



## COLORADO

Department of  
Regulatory Agencies

Division of Insurance

### Colorado Option Advisory Board Meeting Minutes

December 13, 2023, 3:30 - 5:30 PM

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

Those in attendance were:

- Present (8): Adam Fox, Dr. Reginald Washington, Kevin Stansbury, Chris Zivalich, Andy Jacobs, Jennifer Fanning, Amanda Massey, Dr. Qaiser Khan (joined at 4:06pm)
- Absent (2): Bianey Bermudez, Valerie Larson

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

**October Meeting Minutes:** The October Advisory Board meeting minutes were approved with one edit regarding the 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."* Dr. Washington moved to approve the minutes with this amendment. Kevin Stansbury seconded. Amanda Massey abstained, and the rest of the present board members approved. Dr. Qaiser Khan had not yet joined the meeting, so he did not vote.

#### **Program Implementation Updates:**

(Presented by Colorado Option Director Sara Bencic)

- **Colorado Option Regulations.** Proposed Amendment 4-2-80 has been noticed for hearing. Upcoming milestones include adopting regulations 4-2-91, 4-2-92, holding a hearing for 4-2-80, and issuing emergency and permanent versions of 4-2-81 and 4-2-85.
- **Colorado Option Bulletins.** The updated CPI-U bulletin was adopted.
- **Rates & Plan Enrollment.** Rates for Plan Year 2024 were announced on October 23, and PY2024 open enrollment will continue through January 15.
- **Premium Rate Reduction Hearings.** Hearing dates are available now on the website for feedback and have also been sent out to carriers. The DOI has also sent out carrier templates. Carriers will file PY2025 PRR templates and materials on March 1.
- **Workforce Trends Reports.** DIRA is working on the survey for the 2024 report. The DOI will receive a draft report in late May 2024. This draft will be shared with the Advisory Board for feedback.



## COLORADO

Department of  
Regulatory Agencies

Division of Insurance

- **1332 Waiver Administration.** The 2024 passthrough application was submitted to CMS on November 15. The DOI is continuing to work with CMS and the Treasury to answer any questions.

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

- Kevin Stansbury asked a question about the network adequacy regulation (4-2-80). He said he wants to clarify that the requirements are not changing but that the changes relate to the way payers and providers will be working together to comply with requirements.
  - Sara Bencic confirmed that this is accurate and that the Division is requesting additional information about what carriers have to include in those action plans to be in compliance. In addition, Sara Bencic responded that it is not changing anything around culturally responsive provider networks, but the changes are designed to give the DOI more information about any changes that they may see.
- Chriz Zivalich noted that there are a lot more terms defined in the proposed amendment to 4-2-80 and was wondering if one of the issues with the action plan in the past was that carriers weren't sure exactly what the terms meant.
  - Sara Bencic answered that the action plans the DOI saw last year were one to two sentence responses and did not provide much detail. The goal of the amended regulation is to get more information from the carriers so that the root of the issues can be more closely examined.

### **Plan Year 2024 Plans and Premiums**

Sara Bencic presented an overview of the Plan Year 2024 Plans and Premiums.

- Available Plans for PY2024
  - For 2024, there are six companies that are offering individual Colorado Option market plans.
  - For 2024, there are six companies offering small group market Colorado Option plans.
- Affordability of CO Option Plans
  - There are a total of 39 individual market plans and 30 small group plans.
  - There is an Option plan available in every county.
  - A highlight is that all counties have access to a Colorado Option Silver Plan at or below the average silver premium in that county.
- Average Individual Market Colorado Option Plan Premiums
  - Most state average individual market standardized plan premiums are cheaper than non-standardized plan premiums
- Average Small Group Market Colorado Option Plan Premiums



## COLORADO

Department of  
Regulatory Agencies

Division of Insurance

- All state average small group market standardized plan premiums are cheaper than non-standardized plan premiums.
- In the overwhelming majority of counties, individual market CO Option plans have lower premiums than non-Option plans.

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

- Amanda Massey asked for information regarding where the Bronze, Silver, and Gold Colorado Option plans are the lowest plan options.
  - Sara Bencic answered that she will follow up on this information.
- Dr. Washington asked if the DOI has a comparison of what Colorado Option premiums were last year compared to this year.
  - Sara Bencic answered that she will follow up with this information.
- Chris Zivalich asked if Pueblo County is the only county with higher Option premiums than non-Option premiums.
  - Kate Davidson from the Division of Insurance (in attendance) confirmed that this is true for Pueblo County.

### **Impact of Public Hearing Process**

Plan Year 2024 was the first year of premium rate reduction hearings. 73 contracts between insurance companies and hospitals were reduced to the maximum allowed under law (the greater of the rate that reflects a 20% reduction from the 2023 reimbursement rate or the hospital-specific reimbursement floor set in law). These savings were passed on to consumers.

### **More for the Money - Colorado Option Plans**

- Colorado Option plans cover more services before needing to meet the deductible, including primary care visits, mental health services, perinatal visits, and generic drugs
- Colorado Option plans help consumers get the care they need without worrying about whether they can afford it up front

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

- Dr. Washington asked if there was any information about data where enrollees have had difficulty getting the care that is advertised in Option plans.
  - Sara Bencic answered that she has heard anecdotal stories about a few people having this issue but that she does not have hard data to answer this question at this time. Sara Bencic also answered that the upcoming Colorado Option evaluation could help answer some of these questions.
- Kevin Stansbury said that it would be valuable to collect the data that Dr. Washington mentioned. He said he also wants a way to compare general



## COLORADO

Department of  
Regulatory Agencies

Division of Insurance

satisfaction with Colorado Option plans compared to other insurance plans and believes this could be addressed well in the evaluation.

- Adam Fox supports the comments from Dr. Washington and Kevin Stansbury, but he said that as a Connect for Health Colorado board member, he knows a report based on an enrollment survey that is looking at the CO Option enrollees vs. enrollees who did not choose Option plans will be coming out in the first quarter of 2024.
  - Nina Schwartz from Connect for Health Colorado (in attendance) confirmed that Adam's statement was accurate.
- Chris Zivalich asked if it would be possible to ask Colorado Option enrollees who filled out the Connect for Health Colorado survey if they would be interested in joining the board.
  - Sara Bencic said the Division is planning to connect with Connect for Health Colorado colleagues after open enrollment to continue to work on board recruitment.
- Kevin Stansbury also wants to ask providers about how they have felt working on the Colorado Option plans from the back end.
  - Sara Bencic said that that is something the DOI could consider including that in the upcoming evaluation.

*Dr. Qaiser Khan joined the meeting at 4:06 PM.*

### **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.

- The Division is seeking to understand the reason for low enrollment in Colorado Option small group plans last plan year.
- The DOI has been working on outreach to small employers through several initiatives, including Small Business Majority-convened meetings and a marketing campaign to small employers.
- The DOI also created a new small group plan webpage.

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

- Amanda Massey asked if the DOI has data about where small group Colorado Option plans were the least expensive across the state.
  - Sara Bencic said that she will follow up on this question.

### **Hospital Workforce Trends Report**

- The 2023 report is posted on the Division website.



## COLORADO

Department of  
Regulatory Agencies

Division of Insurance

- DIRA used CDPHE and DORA data to compile a list of potential hospital employees and also purchased voter files to match the potential employees to an email address or phone number
- DIRA sent out the survey in October and November 2023
  - Estimated survey population: About 75,000 people
  - Targeted survey completion: 1,000-2,000 workers
  - As of the most recent update, DIRA said that they had about 1,500 workers who completed the survey.
- The next steps in the report will be analysis and follow-ups with any hospital workers interested in participating in focus groups
- The DOI will share the report for the Advisory Board's feedback in June 2024.

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

- Kevin Stansbury said he has a lot of concerns about the survey because he believes there is a lack of partnership with hospitals in the state. He said he would encourage the DOI to reach out to CHA and hospitals across the state to learn more about this issue. He said that he is concerned that the numbers of registered nurses is changing a lot, and not as many are at hospitals. He also said that he is concerned about the methodology of the survey in that it may not capture the voices of rural and frontier hospitals. He said he continues to urge more collaboration with hospitals.
- Chris Zivalich commented that although it may not be realistic due to the volume of responses, it would be interesting to know if DIRA is able to identify through who has responded to the survey what gaps may already be present in the data (like potential gaps in geography). For areas where there may be potential gaps, he said it could be a good idea to potentially reach out to these populations or areas. He said he is not sure that DIRA will be able to do this quickly or easily, but he said it could be worth pointing out to DIRA that that could be something helpful to research.
  - Kevin Stansbury said he agrees with Chris. He also wants to make another point that other employees at hospitals are unlicensed personnel and that he believes it is important to find out how all of this is impacting them.
- Andy Jacob commented that he appreciates the report, that Kevin's feedback is helpful, and that the hospitals could play a helpful role in addressing gaps. He hopes that the data this year will be helpful even despite gaps.
- Dr. Reginald Washington commented that he agrees with Kevin. He said he believes there are several groups throughout the state that have already measured the quality of the program and that he recommends DIRA look at the quality surveys that exist. He also said that hospitals gather this information, and he wants to make sure that DIRA is learning from



## COLORADO

Department of  
Regulatory Agencies

Division of Insurance

hospitals and those who have already collected the data to see if it meets their needs.

- Sara Bencic mentioned that anything not captured in this report could also be emphasized in the 2025 report.
- Kevin Stansbury said that he believes the process that DIRA will go through to select participants for focus groups will be important. He said he wants there to be people selected who have good geographic distribution and a variety of professions. He said he believes that a big focus of those in the healthcare industry right now is the workforce and that he continues to worry about the hospital report not taking into account that the hospitals are still recovering from the pandemic.

### **Proposed 2024 Meeting Schedule**

- Wednesday, February 28, 2024, 3:30 PM - 5:30 PM.
- Wednesday, April 24, 2024, 3:30 PM - 5:30 PM
- Wednesday, July 10, 2024, 3:30 PM - 5:30 PM
  - This meeting is pushed back from the original June date to accommodate schedules during the Colorado Option public hearing process.
  - The Year 2 Hospital report will be shared with Advisory Board members in June to seek comment via email.
- Wednesday, October 23, 2024, 3:30 PM - 5:30 PM
- Wednesday, December 18, 2024, 3:30 PM - 5:30 PM

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

- Andy Jacob asked the Division to send out calendar holds for the meeting dates.
  - Sara Bencic said that the DOI can do this.

### **Agenda Items for Next Meeting/Requests for Follow-Ups**

- The next board meeting is scheduled for February 28, 2024, 3:30 - 5:30 PM.
  - 2024 Open Enrollment Update
  - Refresher on Public Hearing Process

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

- Dr. Qaisar Khan returned to an earlier topic in the meeting and mentioned that he believes it is important for the quality of the Colorado Option plan to be strong. He said he does not think that the network is strong enough for folks to want to sign up for it and wants to make sure that the DOI investigates what may be missing in these plans.



## COLORADO

Department of  
Regulatory Agencies

Division of Insurance

- Jen Fanning asked about specific definitions regarding network adequacy. She said that as a representative of rural areas, she is concerned that network adequacy is not being met as frequently in these areas. She is unsure about what indicators would illustrate these discrepancies, but she wants to see network adequacy mapped out for these rural areas.
  - Sara Bencic mentioned that 4-2-53 includes distance standards for network adequacy compliance and appointment wait time requirements. She also mentioned that there are other folks in the DOI also working on measuring and enforcing this issue as well.
- Adam Fox asked if it would be possible at some point to see more information about the demographic reporting from 4-2-80. He said he believes that to the extent it is possible, he would like to take a closer look at this information when it is available.
  - Sara Bencic said that this past year is the first year this information was provided. The information is voluntary, so it may never be great or perfect, but that it is something the Board can hopefully look at in the future.
- Chris Zivalich asked if the next meeting would include an OmniSalud enrollment update.
  - Sara Bencic responded yes – there will be an OmniSalud update included in the open enrollment update.
  - Adam Fox said that in case any Advisory Board members were unaware, the 11,000 subsidized OmniSalud spots filled up in essentially 38 hours.

### Public Comment

- Saskia Young with the Colorado Association of Health Plans commented that while she appreciates the information presented this afternoon, she believes that in order to understand the true impact of the Colorado Option there should be more specific information about premiums. She said she also wants to know more about how many hospital contracts there were in total that were affected by last year's premium rate reduction hearings negotiations. She also said that she has appreciated the DOI's responses to data-related inquiries.
- Daniela Gosselova, a consumer from Granby, Colorado, commented that of the 11,000 OmniSalud enrollments this year, only 30% were re-enrollments. She asked about what will happen to people who were not able to enroll this year because their healthcare needs are important.

Adam Fox adjourned the meeting at 4:42 PM.