

Minutes

State, Local Education and Local Government Insurance Committees

March 26, 2020

1:00 pm (central)

The State, Local Education and Local Government Insurance Committees met on March 26, 2020 at 1:00 pm (central) via WebEx.

State Insurance Committee members attending:

Eugene Neubert, Acting Commissioner, Finance and Administration
Justin Wilson, Comptroller of the Treasury
Rick Dubray, representing David Lillard, State Treasurer
Hodgen Mainda, Commissioner, Commerce and Insurance
Juan Williams, Commissioner, Human Resources
Vicki Burton, state employee representative
Michelle Consiglio-Young, state employee representative
Rob Chance, representing Higher Education
Randy Stamps, representing Tennessee State Employees Association
Rep. Susan Lynn, Chair, House Finance, Ways and Means Committee

Local Education Insurance Committee members attending:

Eugene Neubert, Acting Commissioner, Finance and Administration
Justin Wilson, Comptroller of the Treasury
Rick Dubray, representing David Lillard, State Treasurer
Hodgen Mainda, Commissioner, Commerce and Insurance
Maryanne Durski, Department of Education
Scott Langford, Middle Tennessee Teacher Representative
Erin Johnson, East Tennessee Teacher Representative
Jennifer White, Tennessee School Board Association

Local Government Insurance Committee members attending:

Eugene Neubert, Acting Commissioner, Finance and Administration
Justin Wilson, Comptroller of the Treasury
Rick Dubray, representing David Lillard, State Treasurer
Kevin Krushenski, Tennessee Municipal League
Nathan Brock, Tennessee County Services Association

The meeting was called to order at 1:00 pm (central). A roll call attendance noted a quorum was present for each Committee. Commissioner Neubert advised that Executive Order #16 signed by Governor Lee provides that a governing body may conduct essential business by

electronic means without a quorum of members present in the same location, if the governing body determines that meeting electronically is necessary to protect the health, safety, and welfare of Tennesseans in light of the COVID-19 outbreak.

The items on the agenda for the Committees' consideration included:

- **COVID-19 Benefit Changes**
- **COVID-19 Delegated Authority**
- **Emergency Payment Relief for Plan Members**

Commissioner Neubert noted that the Committees needed to approve a determination that proceeding electronically without a quorum present in the same location was necessary to protect the health, safety, and welfare of Tennesseans in light of the COVID-19 outbreak.

Comptroller Wilson made a motion that the State Insurance Committee approve proceeding electronically without a quorum present at the same location. Rep. Lynn seconded the motion which passed with the following roll call vote:

Neubert	yes	Wilson	yes
Dubray	yes	Mainda	yes
Williams	yes	Burton	yes
Consiglio-Young	yes	Chance	yes
Stamps	yes	Lynn	yes

On behalf of the Local Education Insurance Committee, Comptroller Wilson made a motion to approve proceeding electronically without a quorum present at the same location. Ms. Durski seconded the motion which passed with the following roll call vote:

Neubert	yes	Wilson	yes
Dubray	yes	Mainda	yes
Durski	yes	Langford	yes
Johnson	yes	White	yes

On behalf of the Local Government Insurance Committee, Comptroller Wilson made a motion to approve proceeding electronically without a quorum present at the same location. Mr. Krushenski seconded the motion which passed with the following roll call vote:

Neubert	yes	Wilson	yes
Dubray	yes	Krushenski	yes
Brock	yes		

Agenda Item #1A – Minutes of January 24, 2020

Rep. Lynn made a motion that the State Insurance Committee approve the minutes as presented. Ms. Consiglio-Young seconded the motion which passed with the following roll call vote:

Neubert	yes	Wilson	yes
Dubray	yes	Mainda	yes
Williams	yes	Burton	yes
Consiglio-Young	yes	Chance	yes
Stamps	yes	Lynn	yes

On behalf of the Local Education Insurance Committee, Comptroller Wilson made a motion to approve the minutes as presented. Ms. White seconded the motion which passed with the following roll call vote:

Neubert	yes	Wilson	yes
Dubray	yes	Mainda	yes
Durski	yes	Langford	yes
Johnson	yes	White	yes

On behalf of the Local Government Insurance Committee, Comptroller Wilson made a motion to approve the minutes as presented. Mr. Krushenski seconded the motion which passed with the following roll call vote:

Neubert	yes	Wilson	yes
Dubray	yes	Krushenski	yes
Brock	yes		

Agenda Item #1B – Minutes of March 17, 2020

On behalf of the State Insurance Committee, Comptroller Wilson made a motion to approve the minutes of the March 17, 2020 special called meeting as presented. Mr. Dubray seconded the motion which passed with the following roll call vote:

Neubert	yes	Wilson	yes
Dubray	yes	Mainda	yes
Williams	yes	Burton	yes
Consiglio-Young	yes	Chance	yes
Stamps	yes	Lynn	yes

Comptroller Wilson made a motion, on behalf of the Local Education Insurance Committee, to approve the minutes of the March 17, 2020 special called meeting as presented. Mr. Dubray seconded the motion which passed with the following roll call vote:

Neubert	yes	Wilson	yes
Dubray	yes	Mainda	yes
Durski	yes	Langford	yes
Johnson	yes	White	yes

On behalf of the Local Government Insurance Committee, Comptroller Wilson made a motion to approve the minutes of the March 17, 2020 special called meeting. Mr. Krushenski seconded the motion which passed with the following roll call vote:

Neubert	yes	Wilson	yes
Dubray	yes	Krushenski	yes
Brock	yes		

Agenda Item #2 –COVID-19 Benefit Changes

Laurie Lee, Executive Director, Benefits Administration (BA) noted that at the March 17, 2020 special called meeting the Committees voted to waive member cost-sharing for telehealth visits that included a COVID-19 test within 48 hours of the visit. Ms. Lee presented the following additional changes in response to the COVID-19 pandemic:

- Waive member cost-sharing for all telehealth visits conducted through the carrier-sponsored medical telehealth programs (MDLive/AmWell/PhysicianNow) from March 17, 2020 through May 31, 2020 regardless of the reason for the visit.
- A temporary waiver of Plan Document exclusion 13.04(A)(32) which excludes payment for “Telephone consultations except as administered through vendor program and approved by the Plan”. This waiver will allow the plan to pay primary care physicians, specialists and behavioral health providers for virtual visits, which could occur via a telephone consultation but does not alter member cost-sharing unless the visit leads to COVID-19 testing, as previously approved by the Committees.
- For members in The Tennessee Plan (supplemental medical insurance for retirees with Medicare), pay any Part B deductible expenses incurred by members through May 31, 2020 for telehealth visits related to COVID-19 when the provider chooses not to waive member cost sharing. This change would be consistent with those made to the plans for active employees.

Ms. Lee stated that Aon, BA’s actuary, had projected the cost of the first two items, along with the benefit changes approved March 17, 2020, to be between \$10 - \$25 million over the course of 12 months. The projected impact for changes to The Tennessee Plan was expected to be negligible.

Comptroller Wilson made a motion that the State Insurance Committee approve the benefit recommendations as presented. Rep. Lynn seconded the motion which passed with the following roll call vote:

Neubert	yes	Wilson	yes
Dubray	yes	Mainda	yes
Williams	yes	Burton	yes
Consiglio-Young	yes	Chance	yes
Stamps	yes	Lynn	yes

On behalf of the Local Education Insurance Committee, Comptroller Wilson made a motion to approve the benefits changes as presented. Ms. Durski seconded the motion which passed with the following roll call vote:

Neubert	yes	Wilson	yes
Dubray	yes	Mainda	yes
Durski	yes	Langford	yes
Johnson	yes	White	yes

On behalf of the Local Government Insurance Committee, Comptroller Wilson made a motion to approve the benefits changes as presented. Mr. Krushenski seconded the motion which passed with the following roll call vote:

Neubert	yes	Wilson	yes
Dubray	yes	Krushenski	yes
Brock	yes		

Agenda Item #3 – [Approval] COVID-19 Delegated Authority and Emergency Payment Relief for Plan Members

Delegated Authority

Ms. Lee noted that the State, Local Education and Local Government Insurance Committees are authorized to determine the benefits provided by the Plan and to delegate administrative functions to BA. Considering the evolving nature of the COVID-19 pandemic and potential need for additional emergency actions, Ms. Lee recommended that the Committees delegate authority to BA to take emergency action to modify healthcare benefits and services to plan members and covered dependents including coverage for benefits services not provided for in the plan documents, if necessary, to combat the spread of COVID-19. Additionally, Ms. Lee noted that BA would provide a weekly electronic report to the Committee members itemizing all actions taken, if any, under the authorization and, when available, the cost of such actions and estimated future costs of such actions. The delegation of authority will expire May 31, 2020 unless extended by the Committees.

Comptroller Wilson recommended that the Committee members receive weekly communications from Benefits Administration regardless of whether or not any modifications to health benefits and services had occurred. Benefits Administration committed to this weekly notification to members.

Ms. Consiglio-Young asked for an example of the type of emergency action that could be considered by Benefits Administration. Ms. Lee noted that, for example, should insurance carriers be requested to waive cost sharing for hospitalization of COVID-19 treatment, this could be a consideration for benefits modifications. Additionally, Ms. Consiglio-Young asked if projections were available on the impact to budget and premiums for the plan. Ms. Lee noted that Aon will be reviewing the effect on the plan as they continue forecasting for premium recommendations for May. It was noted that the delay of elective surgeries and hospitalizations would offset some of the costs to the plans.

Rep. Lynn informed members that in recent conversations with hospital CEOs from her district, they had expressed an interest in periodic interim payments to hospitals instead of payments based on claims paid. Under this scenario, settlement would be made when the claims are adjudicated and either party would reimburse overpayments at that time. Commissioner Mainda commented that in his discussions with major carriers this issue was also raised by primary care providers in part due to the delay of elective procedures. Ms. Lee advised that BA would review this matter and be in contact with our vendors. Mr. Krushenski inquired about the delegated authority extending to pharmacy issues as well. Ms. Lee responded that delegated authority was for basic health which would include pharmacy.

Rep. Lynn made a motion to approve delegating authority to BA as recommended with the addition of weekly electronic reporting to the Committee members. Comptroller Wilson seconded the motion which passed with the following roll call vote:

Neubert	yes	Wilson	yes
Dubray	yes	Mainda	yes
Williams	yes	Burton	yes
Consiglio-Young	yes	Chance	yes
Stamps	yes	Lynn	yes

On behalf of the Local Education Insurance Committee, Comptroller Wilson made a motion to approve delegating authority to BA as recommended with the addition of weekly electronic reporting to the Committee members. Ms. Durski seconded the motion which passed with the following roll call vote:

Neubert	yes	Wilson	yes
Dubray	yes	Mainda	yes
Durski	yes	Langford	yes
Johnson	yes	White	yes

On behalf of the Local Government Insurance Committee, Comptroller Wilson made a motion to approve delegating authority to BA as recommended with the addition of weekly electronic reporting to the Committee members. Mr. Krushenski seconded the motion which passed with the following roll call vote:

Neubert	yes	Wilson	yes
Dubray	yes	Krushenski	yes
Brock	yes		

Emergency Payment Relief for Plan Members

Ms. Lee informed members of the request of Governor Lee and the Department of Commerce and Insurance for carriers to provide employers and individuals with as much flexibility as practicable during the COVID-19 public health crisis relative to their ability to timely pay premium to ensure that policy holders could maintain their existing coverage. To align with these recommendations, BA requests the following authority from the Committees:

- Authority to suspend plan document provisions regarding termination of coverage for non-payment of premiums and institution of a moratorium on termination from the basic health plans until May 31, 2020 with premiums to be collected at a later date.
- Authority to suspend plan document provisions regarding collection of funds owed to the State and institute a moratorium on initiating new collection of funds owed to BA for previously incurred debts by members until May 31, 2020. Collections processed which began prior to this approval will not be impacted unless members seek relief and it is granted. This is not a waiver of any debt or obligation owed but a suspension of collection efforts until May 31, 2020.
- Authority to work with the voluntary benefit vendors to establish similar relief as the moratorium on termination of coverage for non-payment of premiums in the first item does not apply to voluntary plans (vision, dental, voluntary life or disability plans).

Ms. Lee explained that an example of collection of funds would be claims paid for an ineligible dependent in error and the State was in the process of recouping those payments. In response to member inquiry, Ms. Lee clarified that BA had not received any requests to date; however, some agencies had inquired about the issue.

Comptroller Wilson made a motion to approve the staff recommendation relative to emergency payment relief as presented. Rep. Lynn seconded the motion which passed with the following roll call vote:

Neubert	yes	Wilson	yes
Dubray	yes	Mainda	yes
Williams	yes	Burton	absent
Consiglio-Young	yes	Chance	yes
Stamps	yes	Lynn	yes

On behalf of the Local Education Insurance Committee, Comptroller Wilson made a motion to approve the staff recommendation relative to emergency payment relief as presented. Ms. Durski seconded the motion which passed with the following roll call vote:

Neubert	yes	Wilson	yes
Dubray	yes	Mainda	yes
Durski	yes	Langford	absent
Johnson	yes	White	yes

On behalf of the Local Government Insurance Committee, Comptroller Wilson made a motion to approve the staff recommendation relative to emergency payment relief as presented. Mr. Krushenski seconded the motion which passed with the following roll call vote:

Neubert	yes	Wilson	yes
Dubray	yes	Krushenski	yes
Brock	yes		

Agenda Item #4 – [Information Only] Congestive Heart Failure (CHF) Pilot

Ms. Lee informed members that Active Health, BA's Population Health vendor, had asked the insurance plans to participate in a 12-month no cost pilot project for high risk members with congestive heart failure (CHF) using remote patient monitoring. As part of the pilot, Active Health would provide members with a home health kit which would include a tablet for daily symptoms survey, blood pressure cuff for blood pressure and heart rate monitoring and a weight scale to monitor fluid retention. This would allow participants to receive real time feedback on their health. Ms. Lee noted that Active Health would continue to provide disease management support for members with CHF at low and medium risk as provided in the current contract. Members were advised that there are currently approximately 230 members engaged in disease management for CHF and, based on claims data, approximately 560 members would be eligible based on their clinical condition.

At the end of the 12-month pilot, Active Health would decide whether to continue the program considering survey results, emergency room admission avoidance, utilization avoidance and other factors. If Active Health decided to retain the program, the Insurance Committees could decide if the cost of the program and results were compelling enough to amend the contract to add the enhanced program for high-risk members.

No action was required by the Committees for participation in the pilot program.

Ms. Lee advised members that earlier in the day Benefits Administration, in conjunction with Active Health and Optum, had conducted a lunch and learn regarding employee assistance, health insurance and other resources to support our members during the COVID pandemic and that over 600 members had participated in the webinar.

There being no further business, the meeting was adjourned at 1:50 pm.

Respectfully submitted,

A handwritten signature in blue ink that reads "Laurie S. Lee". The signature is written in a cursive, flowing style.

Laurie S. Lee