

**Florida Health Insurance Advisory Board
Board of Directors Meeting Minutes
Tuesday, November 17, 2020, 2:00 PM
Via Teleconference
Tallahassee, FL**

Board Members Present:

Mike Yaworsky, Chair Designee	Ken Stevenson, Vice Chair	Molly McKinstry
Louisa McQueeney	Christina Lake	William "Bill" Herrle
Richard B. Weiss	John J. Matthews	Seth M. Phelps
Robert Muszynski	Liz Miller	

Others Present:

- Amy Hardee, Administrative Assistant II to the Deputy Commissioner – Life & Health, Office of Insurance Regulation (OIR)
- Shannon Doheny, Special Counsel to the Deputy Commissioner – Life & Health, OIR
- John Reilly, Deputy Commissioner – Life & Health, OIR
- Chris Struk, Life & Health Policy Advisor, OIR

I. Call to Order

Mike Yaworsky (Chief of Staff, Office of Insurance Regulation) announced that he had been appointed as the Chair's designee for this meeting by Commissioner and Chair David Altmaier. The Chair then called the meeting to order at 2:00 pm indicating that the meeting was properly noticed to the public in accordance with Florida Law.

II. Roll Call

Amy Hardee conducted a roll call, noting the presence of a quorum.

III. Antitrust Statement

Shannon Doheny was recognized and reviewed the antitrust statement.

IV. Chair's Opening Remarks

The Chair thanked the members for their attendance.

The Chair provided an update on the Executive Director selection process, noting that three resumes have been received and those candidates will be interviewed during a publicly noticed telephone interview meeting scheduled for November 30, to which the Board members are invited.

V. Approval of Minutes, October 14, 2020

The Chair presented the minutes from the October 14, 2020, meeting for adoption, noting that members had been provided with advance copies. Bill Herrle moved to adopt the minutes as written, with a second by Ken Stevenson, and the minutes were adopted without objection.

VI. Discussion of Legislative Proposals for 2021

The Chair noted that the purpose of today's call was to discuss legislative proposals for 2021 and reminded members that only those proposals reaching a full consensus by the members would be submitted to the 2021 Legislature on behalf of the Florida Health Insurance Advisory Board.

The Chair noted that eleven proposals had been received from Louisa McQueeney (Florida Voices for Health). The Chair then asked Ms. McQueeney to review her proposals.

Recommendation #1: Provide a clear legislative directive whereby small group employers be specifically allowed the option to offer "employee/dependent(s)" coverage in the open market, where dependent(s) are dependent children only.

Ms. McQueeney reviewed her proposal, *Employee/Dependent Option Coverage in Small Group Plans*, as submitted. Small group employers are able to do this now; however, some feel like they are not authorized to do so. She wants the statutes to explicitly discuss and allow this option.

Recommendation #2: Require insurance companies to itemize the cost of medical, dental and vision in bundled plans. Require insurance companies to refund consumers and, if applicable the federal government, for dental and/or vision services that cannot be used due to non-accessible provider networks.

Ms. McQueeney reviewed her proposal, *Direct insurance companies to itemize the cost of medical, dental and vision in plans that offer these coverages and control provider networks*, as submitted.

Board members discussed this issue, trying to understand what plans are at issue and why services are not accessible. She mentioned an example of a bundled dental product that didn't have any in-network providers and asked if those networks are being reviewed. OIR and AHCA (Agency for Health Care Administration) will research.

Recommendation #3: Expand statute 627.666 to include individual on- and off-exchange policy holders a Deductible Health Credit Transfer to a new policy equal to the deductible paid by the policy holder to the prior insurer. The Credit Transfer should be for the entire amount paid by the consumer without limitations such as a time frame of 90 days preceding the effective date of the succeeding insurer's plan or recognition of the expenses actually incurred under the terms of the succeeding insurer's plan and subject to a similar deductible provision.

Ms. McQueeney reviewed her proposal, *Deductible Health Credit Transfer*, as submitted, noting that this was approved by the Board previously as a legislative recommendation. She stated that this issue also exists with the copay accumulator.

Recommendation #4: Provide consumer with one free copy of their medical record, to be provided to consumer by mail or electronic mail, at the time of payment request for services provided.

Ms. McQueeney reviewed her proposal, *Provide health care consumers with one free copy of their own medical records*, as submitted, noting that this was approved by the Board previously as a legislative recommendation.

Recommendation #5: Prohibit insurance carriers from amending or removing a covered prescription drug during the policy year. This will not preclude the insurance carrier from expanding the formulary and lowering prices throughout the policy year. This would exclude the formulary for Florida Medicaid which is covered under section 409.91195, Florida Statutes.

Ms. McQueeney reviewed her proposal, *Protect Consumers from prescription drug formulary changes during a policy year*, as submitted.

Board members discussed this issue, with carrier representatives explaining that various contracts change throughout the year (not just drug pricing), and that this recommendation may not achieve a positive outcome for the consumer as intended.

Recommendation #6: Codify into state law requirements that Florida health plans may not vary rates based on one or more pre-existing conditions. Rates can vary based solely on four factors: family composition, geographic area, age, and tobacco use. Insurers are prohibited from charging an older adult in the oldest age band more than 3 times the rate of a younger person in the youngest age band and from charging tobacco users more than 1.5 times the rate of a non-tobacco-user's rate.

Ms. McQueeney reviewed her proposal, *Protect Consumers from uncontrolled health insurance premium rates based on preexisting conditions*, as submitted.

Seth Phelps noted that while he understands the intention behind this proposal, if the ACA (Affordable Care Act) is overturned, there needs to be a much more comprehensive discussion regarding changes that may or may not be needed to stabilize the Florida marketplace.

Recommendation #7: In inadequate narrow networks where primary care, mental health and hospital services are not within 30 miles or 30 minutes of each enrollee's place of residence or work, treat out-of-network care as in-network care and apply the cost of the care to the annual accumulators, such as the deductible. Improve network adequacy.

Ms. McQueeney reviewed her proposal, *Direct the Florida Office of Insurance Regulation to develop better and more inclusive standards of network adequacy for all group and individual health plans*, as submitted.

Molly McKinstry noted that AHCA handles complaints about network adequacy so this would fit more squarely with AHCA in terms of oversight. She also noted that AHCA is able to resolve issues when they do receive complaints. She would like to understand exactly what the issues are that are being seen with regard to network adequacy to see if they can be addressed within their current authority. The Chair noted that last year, the Board voted to amend this recommendation from "Direct the Florida Office of Insurance Regulation..." to "Direct the Agency for Health Care Administration..." in case they would like to make that change again this

year. Seth Phelps noted that the insurance industry generally tries to provide options and price points for consumers, so he suggested that whatever is recommended should be flexible enough to allow for options to meet the consumers' needs at various price points.

Recommendation #8: Apply the balance bill rules under HB221, signed into law by Governor Scott, to include emergency transportation.

Ms. McQueeney reviewed her proposal, *Prohibit balance billing for emergency medical transportation*, as submitted, noting that this was approved by the Board previously as a legislative recommendation.

John Matthews noted that the balance billing prohibition for air ambulance passed during the last legislative session and is currently in litigation. As a result, Seth Phelps suggested that the Board wait and see what the results of this litigation are before acting on this recommendation.

Recommendation #9: Require a stronger consumer disclosure than is required by federal regulation. Ensure brokers and agents read the full disclosure to the consumer and require the consumer to sign a statement that they have read the disclosure. Institute an external appeal process where a third party will make final appeal determinations.

Ms. McQueeney reviewed her proposal, *Protect Consumers and Insurance Markets from short term plans*, as submitted.

Recommendation #10: Require each carrier authorized to sell health insurance in Florida to include at minimum one plan in each service area to cover Applied Analysis Services as covered by Medicaid.

Ms. McQueeney reviewed her proposal, *Include Applied Behavioral Analysis as a covered benefit in select private insurance plans*, as submitted.

John Matthews noted that this may result in a fiscal impact to the state. Seth Phelps noted that Florida law requires fully-insured large groups to cover ABA (Applied Behavioral Analysis).

Recommendation #11: Establish clear, meaningful, and accessible procedures for prescribers to override the process by requesting an exemption; Prohibit insurers from requiring insured patients to fail a drug more than once.

Ms. McQueeney reviewed her proposal, *Establish Step Therapy Protocols*, as submitted.

Molly McKinstry requested that Florida Medicaid coverage be excluded from this recommendation. John Matthews noted that the Legislature passed something back in 2019 that should now be in effect and asked if complaints were still being heard, to which Ms. McQueeney replied in the affirmative.

The Chair thanked everyone for their participation and input into the discussion. He then asked that those who were asked to provide additional information submit the requested information as soon as possible to Amy Hardee for distribution to the Board.

VII. Other Business

With there being no further business items on the agenda, the Chair asked if there were any members of the Board with other business to be brought before the Board.

Bill Herrle asked for a status on the Executive Director Search. The Chair obliged re-stating the status he provided during Opening Remarks. Mr. Herrle asked the Search Committee Chairman (Seth Phelps) if he was generally satisfied with the pool of candidates. Chairman Phelps responded that he has not seen the applicant information yet. Mr. Herrle noted that three seems like a small pool of candidates and asked if there was any interest in extending or re-posting the position. Chairman Phelps said he was sure that was an option if the Committee so desired. Mr. Herrle then asked if the Committee had the authority to re-post/extend the advertisement if they so choose and Chairman Phelps responded that the Committee would bring their recommendation back to the Board.

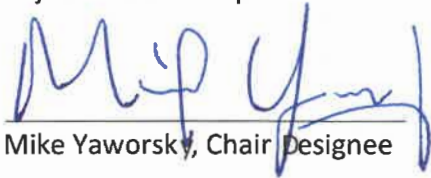
There being no further business, the Chair moved to the next agenda item.

VIII. Public Comment

The Chair asked if there were any members of the public who would like to comment. There being none, the Chair moved to the next agenda item.

IX. Adjourn

The Chair thanked everyone for participating. Having no further business, the meeting was adjourned at 3:23 pm.


Mike Yaworsky, Chair Designee

1/22/21
Date