

**Marketplace Advisory Committee Meeting Minutes**  
**Thursday, Dec. 9, 2021 - 9 a.m. to noon**  
**Virtual meeting via Microsoft Teams**

**Committee members:** Kraig Anderson, Dan Field (chairperson), Ron Gallinat, Maribeth Guarino, Jim Houser, Kathleen Jonathan, Sean McAnulty, Ken Provencher, Shanon Saldivar (vice-chairperson), Linzay Shirahama, and Andrew Stolfi (ex-officio)

**Members not present:** Shonna Butler

**Other presenters:** Stephanie Kennan, Timothy Sweeney, Jeremy Vandehey, and Tony Lapiz

**Marketplace staff:** Chiqui Flowers, administrator; Victor Garcia, operations development specialist; Cable Hogue, implementation analyst and federal liaison; Misty Rayas, outreach and education section manager; and Dawn Shaw, office support coordinator

<b>Agenda item and time stamp*</b>	<b>Discussion</b>
<b>Welcome and committee housekeeping</b> 00:00:00*	Minutes from Oct. 14, 2021, meeting approved. <i>See Pages 3-6 of handout package for a copy of the minutes.</i>
<b>Introduction of new members</b> 00:03:53	Shannon Saldivar introduced new members Ron Gallinat and Maribeth Guarino. <i>See Pages 7-10 of handout package for bios and updated roster.</i>
<b>Federal health policy movement</b> 00:09:51	Stephanie Kennan from McGuire Woods Consulting called in from Washington, D.C., to present information about current legislation and cases that involve the Affordable Care Act (ACA). <ul style="list-style-type: none"><li>• We are in the last throes of the first session of this congress.</li><li>• Continuing resolution through Feb. 18 so there will not be a government shutdown at this time. Right now, we are still funding some Trump priorities, they may remain until after the Nov. 2022 mid-term election.</li><li>• Debt ceiling – U.S. House is done and it is over to the U.S. Senate. Not sure when the Senate will take it up.</li><li>• National Defense Authorization Bill nominations took a pause for the ceremony for Bob Dole.</li><li>• Build Back Better (BBB)<ul style="list-style-type: none"><li>○ Not likely to be passed before Christmas.</li><li>○ Must directly increase or decrease spending.</li><li>○ U.S. Senate and U.S. House versions will be different once U.S. Senate sends back to the U.S. House for their review. Nailing down schedules.</li><li>○ There is a lot in the act in regards to health care.<ul style="list-style-type: none"><li>▪ Extends American Rescue Plan Act (ARPA) subsidies that eliminate income eligibility caps. Will increase premium tax credit (PTC) until 2025.</li><li>▪ Extends special Marketplace rule for people receiving unemployment insurance until the end of 2025.</li></ul></li></ul></li></ul>

- Changes the affordability test for employer sponsored health coverage from 9.6 percent to 8.5 percent of total income for tax years 2022-2025.
- Changes Medicare drug benefit
  - Hard cap on out-of-pocket costs for Part D.
  - Lowering the beneficiaries share of total costs to 23 from 25 percent.
  - Allow the government to negotiate Part B and D drug prices: 10 drugs in 2025, 15 in 2026 and 20 in 2028.
  - Generic companies are concerned about the generic market, the concerns are noted and they are being told that it will be adjusted in regulations.
- Medicaid provisions will allow states that did not expand Medicaid to be subsidized. Will prevent non-expansion states to claim federal match funds. Will increase the federal match from 90 percent to 93 percent for years 2023-2025.
- Public health emergency (PHE) has been extended to Jan. 16, 2022. May or may not be extended past then, most projections have it ending by April 1.
- U.S. House passed a bill this week to prevent sequesters in Medicare reimbursement for physicians and other providers pre-deductibility for employer telehealth in high deductible HSA plans. Expires Jan. 1, not likely to stay.
- CMS has a 44-page list of provisions they are waiving. So far, they have only termed six items, there is some concern with waiving all of them at once. They will work on phasing them out. The ones they want first have to do with data submissions.
- Kraig questioned if there was a way to extend the ARPA subsidies if BBB doesn't pass. The answer was only if in a stand-alone bill or attached to another bill. There aren't many bills available to attach it to. Attaching to the continuing resolution won't work.

**Ending of the COVID-19 public health emergency and the Marketplace**  
00:24:38

Misty Rayas and Cable Hogue discussed the pending end of the PHE due to COVID-19.

*See Pages 11-14 of handout package for a copy of the presentation.*

- Ken wanted to know if there has been any provider mapping being done. The answer is we haven't done any yet. They are some ideas and a potential algorithm and we are looking for the best method.
- Kraig was curious if there has been a collaboration with carriers and if workgroups were happening. The response is the topic is being mentioned in the Department of Financial Regulation (DFR) industry communications meetings. There will be expanded carrier communications when we have more details, hopefully in January.
- There will be a data call and starting the conversations.
- Maribeth wondered how long it will take. The answer is it will be similar to renewal periods, but still in early planning.
- Sean asked about outreach to dual covered individuals. Cable said that if there are any issues, reach out to us and we can help resolve the issue on the Marketplace side.
- Shanon wanted to know if there will be a plan to reach out to community health workers to help bridge any gaps. This is a great idea and they want to avoid just sending out letters.

**Oregon State  
public option  
report**  
00:53:35

Timothy Sweeney and Jeremy Vandehey presented about updates in developing the public health option.

*See Pages 15-20 of handout package for a copy of the presentation.*

- Working with Manatt to develop a report. They will have recommendations on what has worked with other states and their public health option proposals.
- Jim asked if the target demographics that are anticipated are people, by income, that don't currently qualify for OHP or any subsidies and are low-wage workers. The answer is not necessarily, it will be people in the 138 to 250 percentile of the federal poverty limit (FPL). Additionally, Jim asked if the cost sharing bill that didn't pass a while ago would be considered. Currently that bill is not a part of the public option process.
- Shanon wondered if unintended consequences would be looked at. The answer is that they are looking at the market stability and how it will affect carriers.
- Kraig asked if there will be a chance for feedback before the final report. They are getting feedback as the report is being written and will inform on recommendations.
- Chiqui proposed having a series of conversations in January. By that time, we will:
  - Know how open enrollment went;
  - Have more information about ARPA (American Rescue Plan Act) and BBB (Build Back Better);
  - Hopefully the federal actuarial value calculator will have come out;
  - The proposed 2023 Notice of Benefit and Payment Parameters will have come out.

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**Gov. Kate  
Brown's health  
policy priorities  
for 2022**  
01:22:54

Tony Lapiz introduced himself and went over Gov. Kate Brown's health policy priorities.

- Legislature will go into a special session on Monday.
- There will be a short session in 2022 starting in February. Short sessions squeeze what happens in six months for the long session into one month.
- Legislative concepts were due Nov. 19. Lawyers are working on writing the bills and are expected to be back Jan. 10.
- Have had meetings with health care chairs and members to get an overview of what they are working on.
- Legislative days are coming:
  - Jan. 10 through 13 will be informational hearings.
  - Around Jan. 14 or 15 the legislative concepts will be introduced.
  - Feb. 1 the legislature starts.
  - March 7 will be the last day, but it can end earlier.
  - The first couple of weeks determines if a bill will stay alive or not.
- Most of the focus would be on bills that almost passed in the 2021 long session but needed some more work.
  - Surgical tech apprenticeships
  - IVF coverage
  - Home visiting topics
  - Technical fix for reproductive health equity act that passed in 2017
  - Public option
- The Governor's three priority bills are:
  - Private Forest Support Act
  - Renaming the Environmental Justice Task Force to Environmental Justice Council

- Oregon Future Ready Work Force – will look at the impact of COVID-19 on the workforce and how to go forward. This includes health care providers.
- The Governor is looking at which policies increase coverage, access, and quality.

**House Bill 2992**  
01:33:11

Victor Garcia reviewed House Bill 2992 and how it will affect this committee.  
*See Pages 21-24 of handout package for a copy of the presentation*

- Attestation forms will be sent out shortly.
- Shanon wondered how the general public will be informed. The answer is we are not sure, it is still being rolled out. It can depend on if the board is Governor or agency appointed and how they choose to send out the information.

**OHPB Committee Membership workgroup update**  
01:44:32

Susan Otter discussed updates for the Oregon Health Policy Board Committee Membership workgroup.  
*See Pages 25-27 of the handout package for a copy of the presentation.*

- The survey is to have more situational awareness and baseline. It won't impact membership with the committee.

**Upcoming committee seat vacancies & committee information**  
02:01:47

Chiqui Flowers went over members who are terming out February 2022 and other committee information.

*See Page 29 of the handout package for a list of outgoing members.*

- Work is still coming out in the next few weeks.
- Deadline for new applications is Dec. 20 for a February confirmation.
- Even though members are leaving they are still welcome to attend meetings.
- Lindsey Hopper from PacificSource has applied.
- We are hoping in the future to stagger the terms so there isn't such a big exodus. It usually depends on when members are confirmed.
- There was a press release from CMS touting a good open enrollment season. There have been 4.6 million enrollments through HealthCare.gov. Oregon has 52,379 plan selections so far, this does not count the auto enrollments. Feeling optimistic that we will meet and beat last years baseline of 141,089. The enrollment numbers may be up due to ARPA subsidies. The last half of open enrollment, we will be pushing our various messages out and using HealthCare.gov's marketing, which has had a boost due to the current administration.

**Public comment, wrap up, and closing**  
02:16:10

No public comments made.

Next meeting is scheduled to be virtual on Thursday, Jan. 27, 2022, from 9 a.m. to noon. Email Chiqui with any agenda items.

Open enrollment ends Jan. 15, 2022.

The physical move of the Marketplace from the Labor and Industries building to the Health Services building on Summer Street will be complete by the end of February.

Happy Holidays!!

\*These minutes include timestamps from the meeting audio in an hour: minutes: seconds format. Meeting materials and audio are found on the Oregon Health Insurance Marketplace Advisory Committee [website](#) under 2021 Meetings, Dec. 9.