



## COLORADO

Department of  
Regulatory Agencies

Division of Insurance

### Colorado Option Advisory Board Meeting Minutes

October 23, 2024 3:30 - 5:30 PM

Chris Zivalich called the meeting to order at 3:35 p.m.

Those in attendance were:

- Present (6): Dr. Reginald Washington, Chris Zivalich, Jennifer Fanning, Amanda Massey, Judith Padilla, Joseph Theine
- Absent (5): Andy Jacobs, Valerie Larson, Adam Fox, Bianey Bermudez, Dr. Qaisar Khan

Others present from the Division of Insurance (DOI) included Sara Bencic, Daisy Zoll, Kate Davidson, Kyla Hoskins, and Maddie Davis. Colette Gaenssle attended from the Attorney General's Office.

#### July Meeting Minutes

Dr. Reginald Washington moved to approve the minutes. Jennifer Fanning seconded. The July meeting minutes were approved. Joe Theine abstained from the vote to approve the July meeting minutes.

#### New Board Member Introductions

Judith Padilla and Joseph Theine, two new members of the Colorado Option Advisory Board, introduced themselves to other board members. Judith fills the seat for someone who "has experience purchasing the standardized plan," and Joseph Theine replaces Kevin Stansbury to fill the seat that represents "hospitals or someone who has experience with contracts between hospitals and carriers." Existing board members also introduced themselves to the new board members.

Jennifer Fanning also shared that this will be her last advisory board meeting as she is stepping down from her role at the Grand County Rural Health Network. She is working to help the DOI in recruiting a replacement.

#### Advisory Board Discussion/Items for Follow-Up:

- No discussion or follow-up items.

#### Culturally Responsive Care in Colorado

Liz Hagan and Dr. A. Lowell Hamilton from United States of Care (USofCare) presented information on culturally responsive care in Colorado. This is a continuation in



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presentations for board members regarding network adequacy and culturally responsive care from the July board meeting.

### Advisory Board Discussion/Items for Follow-Up:

- Dr. Reginald Washington said he does not disagree with the points that were made in the presentation but wants to know if USofCare looked at other factors at play in their report. He wants to know about things like pharmacy deserts, lack of transportation to get to appointments, patients not following physician instructions, etc., and if those play into any of the reports findings. He also said he believes that social determinants of health and health literacy are important.
  - Dr. A. Lowell Hamilton responded and said that the provider perspective was difficult to get in the report, as they struggled with provider participation. He said that there are hopefully future opportunities to expand the conversation.
  - Liz Hagan said that the report was collected before the Colorado Option was fully implemented, so she believes some of the findings in the report may look different now. In terms of other factors like medication adherence, ideally culturally responsive care and providers that practice in that way are actually taking the time to talk to patients. These discussions do not always come up, and some of these issues are outside the scope of providers.
- Amanda Massey asked if USofCare talked to health plans or carriers while compiling information for the report. With the Colorado Option, carriers are collecting or trying to collect data from their providers, but there's only so much that providers can collect. She said she is also not aware of training that can be used to fulfill Colorado Option culturally responsive care training requirements.
  - Liz Hagan said that USofCare did talk to carriers, and they did get a representative perspective of the plan side and provider side. In addition, some of the report's recommendations are more conceptual about the future, especially in terms of accredited training.
- Joseph Theine said he is curious about if what they found in Colorado in the report is materially different from what they're hearing in other states. He said he wants to be careful about advocating for state-level policy when there are provisions in things like the ACA and ADA that address concerns raised today. If things happen at the state level, is there then more confusion about how to comply with both state and federal regulations?
  - Liz Hagan said that she thinks that on the federal level, things may look different based on the outcome of the election. Often, especially in Colorado, pieces of the ACA have also been codified into state law. Many challenges that people have in Colorado are also issues



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throughout the country, but Colorado has thought about these equity-related policies and is ahead of the curve.

- Joseph Theine also asked if listening sessions were different with consumers in healthcare in Colorado and outside of Colorado when thinking about outcomes of programs like the Colorado Option.
  - Dr. Lowell Hamilton responded that across the board there are a lot of similarities.
  - Liz Hagan said that it would be interesting in a few years to see what has changed after continued implementation of the Colorado Option. Nothing can be solved overnight, but policymakers and regulators in Colorado are moving in the right direction.
- Chris Zivalich asked who else will see this report and where USofCare will go from here.
  - Liz Hagan said that USofCare is continuing to work on policy and legislative initiatives.

### Program Implementation Updates

Presented by Colorado Option Director Sara Bencic.

- **Colorado Option Regulations.** Regulations 4-2-91, 4-2-92, and 4-2-85 were released for external review. Rulemaking hearings are upcoming, and 4-2-85 will be released again for external review.
- **Colorado Option Bulletins.** Bulletin B-4.130 (Coverage of Diabetic Supplies) was released for external review. Updates to the Consumer Price Index Bulletin are upcoming.
- **Rates & Plan Enrollment.** Rates were approved by the DOI in August 2024. Plan Year 2025 open enrollment begins on November 1.
- **Premium Rate Reduction Hearings.** DOI will announce final compliance in fall 2024.
- **Workforce Trends Reports.** DIRA Partners are working on the Year 3 report.
- **1332 Waiver Administration.** DOI received \$361 million in 2024 passthrough and is currently preparing the 2025 submission.

#### Advisory Board Discussion/Items for Follow-Up:

- No discussion or follow-up items.



## Plan Year 2025 Plans and Premiums

Sara Bencic presented information about plan and premium data for 2025 Colorado Option plans. In addition, Kate Davidson utilized tableau to show visualized data about CO Option plans.

### Advisory Board Discussion/Items for Follow-Up:

- Amanda Massey asked a question about data regarding consumers switching plans to a Colorado Option plan and the associated savings.
  - Kate Davidson responded that the amount from switching from the lowest average plan to the lowest available Option plan in the consumer's region is being shown.
- Dr. Reginald Washington said that the Colorado Option is clearly less expensive, but he wants to know if the services that an individual or family who purchases the plan need are in the network or if they have to go out of network for care.
  - Sara Bencic responded that plans are reviewed as per network adequacy regulations regarding distance standards.
  - Kyla Hoskins said that all plans that are being sold (Option and non-Option) are in compliance with federal and state network adequacy requirements. There may be a way for the DOI to see what types of consumer complaints may have been coming in and to think through additional ways to highlight how the DOI is addressing issues for consumers in future Advisory Board meetings.
- Christopher Zivalich said that he thinks he has a different perspective from Dr. Washington. If a certain type of provider is not available in a county, that is not just a Colorado Option issue – it is a broader issue. The Colorado Option plans also offer \$0 cost-sharing services that the community finds important.
  - Dr. Reginald Washington said he does not disagree. However, there could be mental health providers that do not accept Colorado Option in their practice.
  - Sara Bencic reminded board members that Colorado Option networks cannot be more narrow than the narrowest non-Option networks.
- Joseph Theine said that perhaps the APCD could be used to see the patient's address and the associated provider/place of service on the claim, so there could be more information to be found as the data is available.
  - Sara Bencic also mentioned that the DOI has onboarded a contractor for the Colorado Option evaluation, and that this topic is something that could be considered in the evaluation.
- Hunter Nelson from Small Business Majority asked in the chat what the increased percentage for premiums for the small group markets is.



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- Kate Davidson said that for small groups, the premium increase is 6.8% for Colorado Option plans and 7.6% for non-Colorado Option plans for the upcoming plan year.
- Amanda Massey asked if there is more data that compares the lowest Option plan vs. the lowest non-Option plan rather than just the averages that are shown.
  - Kyla Hoskins said that the information is presented this way because it fits within the DOI's limited capacity and timeframe, and it also helps account for AV differences due to the higher AVs for Option plans.
- Amanda Massey also asked that if 100% of the plans met the requirement or lowered negotiated rates, does the DOI also have data on how many plans across the market met the target?
  - Sara Bencic said she does not have the number during the meeting.
  - Note to Board members: The slide said that "100% of Coloradans have access to a Colorado Option individual market plans that either:
    - Met the premium rate reduction target and/or
    - Reduced reimbursement rates between hospitals and carriers"

### Proposed 2025 Meeting Schedule

Sara Bencic shared the proposed dates for the 2025 advisory board meeting schedule for feedback. These dates will be sent via email to board members for comment.

#### Advisory Board Discussion/Items for Follow-Up:

- No discussion or follow-up items.

### Public Comment

- No attendees had a public comment to make.

### Legal Training

- Board members should check their state Gmail accounts for an email regarding mandatory legal training.

#### Advisory Board Discussion/Items for Follow-Up:

- No discussion or follow-up items.

Chris Zivalich adjourned the meeting at 5:10 p.m.