

ACA State Innovation Waiver Task Force

September 11, 2014

9:00 a.m.

State Capitol, Room 325

Welcome and Introductions

- Healthcare Transfs Coord, Chair
- Dept of Health
- Dept of Labor & Industrial Relations
- MedQUEST
- Insurance Commissioner
- Attorney General
- State CIO
- EUTF
- Hawaii Health Connector

- Hawaii Health Information Exchange
- Chamber of Commerce of Hawaii
- Healthcare Association of Hawaii
- Hawaii Primary Care Association
- Kaiser-Permanente
- HMSA
- Queen's Medical Center
- Roger Morey, Hawaii Restaurant Association

The Patient Protection and Affordable Care Act

Overview of the Affordable Care Act

Insurance Benefits and Coverage

- Coverage expansion for low-income people in Medicaid
- Option for parents to cover children up to age 26
- Closed donut-hole for Medicare drug benefits
- No exclusion for pre-existing conditions
- No upper limits for benefits
- No co-payments for preventive services

Overview of the Affordable Care Act

Insurance Benefits and Coverage

- Limits for administrative and other costs
- Increased transparency
- Identification of Essential Health Benefits package
- Change in premium rating (age or community, not experience)
- Co-op and multi-state insurance programs allowed

Overview of the Affordable Care Act

Insurance Exchange

- Tax credits for qualified small employers
- Advanced Premium Tax Credits (APTC) for individuals
- Assistance via navigators
- Simplified application process
 - Information verified via state and federal databases rather than documents provided by applicant
 - Exchange expected to automatically manage enrollment and payment

Overview of the Affordable Care Act

Access and Health Care Delivery

- Funding for community health centers
- Funding for National Health Service Corps (loan repayment)
- Additional funded medical residency slots in shortage areas
- Investment in residencies at outpatient teaching health centers
- Higher Medicaid & Medicare reimbursement for primary care
- Expansion of 340B federal drug program

Overview of the Affordable Care Act

Access and Health Care Delivery

- Additional options
 - Established Center for Medicare & Medicaid Innovation (CMMI) program
 - Innovation opportunities for Medicaid
 - Innovation grants for states
 - Grants for other innovators
 - Medicaid Health Homes
 - Multi-payer initiatives to increase standardization across payers
 - Coordination of Medicaid and Medicare benefits
 - Home and community-based services through Medicaid
 - Medicare ACOs

Overview of the Affordable Care Act

Payment System Reform

- New payment arrangements
 - Hospitals subject to value-based purchasing October 2012
 - Bundled payment options for Medicare 2013
- Penalties for hospitals with avoidable readmissions
- Additional scrutiny for fraud and abuse

Overview of the Affordable Care Act

Research/Evidence-based Care/Public Health/Other

- Process instituted for evidence-based medicine and comparative effectiveness research
- Collect more demographic data to learn more about health disparities
- Funding for public health and prevention research
- Other: taxes tanning salons and adds fees to pharmaceutical industry

Overview of the Affordable Care Act

Waivers

- Must cover at least as many people with coverage as comprehensive and affordable at no greater cost to the federal government

Hawaii can design something very different from ACA as long as it meets those requirements

- ACA waiver must coordinate with any Medicaid and Medicare waivers that support innovation

Overview of the Affordable Care Act

Waivers

- Waivers to ACA provisions can change or eliminate
 - Insurance exchanges
 - Offering qualified health plans and essential health benefits
 - Premium tax credits and cost-sharing
 - Individual and employer responsibility requirements
- Can leverage federal funds that *would have been spent*, e.g., individual tax credits

Overview of the Affordable Care Act

Waivers

- January 1, 2017 is earliest date waiver can be effective
- State legislation authorizing waiver is required
- Public hearings on the waiver proposal are required
- HHS/Treasury has 45 days to review + 180 days to render decision

Overview of the Affordable Care Act

Waivers

- To-do list:
 - Identify ACA provisions to waive
 - Conduct actuarial analysis (benefits, affordability, availability)
 - Conduct economic analysis (budget neutral to federal government)
 - Develop a 10-year budget
 - Analyze impact on health insurance coverage
 - Draft waiver proposal
 - Create public input process
 - 2015 – Legislation to support waiver activities
 - 2016 – Legislation authorizing waiver proposal

Act 158

Act 158

Section 1 - Preamble

- States that develop approved waivers may receive federal assistance to operate reform programs equivalent to aggregate amount of tax credits and subsidies that would have been paid to individuals.
- Hawaii has a bold history as innovator in health care via Prepaid and QUEST.
- Hawaii can add to already effectuated ACA reforms in insurance on Connector
- Task force's purpose is to develop plan that meets waiver requirements

Act 158

Section 2 – Structure and Membership

- Task force is created and temporarily attached to Office of Governor
- Identifies task force members

Act 158

Section 2 – Responsibilities

- Examine feasibility of alternative approaches
 - Per ACA Section 1332a
 - Related to premium rate variations (ACA Section 1201)
 - Using brokers and professional employer orgs to advance coverage
- Develop a plan for a waiver that complies with Section 1332
 - Coverage at least as comprehensive
 - Coverage and cost-sharing at least as affordable
 - Coverage at least as available
 - Budget neutral to federal government

Act 158

Section 2 – Responsibilities

- Examine feasibility of options for coverage for underinsured via Medicaid options
- Comply with all public notice requirements
- Prepare a draft application for a waiver to take place on or after January 1, 2017

Act 158

Section 2 – Responsibilities

- Submit initial/interim/final reports to legislature 20 days before each session
- Report to address
 - Opportunities for state agencies to collaborate on IT related to ACA/waiver
 - Recommendations on allocation of existing moneys for health reform and innovation with any proposed legislation
- Final report shall include findings, recommendations, proposed legislation, and draft application
- The task force is dissolved on June 30, 2017

Sunshine Laws and Waiver Task Force

The Sunshine Law



Hawaii's Open Meetings Law Part I of Chapter 92, HRS

Board

- any agency, board, commission, authority, or committee of the State or its political subdivisions
- created by constitution, statute, rule, or executive order
- to have supervision, control, jurisdiction, or advisory power over specific matters and which is required to conduct meetings and to take official actions.

What's the purpose?

- Protect public's right to know
- Open governmental processes to public scrutiny and public participation



Sunshine Law requires:

- Discussions, deliberations, and decisions must be conducted at a public meeting
- Exceptions:
 - Executive meetings
 - Permitted interactions
 - Limited meetings



“Board Business”

- Matters over which the board has supervision, control, jurisdiction or advisory power that are before the board or reasonably anticipated to come before the board in the foreseeable future



Quorum

- Majority of all members to which the board is entitled
- Must have quorum to do business (i.e., discuss, deliberate, take action)
- Meeting must end if quorum lost

Permitted Interactions - 2 Members

- Communicate privately
- Cannot commit to vote



- **No caucuses**
- **No polling**
- **No telephone discussions**
- **No e-mails**
- **No memos**



Permitted Interaction Group (PIG)



- Less than a quorum
- Scope of investigation defined at a meeting
- Findings and recommendations presented at a 2nd meeting
- Deliberation and decision-making at a 3rd meeting

Permitted Interaction Groups

- Can include individuals who are not on task force



Other Permitted Interactions

- Present or negotiate on behalf of board
- Selection of officers
- Take testimony when no quorum
- Attend informational briefings
- Governor
- Department head



Chance Meeting

- a social or informal assemblage of two or more members at which matters relating to official business are not discussed.

Executive Meetings



- Closed to public
- 2/3 vote of board members present
- Announce reasons for closed meeting
- Vote recorded and entered into minutes

Executive Meeting Purposes

- to consult with board's attorney regarding its powers, duties, privileges, immunities, & liabilities
- matters confidential by law or court order

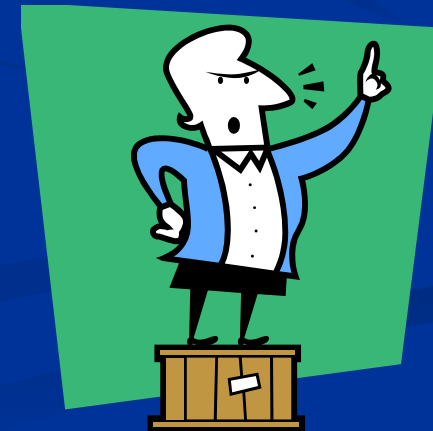


Limited Meetings

- meeting not open to public if dangerous location, or
- On-site inspection & public attendance not practicable
- Must vote to hold limited meeting & OIP director must concur
- Must file & mail notice
- Video record unless OIP waives

Testimony

- All interested persons may submit written testimony on any agenda item.
- All interested persons may present oral testimony on any agenda item.





Notice Requirements

- written notice
- date, time, and place
- for executive meeting, must state purpose and cite statutory basis
- includes agenda

Meeting Agenda

- All items that the board intends to consider
- To inform the public of the matters before the board so that the public can decide whether to participate in the meeting



PEST CONTROL BOARD

Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

BOARD MEETING AGENDA

Date: Monday, September 27, 2004
Time: 2:00 p.m.
Place: King Kalakaua Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, HI 96813

8. Correspondence
9. Unfinished Business
 - a. Rule Revisions
 - b. Other (if any)
10. Scope
11. New Business
12. Announcements

Filing Notices

- Filed with the Lieutenant Governor's office and at the board's office (posted at meeting site when feasible)
- 6 calendar days prior to meeting
- Copy mailed to anyone so requesting





State Online Calendar

- Executive Memorandum No. 11-11
(September 15, 2011)
- All State boards & commissions must file notices & agendas on State Calendar “as soon as” they are filed with LG’s office
- <http://calendar.ehawaii.gov/calendar/html/event>

Amending the Agenda

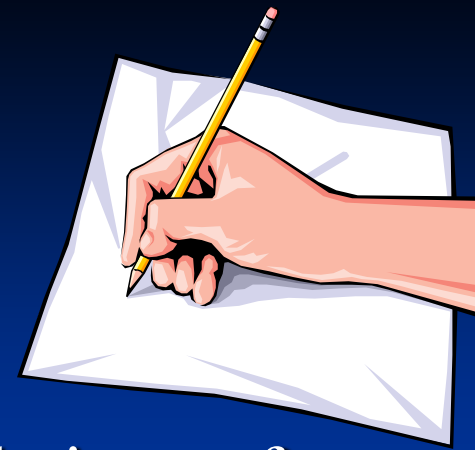
- Only with 2/3 vote of all members
- Cannot add item if:
 - of reasonably major importance, and
 - will affect a significant number of people



- Can take agenda items out of order
(no procedural requirements in
Sunshine Law)
- Can delete or cancel items from
agenda
- Be mindful of spirit of law



Minutes



- Written minutes required
- True reflection of matters discussed and views of participants
- Date, time, and place
- Members present/absent
- Substance of all matters proposed, discussed, or decided
- Record, by member, of votes
- Other information that a member requests be included

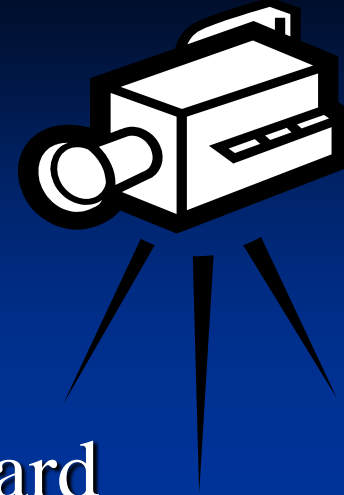
Minutes, continued...

- Public within 30 calendar days



- Executive meeting minutes may be withheld for so long as publication would defeat lawful purpose of the executive meeting

Interactive Conference Technology Meetings



- Teleconference, Skype, etc.
- Must allow interaction between all board members & public at all locations
- Notice where board members will be
- Notice must state public can attend at any location
- Meeting ends if audio not maintained at all locations

Emergency Meetings

- imminent peril to public health, safety and welfare, or
- unanticipated event (need AG approval)
- meeting in less than 6 calendar days
- Must file & mail notice



OIP's Role

- Assist boards in complying with law
- Receive & resolve complaints from public
- Determine whether a body is subject to Sunshine Law

Court's Role

- Action taken in violation of Sunshine Law = voidable by court
- Court can order injunction or other appropriate remedy

The Uniform Information Practices Act (Modified)



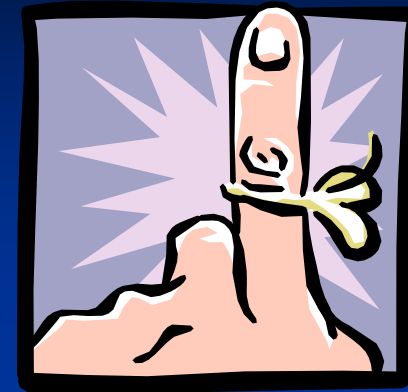
Hawaii's Public Records Law Chapter 92F, HRS

General Rule

All government records are open to public inspection and copying unless restricted or closed by law



UIPA Power Points (things to remember)



- Records presumed public
- 5 exceptions to disclosure
- Respond in 10 business days

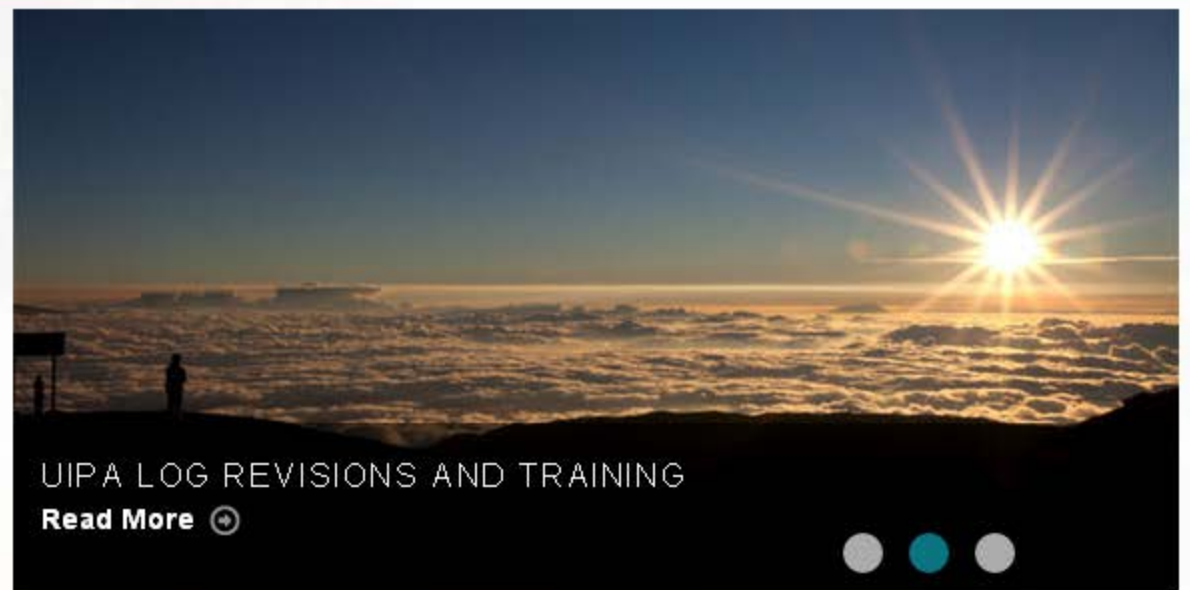


State of Hawaii Office of Information Practices

Search.USA.gov

- Home
- What's New
- Laws / Rules / Opinions
- Forms
- Reports
- Records Report System (RRS)

State Calendar & Related Links



UIPA LOG REVISIONS AND TRAINING
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- Training
- Contact Us

ALOHA!

Need Help?

- Call AOD 586-1400



- E-mail AOD: oiip@hawaii.gov
- OIP Website: www.hawaii.gov/oiip

Other Task Force Expectations

Administrative Processes

Posting Materials

- Agendas will be posted at least 6 days in advance at www.calendar.ehawaii.gov
- Minutes and any other materials will be available at <http://governor.Hawaii.gov/healthcare-transformation>

Administrative Processes

Public Input

- Encouraged to come to meeting and provide input
- Written testimony: Strongly encouraged. Can be submitted in advance (3 days requested) to gov.healthcareanalyst@Hawaii.gov
- Oral testimony: Sign in and indicate what section testimony addresses

(Those providing oral testimony will be asked for written summary)

Administrative Processes

Public Input

- 2 minutes per person per item requested for oral testifiers
- Will be scheduled for each agenda item after any formal presentations but before any votes are taken
- If ADA accommodations are needed, please email request to gov.healthcareanalyst@Hawaii.gov least 4 days in advance or call 586-0034

Administrative Processes

Minutes

- Staff will take Minutes at each meeting that reflect
 - Task force member attendance
 - General tenor of discussion
 - How members voted
 - Public testifiers: testimony will be posted at <http://governor.Hawaii.gov/healthcare-transformation>
- Members will review minutes at next meeting

Administrative Processes

Agency designees

- Agencies should inform chair in writing by October 1 (beth.giesting@Hawaii.gov)
- Designees may be changed from time to time
- May consider inviting alternates if needed/appropriate in future

Administrative Processes

Meeting management

- Quorum is 9 members
- A simple majority vote of those present will decide questions
- Any materials to be shared with the TF should be submitted to the Chair for approval and distribution

Administrative Processes

Other

- Additional meeting management rules may be proposed/adopted
- A vice chair may be selected if needed
- Permitted interaction groups or committees may be formed
- Subject matter experts may present, participate, or be hired
- If needs and resources support paid consultants, chair will oversee their work

Administrative Processes

Contact information

- Meeting notices/agendas: www.calendar.ehawaii.gov
- Minutes and materials: <http://governor.Hawaii.gov/healthcare-transformation>
- Submit written testimony and request ADA accommodations: gov.healthcareanalyst@Hawaii.gov or call 586-0034
- Contact chair: beth.giesting@Hawaii.gov

September – December 2014

Meetings

- October 9, November 13, December 11
- Capitol, Room 325 (?)
- 9:00 start. End 11:00 – noon

Report to Legislature

- Due end of December

Staffing

- TBD. Uncertain after December 1

Public Comment

Adjourn