

COVERED CALIFORNIA BOARD MINUTES  
Thursday, August 18, 2022  
Covered California  
1601 Exposition Blvd.  
Sacramento, CA 95815

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

Vice Chair Hernandez called the meeting to order at 10:03 am.

**Board Members Present During Roll Call:**

Jerry Fleming  
Jarrett Barrios  
Kate Kendell  
Dr. Sandra Hernandez

**Board Members Absent During Roll Call:**

Chairman Mark Ghaly

**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).

Vice Chair Hernandez called open session to order at 12:00 p.m.

**Agenda Item III: Board Meeting Action Items**

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Vice Chair Hernandez stated that the meeting minutes will be pushed until there is a quorum of members who were in attendance at the June board meeting.

**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.

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Ms. Altman noted that Covered California will be pushing the 2023 Premium and Cost-sharing Affordability Contingency Planning action item to the September board meeting due to ongoing conversations between the Newsom administration and the legislature.

Next, Ms. Altman welcomed Covered California's newest board member, Kate Kendell. Ms. Kendell has been the Chief of Staff at the California Endowment since June 2021 and is the former Chief Legal Officer at the Southern Poverty Law Center.

Ms. Altman then highlighted the three key developments that will contribute to the success of Covered California's tenth Open Enrollment Period. The three developments include the Inflation Reduction Act, Qualified Health Plan (QHP) negotiations that will result in more choice and moderate cost growth relative to national trends, and new estimates showing how the anticipated final rule fixing the family glitch will improve affordability and choice for working families.

Lastly, Miranda Dietz, Project Director of the California Simulation of Insurance Markets (CalSIM), gave an overview of the family glitch including how many Californians are affected by it and would benefit from the proposed fix.

### **Covered California Data and Research**

Katie Ravel, Director of the Policy, Eligibility and Research Division, presented data and research findings for the uninsured Californians who were eligible for marketplace coverage between December 2020 and December 2021. Ms. Ravel also compared the marketplace-eligible uninsured individuals in 2020 and 2021. Finally, Ms. Ravel highlighted Covered California's outreach efforts to this group and Covered California's partnership with Gallup to develop and administer a web-based and paper mail-in survey among individuals who were uninsured in 2021. This survey will allow Covered California to better profile the demographics of the uninsured population, determine their awareness of the individual mandate penalty, understand their reasons for forgoing insurance, and understand their health care needs and experiences.

### **State and Federal Policy/Legislative Update**

Ms. Altman gave a couple updates on the federal front. On June 17, Covered California submitted a comment letter in support of the Centers for Medicare and Medicaid Services (CMS) proposed Fiscal Year 2023 Inpatient Prospective Payment System and Long-Term Care Hospital Prospective Payment Rule. Also, on August 1, Covered California submitted a comment letter responding to the Department of Health and Human Services (HHS) request for information regarding the development of its Initiative to Strengthen Primary Health Care, which aims to establish a federal foundation for improving health outcomes and advanced health equity in primary health care. Additionally, on August 4, HHS issued a proposed rule revising the agency's implementing regulation for Section 1557 of the Affordable Care Act, which prohibits discrimination in certain health programs and activities.

**Public Comment:** Diana Douglas with Health Access California expressed appreciation for the passage of the Inflation Reduction Act. Ms. Douglas explained that the act only targets premiums, however, and does nothing to ensure enrollees can afford to get care

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when they need it. Lastly, Ms. Douglas urged Covered California's board to reaffirm their commitment to the plan design voted on in June at September's board meeting.

Anete Millers with the California Association of Health Plans (CAHP) expressed support for the extension of the American Rescue Plan subsidies and Covered California's efforts to enhance federal assistance using their own affordability measures. Ms. Millers also expressed concern that deferring board action until September will only allow 15 calendar days to potentially implement an entirely new set of plans for Plan Year 2023.

Faith Borges with California Agents and Health Insurance Professionals (CAHIP) expressed appreciation for the Inflation Reduction Act and excitement for the upcoming Open Enrollment Period.

Cori Racela with Western Center on Law and Poverty welcomed Ms. Kendell and thanked Covered California for their commitment and efforts to help improve affordability. Also, Ms. Racela expressed support for Covered California's decision to defer board action on the 2023 Premium and Cost-sharing Affordability Contingency Planning until September.

Alicia Emanuel with the National Health Law Program (NHELP) welcomed Ms. Kendell and expressed excitement for the family glitch proposed rule. Ms. Emanuel also expressed gratitude for the passage of the Inflation Reduction Act and emphasized the need for continued efforts to increase affordability in California.

Doreena Wong with Asian Resources, Inc. also welcomed Ms. Kendell and aligned her comments with those of her colleagues.

## **Agenda Item VII: Covered California Policy and Action Items**

### **Action Item: Eligibility and Enrollment Regulations Emergency Readoption**

Bahara Hosseini, from the Office of Legal Affairs, gave an overview of the main proposed changes to the regulations. Covered California is proposing to revise the definition of "dependent" under section 6410 to include, for a plan year beginning on or after January 1, 2023, a parent and stepparent, except for enrollment in a Qualified Dental Plan. Also, there are proposed revisions to the cross-referenced citations to the IRS regulations for the definitions of "minimum value" and "qualifying coverage in an eligible employee-sponsored plan" to cohere with the federal family glitch regulations. Additionally, Covered California is proposing to revise the definition of "QHP Issuer" under section 6410. Furthermore, Covered California is proposing to revise the application regulation under section 6470(c)(14) to include the cost of the family coverage as required information to be provided by the consumer to cohere with the family glitch regulations.

In addition, Covered California is proposing to revise the eligibility requirements for Advance Premium Tax Credit (APTC) and Cost-Sharing Reductions (CSR) under section 6474(c)(7), the verification of enrollment in an eligible employee-sponsored plan

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under section 6490(e), and the eligibility redetermination during a benefit year under section 6496.

Lastly, Covered California is revising the open enrollment periods in section 6502(d)(4) and (f)(3) to add the new open enrollment period dates and coverage effective dates required under state law as of January 1, 2023.

Ms. Hosseini noted that these regulations were discussed during the June board meeting and requested that the board formally adopt the regulatory package so that it can be filed with the Office of Administrative Law.

**Motion:** Mr. Fleming moved the motion to formally adopt these regulations. Mr. Barrios seconded this motion.

**Public Comment:** None.

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

### **Discussion Item: Navigator Program Update**

Terri Convey, Director of Outreach and Sales, gave a brief update on the navigator program. On April 14, 2022, the board asked the team to assess the need for additional funding for the navigator program, the need to expand outreach, and the need to coordinate efforts with the navigator program at the Department of Health Care Services (DHCS).

Ms. Convey stated that the team issued a survey last week to all of their navigator organizations to allow them to communicate their needs. About 90 percent of the organizations have responded and the team will be coming back to the board with that report and some proposals.

**Public Comment:** Doreena Wong with Asian Resources, Inc. thanked Covered California for reaching out to the navigator organizations and she looks forward to working with Covered California to further improve the navigator program.

Vice Chair Hernandez adjourned the meeting at 1:13 p.m.