



COLORADO

Department of
Regulatory Agencies

Division of Insurance

Colorado Option Advisory Board Meeting Minutes

April 24, 2024 3:30 - 5:30 PM

Adam Fox called the meeting to order at 3:35 PM.

Those in attendance were:

- Present (9): Adam Fox, Dr. Reginald Washington, Kevin Stansbury, Chris Zivalich, Jennifer Fanning, Amanda Massey, Bianey Bermudez, Valerie Larson, Dr. Qaisar Khan
- Absent (1): Andy Jacobs

Others present from the Division of Insurance (DOI) included Sara Bencic, Tara Smith, Kyla Hoskins, and Maddie Davis. Angela Little attended from the Attorney General's Office.

December Meeting Minutes: The December meeting minutes were approved. Bianey Bermudez and Valerie Larsen abstained from voting, as they were absent from the December meeting.

February Meeting Minutes: The February meeting minutes were approved. Bianey Bermudez, Valerie Larson, Kevin Stansbury, and Dr. Qaisar Khan abstained from voting, as they were absent from the February meeting.

Program Implementation Updates:

Presented by Colorado Option Director Sara Bencic.

- **Colorado Option Regulations.** Rulemaking hearings for Amended Regulations 4-2-81 and 4-2-85 were held last week. The emergency versions of the regulations will expire on 6/15/24. An update from the slides is that the Commissioner adopted these regulations on Monday, April 22, 2024.
- **Colorado Option Bulletins.** Amended Bulletin B-4.127 was adopted.
- **Rates & Plan Enrollment.** PY2025 binder filings are due on 6/10/24. PY2025 network adequacy filings are due 6/24/24.
- **Premium Rate Reduction Hearings.** Carriers submitted PY25 Colorado Option Premium Rate Reduction filings on 3/1/24. The DOI is in the process of reviewing the filings for compliance.
- **Workforce Trends Reports.** DIRA is currently compiling survey and focus group data. DIRA will send a draft Year 2 report to the DOI for review. The Advisory Board will have the opportunity to review as well.



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- **1332 Waiver Administration.** The DOI is continuing to work with CMS on 2024 passthrough.

Advisory Board Discussion/Items for Follow-Up:

- No discussion or follow-up items.

Updates from February Board Meeting

Sara Bencic presented updates from the February Board meeting.

- Individual Market Colorado Option Plans had the lowest Gold Plan premiums in 64 out of 64 counties in Plan Year 2024.
- Individual Market Colorado Option Plans had the lowest Silver Plan premiums in 58 out of 64 counties in Plan Year 2024.

Advisory Board Discussion/Items for Follow-Up:

- Amanda Massey asked about Bronze Colorado Option Plan data for Plan Year 2024
 - Sara Bencic said Colorado Option Bronze Plans had the lowest premiums in 13 counties and the second lowest premiums in 43 counties for Plan Year 2024.
- Dr. Washington asked if, is it possible to show a chart that shows if the services provided by Colorado Option plans are equal to the services provided by some of the higher-cost plans.
 - Sara Bencic said the DOI will see if there is a way to find out this information without the administrative burden of comparing every single available plan.
 - Sara Bencic also said that all ACA plans (including Colorado Option plans) have to cover the 10 essential health benefits.
- Chris Zivalich commented that the advantages of the services included in the Option plan for \$0 were based on an overall breadth of high needs. There might be more services provided in other plans that are better for other people, but the services that are \$0 in the Option plan are designed to meet a large number of folks' needs.
 - Dr. Washington said he appreciated Chris Zivalich's comment. He then commented that he is concerned about people not having access to care, even if they have a \$0 mental health benefit.
 - Adam Fox commented that there are network adequacy requirements in the Colorado Option that are designed to combat this, even if Colorado Option enrollees have to go out of network for services.



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- Dr. Washington said he has not seen any data about the number of people who have to go out of network to get services.
 - Tara Smith said she may have some data about this question that she could share in the future.
- Dr. Qaisar Khan said he agrees with Dr. Reginald Washington because he also wants to make sure that the Colorado Option is a good product and that there are enough providers in a network to provide care. He asked for the DOI to share provider data, if available, to find out more information.
 - Sara Bencic reminded Advisory Board members that there are pieces in the Colorado Option statute that require Colorado Option plans to be no more narrow than the narrowest non-Option network.
 - Dr. Qaisar Khan mentioned that there are certain plans in general that are so limited in terms of their available networks and that he would not want friends or family members to be on those plans. He wants plans to be better in general.
- Jen Fanning shared that from a rural mountain community perspective, she believes that mental health and other speciality areas are lacking in these communities and that many providers in more rural areas don't take insurance, so even people who have insurance can't necessarily get care. She said that the Colorado Option is doing good work, but that there is still always more work to be done.
- Kevin Stansbury commented that one of the challenges his small hospital is faced with is that efforts of cost containment – even though implemented in good faith – can still put strain on providers. He said that a future point of discussion could be about how providers and payers can streamline this process, because the patient can get left behind.
- Chris Zivalich put in the meeting chat that he does think that this is an important conversation about a systemic issue beyond the Colorado Option.
- Dr. Qaisar Khan asked if it is possible for the DOI to mandate insurance companies provide a certain number of providers for each speciality.
 - Sara Bencic said she would need to talk to rates and forms and look more closely at regulations.
- Amanda Massey said it may be helpful to share with the board the current network adequacy regulations for the Colorado Option, as they are quite robust. She also said that, from a carrier perspective, the balance with network adequacy is important when talking about negotiations, and the Colorado Option is a product with statutory requirements to reduce reimbursement rates.



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- Jen Fanning responded in the meeting chat that she believes from a user perspective and rural community perspective that the network adequacy standards are not enough.
- Kevin Stansbury mentioned that he thinks some of these points of contention between providers and carriers could be dealt with during a conversation in good faith with the idea that both groups want to control costs and provide good care.
- Adam Fox mentioned in the meeting chat that Kevin Stansbury should review HB24-1149, which is targeted at addressing some prior authorization issues.
 - Kevin Stansbury said that he has read it but believes it does not go far enough.

PY 2025 March 1 Premium Rate Reduction Filings

Sara Bencic presented this section.

- Sara Bencic provided a refresher about the purpose and procedures of the Colorado Option public hearing process to the Advisory Board.
- Sara Bencic said that because compliance is measured as plans either reducing premiums to their targets or reducing reimbursement rates to the maximum allowable amount, the DOI will not have final compliance numbers until the fall when PY 2025 rates are finalized.

Advisory Board Discussion/Items for Follow-Up:

- No discussion or follow-up items.

Colorado Option Evaluation [10-16-1304(5), C.R.S.]

- Sara Bencic provided a brief overview of the Colorado Option Evaluation and shared that the DOI is currently in the procurement process to onboard a contractor to complete the evaluation sometime this summer.

Advisory Board Discussion/Items for Follow-Up:

- Kevin Stansbury has two suggestions for the evaluation: He wants some kind of examination of network adequacy and the satisfaction of providers in working with the insurance companies.
- Dr. Reginald Washington said he agrees with Kevin Stansbury. He said he wants the Colorado Option to be affordable and effective. He believes a lot of time is spent on discussing the affordability of the Colorado Option and not enough time is spent on discussing the efficacy of it.
 - Sara Bencic said that affordability is one of the components in the statute, so that will be looked at in the evaluation.



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- Dr. Reginald Washington said that he understands that, but he also wants to know if the people of Colorado are healthier with this product being available.
- Amanda Massey said she would like the evaluation to look at the Colorado Option versus the rest of the market, especially in terms of services and benefit design. She also wants to know if enrollees understand what they purchased when they purchased the Colorado Option, as health insurance literacy is a broader issue within the health insurance sphere.
- Chris Zivalich commented that he would like to see some information about racial health equity. He wants to know if the Colorado Option has made any kind of “dent” in racial disparities. He also said it would be great to see ways to use data creatively to see how equity intersects with quality. In addition, he wants to see if the Colorado Option is improving affordability for individuals who are lower income.
- Adam Fox said he appreciates Chris Zivalich’s comments and echoes them. He also wants to see what kind of evaluation can be done based on claims data from Colorado Option and non-Option plans to look at patterns of utilization, which can be an indicator of how people are using these plans and benefitting from them.
 - Sara Bencic said she believes that claims data is one of the areas the DOI would like to see the evaluation contractor analyze .
 - Adam Fox also said he wants the contractor to find a way to evaluate some of the culturally responsive networks in Colorado Option plan to see how they are functioning and where they may need improvement.

Section 10-16-1310, C.R.S., Reporting Requirements

Sara Bencic presented an update about the hospital workforce report.

- DIRA is working on focus group and survey results and putting together a draft of the Year 2 report. The DOI will share the report for Advisory Board feedback in June 2024.
- Due to the way the Advisory Board meetings are scheduled, board members need to check their state email accounts for a copy of the report to review and provide feedback in early June.

Advisory Board Discussion/Items for Follow-Up:

- No discussion or follow-up items.

Kevin Stansbury left the meeting at 4:30 p.m.

Mandatory Cybersecurity Training



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- Annual cybersecurity is required for all DOI contractors and is due on 4/24/2024.

Advisory Board Discussion/Items for Follow-Up:

- Chris Zivalich said he is still working with DORA OIT to get access to the training portal login.
- Other board members are having the same issue, so the DOI will reach out to DORA Boards and Commissions to work on solving the issue.

Public Comment

- No member of the public present had comments.

Adam Fox adjourned the meeting at 4:39 p.m.