



COLORADO

Department of
Regulatory Agencies

Division of Insurance

Colorado Option Advisory Board Meeting Minutes

October 18, 2023, 3:30 - 5:30 PM

Adam Fox called the meeting to order at 3:33 PM.

Those in attendance were:

- Present (6): Adam Fox, Dr. Reginald Washington, Kevin Stansbury, Chris Zivalich, Andy Jacobs, Jennifer Fanning
- Absent (4): Bianey Bermudez, Valerie Larson, Dr. Qaiser Khan, Amanda Massey

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

April Meeting Minutes: The April Advisory Board meeting minutes were approved as presented. Jennifer Fanning moved to approve, Dr. Washington seconded. 6 approved.

June Meeting Minutes: The June Advisory Board meeting minutes were approved as presented. Dr. Washington moved, Andy Jacobs seconded. 2 abstained, 4 approved.

Program Implementation Updates:

- **Colorado Option Regulations.** Sara Bencic stated that regulations 4-2-91 and 4-2-92 are currently in the process of being updated. Both were put out for external comments about two weeks ago. Those regulations will be noticed later in October.
- **Colorado Option Bulletins.** Sara Bencic stated that the CPI-U bulletin for medical inflation was updated in June for the provisions of HB 23-1224. This bulletin will also be updated this fall with more recent numbers.
- **Rates & Plan Enrollment.** Sara Bencic stated that the rates for Plan Year 2024 have been finalized and will be announced soon. Open enrollment starts on November 1.
- **Staffing.** Sara Bencic stated that she is the new Colorado Option Director.
- **Premium Rate Reduction Hearings.** Sara Bencic stated that the premium rate reduction hearings for Plan Year 2024 have been completed. There will be a more detailed update later in the meeting.

Statutory/Federal Reporting Updates:



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- **Workforce Trends Reports.** Sara Bencic stated that the 2023 report was sent to the Gov's Office on 6/30/23. There is a new section on the Colorado Option website where the report is posted. The 2024 report is underway.
- **1332 Waiver Administration.** Sara Bencic stated that Colorado received \$245 million in passthrough funding in 2023. The Division is now working on the 2024 passthrough application.

Advisory Board Discussion/Items for Follow-Up:

- Kevin Stansbury asked a question about the workforce trends report. He asked if there is an opportunity to respond to the 2023 report. Sara Bencic stated that the board was asked to review the 2023 report prior to the June meeting, and that the board will have the same opportunity in the future for the 2024 report. If there is feedback that Kevin wants to give about the 2023 report, he is able to reach out to the Division directly.

Plan Year 2024 Hearing Process

Sara Bencic presented an overview of the Plan Year 2024 Colorado Option Public Hearing process.

Advisory Board Discussion/Items for Follow-Up:

- Kevin Stansbury asked when the negotiations took place. Sara Bencic answered that the negotiations took place after March 1 (initial filings). It is the Division's understanding that not a lot of negotiation happened prior to filing Complaints.
 - Kevin Stansbury also asked if the threat of a hearing made negotiations more likely. Tara Smith said that this is information that the Division asked for and that the Division did hear a range of responses. A lot of these negotiations did take first after the March 1 date. The inference would be that the hearings played into negotiations.
 - Sara Bencic also said that this was the first year the Division had the ability to utilize PRR hearings, and now that carriers know the Division is bringing Complaints, they may negotiate more proactively.
- Dr. Washington asked about seeing more specific details regarding the specific numbers involved in the negotiations. Sara Bencic answered that the numbers and additional information are available on the Division website.
 - Adam Fox also responded that a lot of the specific agreements are kept confidential, but that there is detail about how these negotiations happened in the filings on the Division's website.



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- Kevin Stansbury also asked if it would be possible to have a high-level response to the question of “is this program meeting the goal as intended?” He asked if the DOI could publish a report with numbers illustrating the answer to this question with the inclusion of the context of the pandemic and insurers and healthcare providers. Sara Bencic mentioned that she could bring this question back to Division staff to ask for more specific information, but she also mentioned that the press release will be coming out soon and should provide more information.
- Chris Zivalich asked about the carriers in the small group market who were not compliant and why the Division did not pursue Complaints. Sara Bencic answered that for the past year, resources were the biggest hurdle to bringing small group Complaints. The Division decided to focus attention on the individual market due to resource constraints, but these focuses may change in the future.

Plan Year 2024 Open Enrollment Update

Sara Bencic presented an overview of the plan offerings for Plan Year 2024 and carrier compliance with the Colorado Option network adequacy requirements.

Advisory Board Discussion/Items for Follow-Up:

- Kevin Stansbury asked if it is possible if one of the reasons Denver Health had better outcomes with these requirements is that they are both an insurer and provider. Sara Bencic answered that she is not entirely sure, but that it is likely logical or is at least a possibility.
 - Chris Zivalich mentioned that he believes Denver Health’s in-house training capacities (like their LGBTQ health center) may have also played a role.
- Chris Zivalich asked if the board would get information on demographic data from providers who offered the information to carriers and the enrollees in Colorado Option. Sara Bencic mentioned that she is not sure. Tara Smith mentioned that she is not sure as well, but if there was any information publicly available, it would likely be very aggregated.

Small Business Outreach

Sara Bencic presented an overview of outreach efforts the Division is undertaking to promote small business awareness of Colorado Option plans as a health insurance option.

- Sara Bencic asked the board for any ideas for small business outreach.
 - Adam Fox said he heard from brokers that some thought that CO Option plans were only available in the individual market, which is why they were



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not offering small group plans to small businesses. He also said he believes that the ICRA option may be important to look at as well.

- Jennifer Fanning mentioned that their broker offered the ICRA and CO Option small business plan, so this may be an important conversation to have with small businesses.
- Chris Zivalich mentioned that the equity components of the CO Option are important to consider when thinking about small business plans and if small businesses who have a lot of folks of a particular demographic or community may be interested to know the demographics of provider networks if they want to see providers who are members of their communities.
- Jennifer Fanning also mentioned that it is important not to forget the nonprofit community in terms of getting feedback and also for marketing and outreach.

Advisory Board Discussion/Items for Follow-Up:

- Jennifer Fanning said that she is a part of a small nonprofit. The nonprofit did not choose a small group CO Option Plan due to the ICRA platform, however, many employees did choose an individual CO Option plan. She is curious to know how a situation like this impacts enrollment in the small group market.
 - Sara Bencic said she doesn't know how much of an impact ICRA has had, but that this would be a good question for the Division to ask during outreach efforts.

Board Recruitment and Equitable Practices Update

Maddie Davis presented an update on the Division's efforts to recruit a Colorado Option enrollee to sit on the Advisory Board, including equity practices that may be necessary to onboard an Enrollee Board member.

Advisory Board Discussion/Items for Follow-Up:

- Jennifer Fanning commented that she is pleased to see that the Division is working on addressing this topic.

Public Comment

- There were no public comments.

Agenda Items for Next Meeting/Requests for Follow-Ups

- The next board meeting is scheduled for December 13, 2023, 3:30 - 5:30 PM.

Advisory Board Discussion/Items for Follow-Up:



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- Jen Fanning added that she is curious about the rate filings and feedback from providers, if the CO Option is meeting its goals, if there is risk moving forward with the marketplace in the state of Colorado, and whether other carriers will be moving out of the market.
 - Adam Fox summarized this comment into wanting to know more about market health and the Colorado Option.
- Kevin Stansbury asked again if the Colorado Option is meeting its goals. He wants to see data. He also mentioned that he knows it has been complicated by COVID-19.

Board Legal Training

Because the Advisory Board did not have enough members present to enter into Executive Session for the legal training on its agenda, the training will be offered through a different mechanism.

Adam Fox adjourned the meeting at 4:30 PM.