

STATE INNOVATION WAIVER TASK FORCE

Meeting 14

MINUTES

Date Thursday, July 23, 2015
Time 9:00 a.m.
Place State Office Tower, room 1403
235 S. Beretania St., Honolulu, HI 96813

Attendance State Innovation Waiver Task Force Members - Present

Beth Giesting, Chair, Governor's Office
Pono Chong, Chamber of Commerce of Hawaii
Joan Danieleley, Senate Health Care Appointee
Robert Hirokawa, HPCA
David Hong, House Small Business Appointee
Daniel Jacob, Office of the Attorney General
Royden Koito, DLIR
Derek Mizuno, EUTF
Carole Richelieu, Insurance Division
Christine Sakuda, Hawaii HIE
Paul Young, HAH
Paula Yoshioka, Queen's Health System

State Innovation Waiver Task Force Members - Absent

Jennifer Diesman, HMSA
Bryan FitzGerald, OIMT
Lorrin Kim, DOH
Jeff Kissel, Hawaii Health Connector
Leslie Tawata, MedQUEST

Call to order

The meeting was called to order and roll taken by Chair Giesting at 9:05 a.m.

Public Comment

There was no opening public comment.

Review of minutes of July 16, 2015

There was no public comment. Members Richelieu moved and Yoshioka seconded a motion to approve the minutes of July 16, 2015 as circulated. The motion was unanimously approved.

Creation of Permitted Interaction Groups

Members Hirokawa moved and Mizuno seconded a motion to authorize a PIG to identify and contribute information and materials needed to develop a waiver and to report back to the task force. Members are Chong, Danieleley, Diesman, FitzGerald, Giesting, Hirokawa, Jacob, Koito, Richelieu, and Young. There was no public comment and the motion was unanimously approved.

ACA Waiver Federal and Legislative Updates

There were no updates or public comment.

Report from ACA Waiver Development Next Steps PIG was discussed.

Discussion on the report is reflected in the following table.

Waivable ACA Section	Hawaii Proposal
<p>§1301 QUALIFIED HEALTH PLAN</p> <ul style="list-style-type: none"> • Definition and certification of QHP • Metal levels • Co-ops and multi-state plans • Qualified direct primary care medical home plans • Variation based on rating area • Self-insured and MEWAS (multiple employer welfare arrangements) 	<ul style="list-style-type: none"> • Retain QHPs and alternate certification process • Retain co-ops and multi-state plans, provided they comply with Prepaid • Retain primary care medical home plans, provided they comply with Prepaid • Waive variation based on rating area • Retain exemption for self-insured and MEWAS
<p>§1302 ESSENTIAL HEALTH BENEFITS</p> <ul style="list-style-type: none"> • Definition and establishment of EHB • Limitation on cost-sharing • Limitation on deductibles • Metal levels actuarial value • Catastrophic plans • Enrollment eligibility • Child-only plans 	<ul style="list-style-type: none"> • Retain EHB • Retain cost-sharing and limitation on deductibles • Retain 4 metal levels for individual market. Define coverage levels as 7A/7B for small business. (SHOP to be waived. Employers subject to Prepaid, which uses 7A and 7B, not metal levels) • Retain catastrophic plans • Retain enrollment eligibility • Retain child-only plans
<p>§1303 SPECIAL RULES</p> <ul style="list-style-type: none"> • Definition and rules on abortion services 	<ul style="list-style-type: none"> • Retain special rules
<p>§1304 DEFINING LARGE AND SMALL EMPLOYERS</p> <ul style="list-style-type: none"> • Hawaii currently defines “small” as 50 or fewer • ACA says “small” will be up to 100 January 2016 • Aggregation rules (single employer) • Defining “large” or “small” for employer not in existence previous year • Predecessor employers • Continued participation in exchange of growing small employer. 	<ul style="list-style-type: none"> • Waive increase to 100 and keep definition of “small employer” as 50 or fewer – <u>BUT</u> only if the increase to 100 has not gone into effect before waiver in January 2017 • Retain aggregation, definitions for employer not in existence in previous year, and predecessor employers • Waive continued participation to be consistent with waiving SHOP
<p>§1311 AFFORDABLE CHOICES OF HEALTH BENEFIT PLANS</p> <ul style="list-style-type: none"> • Individual health insurance exchange • Small Business Health Options Program (SHOP) exchange 	<ul style="list-style-type: none"> • Retain individual exchange via Supported State-Based Marketplace • Waive SHOP • Review 1311(4)(F) that describes responsibilities for exchange functions among entities
<p>§1312 CONSUMER CHOICE</p> <ul style="list-style-type: none"> • Qualified employers may allow employees choice among plans in SHOP exchange • Single risk pool for individual, small group, and merged markets • Continued operation of market outside exchange • Continued state benefits requirement 	<ul style="list-style-type: none"> • Waive requirement. (Employers may allow employees choice under Prepaid. Trade-off is that Hawaii small businesses coverage meets a higher standard than required by ACA.) • Waive “qualified employer offering coverage on exchange” (since we propose to waive SHOP) • Retain all other provisions

Waivable ACA Section	Hawaii Proposal
<ul style="list-style-type: none"> • Voluntary enrollment in exchange • Individuals allowed to enroll in any plan • Members of Congress/staff in exchange • No penalty for transferring coverage out of exchange • Enrollment through agents and brokers • Access limited to citizens and lawful residents • Incarcerated individuals excluded • Qualified employer offering coverage on exchange • Access limited to lawful residents 	
<p>§1313 FINANCIAL INTEGRITY</p> <ul style="list-style-type: none"> • Describes financial management and oversight for exchange 	<ul style="list-style-type: none"> • Retain
<p>§1402/36B REDUCED COST-SHARING FOR INDIVIDUALS ENROLLING IN QUALIFIED HEALTH PLANS</p> <ul style="list-style-type: none"> • Defines eligibility and determination of benefits 	<ul style="list-style-type: none"> • Retain all benefits for individual exchange • Request funds in lieu of small business tax credit. Such funds to be used for premium relief for qualified small businesses.
<p>IRS Code §4980H SHARED RESPONSIBILITY FOR EMPLOYERS REGARDING HEALTH COVERAGE</p> <ul style="list-style-type: none"> • Defines responsibilities for coverage for large employers 	<ul style="list-style-type: none"> • Review and consider whether to retain if not conflicting with Prepaid

There was no public comment.

Draft Report to Legislature

Chair Giesting noted that the report is still in draft form and subject to further change with final review of the waiver provisions. Task force members should contribute any suggestions via email to beth.giesting@hawaii.gov.

Next Meetings

Chair Giesting announced that the next Task Force meeting will be on August 6, 2015 at 2:00 p.m. at DCCA, Queen Liliuokalani Room and reminded the group that after the August 6th meeting, the Task Force is likely to meet only as needed.

Adjournment

The meeting was adjourned at 9:55 a.m.