covered California's navigators will be informed and educated on the Public Charge Ground of Inadmissibility final rule and the impacts.

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Ms. Altman stated that there will be communications sent out and Covered California is coordinating closely with the Department of Health Care Services (DHCS) on a collective response.

Chairman Ghaly stated there is a broad effort across the state of California to notify and educate everyone on this final rule.

Ms. Kendell asked if Covered California would seek to retain counsel to file an amicus brief and take a position on litigation regarding the *Braidwood Management Inc. et al. v. Becerra* case.

Ms. Altman stated that the Attorney General generally represents California's interests in these cases. She also noted that Covered California traditionally does not submit separate briefs from those submitted by the Attorney General.

Vice Chair Hernandez emphasized the importance of the rollback of the Public Charge rule. She also asked if the *Braidwood Management Inc. et al. v. Becerra* case only applies to California if people are covered through Employee Retirement Income Security (ERISA) plans.

Ms. Altman confirmed that this is correct.

Mr. Fleming asked if the lawsuit is regarding the issue of the United States Preventive Services Task Force (USPSTF) and its role.

Ms. Altman responded that the USPSTF is one of the major arguments being made, but there are several others.

Public Comment: Bianca Blomquist with California for Small Business Majority expressed appreciation for Covered California's efforts to prioritize health care options for California small business owners. Ms. Blomquist also expressed disappointment that Senate Bill 944 was vetoed and emphasized the impacts it will have.

Cori Racela with Western Center on Law and Poverty echoed Ms. Blomquist's comments regarding Senate Bill 944 and expressed excitement to work with Covered California on addressing rising costs in the upcoming years.

Faith Borges with California Agents and Health Insurance Professionals (CAHIP) thanked the board and the team at Covered California for their efforts to ensure agents are being informed about the additional federal assistance. Ms. Borges also echoed previous comments regarding Senate Bill 944.

Beatrice Sosa-Prado with California Physicians Alliance echoed previous comments regarding the veto of Senate Bill 944 and thanked Covered California for their efforts to address rising costs and prioritize affordability.

Agenda Item VII: Covered California Policy and Action Items

Action Item: Board Audit Committee Membership Change

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Chairman Ghaly stated that Covered California is proposing to reappoint Vice Chair Hernandez and appoint Ms. Kendell to serve on the Audit Committee.

Motion: Mr. Fleming moved the motion to reappoint Vice Chair Hernandez and appoint Ms. Kendell to serve on the Audit Committee. Mr. Barrios seconded this motion.

Public Comment: None.

Vote: The motion was approved by a unanimous vote of those present.

Action Item: Board Finance Committee Membership Change

Chairman Ghaly stated that Covered California is proposing to reappoint Mr. Fleming and appoint Mr. Barrios to serve on the Finance Committee.

Motion: Vice Chair Hernandez moved the motion to reappoint Mr. Fleming and appoint Mr. Barrios to serve on the Finance Committee. Ms. Kendell seconded this motion.

Public Comment: None.

Vote: The motion was approved by a unanimous vote of those present.

Action Item: 2023 Premium and Cost-sharing Affordability Contingency Planning

Chairman Ghaly gave an overview of the efforts that California has made to continue to improve health equity and affordability. Specifically, the state worked to create state-funded subsidies when federal subsidies were not available. Additionally, he voiced that there are no longer uncertainties given the additional 36 months of support with the Inflation Reduction Act. As a result, there was no action for the board to take at this moment regarding this item. Covered California plans to move forward with the standard benefit design approved earlier this year by the board and will be pushing back the start of renewal to October 18.

Board Comments: Vice Chair Hernandez added that in 2024, there will be an entire population that has never been covered before anywhere in the country. She also emphasized the work that the Office of Health Care Affordability and Governor Newsom have done in order to improve coverage and affordability for the state. Lastly, Vice Chair Hernandez highlighted the contingency planning that Covered California has done when it was uncertain whether or not the federal subsidies would be extended.

Mr. Fleming explained how he believes that the state and Covered California can continue to provide leadership and lay the framework to address the affordability issues for consumers.

Ms. Kendell highlighted the issues of cost of living and inflation in California. She also believes that Covered California can thread the needle and continue to lead conversations regarding health care affordability.

Public Comment: Diana Douglas with Health Access California expressed disappointment with the veto of Senate Bill 944 and emphasized the impacts it will have on Californians.

Alicia Emanuel with the National Health Law Program (NHELP) echoed previous comments regarding Senate Bill 944.

Cary Sanders with California Pan-Ethnic Health Network (CPEHN) aligned her comments with those of Health Access.

Action Item: Navigator Program Contract Amendment

Terri Convey, Director of the Outreach and Sales Division, provided an update on the navigator program funding, gave a report on the navigator program survey findings, and updated the board on coordination efforts with DHCS' navigator program.

Ms. Convey reported that there was a one hundred percent response rate to the navigator program survey conducted by Covered California. The survey found that the top three barriers navigators face when conducting outreach and enrollment are most people are not qualified, in-person activities are interrupted because of the pandemic, and there is not enough funding.

Furthermore, Ms. Convey noted that Covered California will be facilitating a warm transfer to DHCS of the entities that have informed Covered California of their interest to participate in their navigator program.

Lastly, Ms. Convey asked that the board approve the staff's recommendation of increasing the funding for the navigator program by ten percent for the current fiscal year with no change to the goals.

Board Comments: Mr. Barrios asked why there was a decrease in the goal for navigator enrollment for grant year 2022-2023 to 45,000 and how the money is being allocated from the budget for the funding increase.

Ms. Altman responded that there are often times when Covered California is expending less than anticipated within a budget year. As a result, Covered California has the space within the current spending authority to provide the increase in funding.

Ms. Convey clarified that there was not a decrease in the goal for navigator enrollment. The goal for navigator enrollment has been 36,000 and the actual enrollment has been 45,000.

Mr. Fleming stated that he believes the money will be there in Covered California's budget to allocate for this funding increase.

Chairman Ghaly expressed support for the navigator program funding increase and was pleased to hear about the partnership between Covered California and DHCS on the navigator program.

Motion: Mr. Barrios moved the motion to approve the navigator program contract amendment. Mr. Fleming seconded this motion.

Public Comment: Doreena Wong with Asian Resources, Inc. aligned her comments with those of her colleagues regarding the veto of Senate Bill 944. Ms. Wong also thanked Covered California for the increase in funding for the navigator program and for agreeing to meet with navigators to discuss potential improvements.

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Cary Sanders with CPEHN aligned her comments with those of Ms. Wong. Additionally, Ms. Sanders thanked Covered California staff for providing the recommendation for the ten percent funding increase and for conducting the navigator survey.

Diana Douglas with Health Access California aligned her comments with those of her colleagues and thanked Covered California for their efforts to support the navigators.

Cori Racela with Western Center on Law and Poverty aligned her comments with those of her colleagues and emphasized the importance of the work that the navigators do.

Alicia Emanuel with NHELP echoed previous comments and expressed support for the navigator program funding increase.

Vote: The motion was approved by a unanimous vote of those present. Vice Chair Hernandez was not present during the vote.

Chairman Ghaly adjourned the meeting at 1:43 p.m.