

MINUTES
SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Thursday, January 24, 2019

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Patrick, Vice Chairman Agenbroad, Senators Martin, Lakey, Guthrie, Thayn, Souza, Ward-Engelking, and Burgoyne

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Patrick** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:31 p.m.

PRESENTATION: **Your Health Idaho (YHI). Patrick Kelly**, Executive Director, YHI, reported the significant accomplishments, enrollment numbers, planning for 2019, and policy changes for YHI. He stated the mission was to maintain maximum control of Idaho's health insurance marketplace at minimal cost to its citizens.

Mr. Kelly outlined the significant accomplishments in 2018. Namely, more choices than ever before were offered to Idahoans on the YHI Exchange, with 299 plans from seven carriers. There was a reinforced commitment to a flawless customer experience through technology enhancements and website redesign. The Net Promoter Score (NPS) was implemented to measure customer satisfaction. Relationships were strengthened with a statewide network of Consumer Connectors. **Mr. Kelly** stated they promoted the value of having coverage and the savings available through the YHI Exchange. Idahoans have continually saved money by maintaining an assessment fee significantly lower than the federal marketplace. Conservative fiscal principles have been maintained.

Mr. Kelly highlighted enrollment charts by type, gender, and age. A copy of the entire report can be found at the Your Health Idaho website.

Mr. Kelly outlined the plans for 2019. In preparation for 2019, YHI hosted an open enrollment summit in April, implemented technology enhancements to address the most common support requests, added prescription drug and provider search capabilities, and refreshed the website with streamlined information, including mobile optimization. In addition, YHI worked with the Idaho Department of Insurance to offer 293 plans in 2019. The hiring of seasonal employees began in August, giving ample time for training. More than 900 agents, brokers, and enrollment counselors were certified. **Mr. Kelly** indicated outreach efforts have been expanded with events across the State. Additionally, strong media coverage across the State promoted 2019 plan choice and enrollment deadlines. Paid advertising spanned a variety of platforms with a targeted approach.

Mr. Kelly reported the results of planning and preparation. The individual mandate was reduced to \$0, but YHI saw little impact to enrollments. Over 103,000 Idahoans enrolled for 2019 with an 83 percent renewal rate. Time spent

on the website decreased by half. Customer support tickets saw a significant reduction. NPS scores stayed well above industry standards.

Mr. Kelly explained Medicaid expansion was passed with Proposition 2 on November 6, 2018. Funding is pending in this legislative session with an implementation date estimated at no earlier than January 1, 2020. Under traditional Medicaid expansion those at the 100 to 138 percent Federal Poverty Level (FPL) move from the YHI Exchange to Medicaid. Approximately 20 percent of YHI enrollments are within this income range. YHI is actively working to increase enrollment through targeted messaging to key groups.

DISCUSSION:

Chairman Patrick commented the decision the State had to make a few years ago was very successful in spite of all of the controversy.

Senator Lakey and **Mr. Kelly** discussed how gaps in service were handled. The NPS helped identify and correct problems when account linking was corrected.

Senator Martin, asked if 20 percent transferred to Medicaid, would there be an equal savings or would YHI have to downsize. **Mr. Kelly** remarked there would be no cost structure change and no downsizing, as YHI has already planned for the transfer. **Vice Chairman Agenbroad** referred to Medicaid expansion and the effects the new law would have on the YHI Exchange and discussed the ramifications with **Mr. Kelly**. **Mr. Kelly** stated YHI would work closely with the Idaho Department of Health and Welfare (IDHW) for a seamless change. **Senator Guthrie** stated that since 20 percent of YHI customers will migrate into Medicaid expansion, would there be a loss in premium tax or would any costs change. **Mr. Kelly** explained when individuals move to Medicaid, premium dollars move off of the YHI Exchange. Those are federal dollars for federal tax credit and the credit can no longer be claimed on income tax returns. **Senator Souza** expressed a concern about the 20 percent of customers who would be moving off of the YHI Exchange. She queried what the average subsidy was and how much out-of-pocket expense there was for being on the YHI Exchange. **Mr. Kelly** noted the average premium in 2018 was \$500 per month and the tax credit was \$400 per month. The tax credit could be higher in some cases and the premium lower. **Senator Souza** asked about how much in premium money would be gone from the YHI Exchange with Medicaid expansion. **Mr. Kelly** stated the loss could be in the range of \$500 million in premiums for that particular population; however, in revenue dollars the loss would be about \$2 million. He reported those on Medicaid could also enroll in a health plan, but would no longer be eligible for a tax credit. However, that would be unlikely due to being at the lower end of the income level and unable to afford the premiums.

**MINUTES
APPROVAL:
RS 26544C1**

Senator Guthrie moved to approve the Minutes of January 15, 2019. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

Relating to Workers' Compensation First Responders - Post Traumatic Stress Disorder (PTSD). **Representative Mat Erpelding** reported this Routing Slip (RS) identifies PTSD, otherwise known as Post Traumatic Stress Injury (PTSI), as an occupational injury that affects Idaho's first responders. Under current law, a mental injury must be accompanied by a physical injury. **Representative Erpelding** pointed out this changes current statute that if a first responder has "clear and convincing" evidence of a physiological injury, the treatment would be handled through workers' compensation. The provision of this act shall be null, void, and of no force and effect on and after July 1, 2023.

Representative Erpelding explained the National Council on Compensation Insurance (NCCI) expects that the enactment of this legislation will increase costs of workers' compensation rates that local municipalities pay as claims come

in. However, the extent of an increase is difficult to estimate due to significant data limitations. Workers' compensation rates are averaged over a three-year period of time. There is no impact to the General Fund.

DISCUSSION: **Senator Lakey** voiced his support for the RS. **Senator Thayne** inquired as to the treatment for PTSD and PTSI. **Representative Erpelding** explained the goal was to keep the employee in the work environment. He explained there would also be 15 to 20 therapeutic visits outside of the workplace.

MOTION: **Senator Ward-Engelking** moved to send **RS 26544C1** to print. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Chairman Patrick passed the gavel to Vice Chairman Agenbroad to hear the rules.

DOCKET NO. 18-0130-1801 **Individual Disability and Group Supplemental Disability Insurance Minimum Standards Rule.** **Dean L. Cameron**, Director, Idaho Department of Insurance (IDOI), reported this rulemaking follows House Concurrent Resolution (HCR) 45 (2018) and some meetings that have already occurred with the IDOI. Health insurers have not covered hearing aids for children based on exclusionary language in this rule addressing the individual market. This rulemaking seeks to revise language related to exclusions for hearing aids so that hearing loss interventions will be covered with certain parameters.

There is no fiscal impact to the General Fund. Negotiated rulemaking was conducted. There is no incorporation by reference.

DISCUSSION: **Senator Martin** asked if a child or parent could decide after ten visits to stop coming for therapy. **Mr. Cameron** stated a carrier would be required to provide not less than 45 visits, but a parent could opt out if the therapist and the parent felt the child did not need further treatment. Most parents choose to stay in the program.

TESTIMONY: The following testified in support of this docket: **Lesa Coleman**, Idaho Hands and Voices; **Kat Ross**, Executive Director of Idaho Hands and Voices; **Andrea Amestoy**, Registered Nurse; **Gretchen Fors**, parent, and daughter, **Greta Fors**; **Ray Lockary**; **Steven Snow**, Executive Director of the Idaho Council for the Deaf and Hard of Hearing; **Brian Darcy**, Idaho Bureau of Educational Services for the Deaf and Blind; **Jessica Stidahennen**, St. Luke's Pediatric Audiology; and **Representative Rubel**, who thanked all who worked collaboratively on this legislation.

DISCUSSION: **Senator Souza** and **Mr. Snow** discussed identifying hearing loss at an earlier age due to the availability of better resources.

MOTION: **Senator Burgoyne** moved to approve **Docket No. 18-0130-1801**. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 18-0170-1801 **Rules Governing Small Employer Health Insurance Availability Act Plan Design.** **Dean L. Cameron**, Director, Idaho Department of Insurance (IDOI), stated this rulemaking follows House Concurrent Resolution (HCR) 45 (2018) and some meetings that have already occurred with the IDOI. Health insurers have not covered hearing aids for children based on exclusionary language in this rule addressing the small group market. Public meetings were held July 23 and September 6, 2018. This rulemaking seeks to revise language related to exclusions for hearing aids so that hearing loss interventions will be covered within certain parameters. (This rule is a companion to that affecting the individual insurance market in Idaho Administrative Procedure Act (IDAPA) 18.01.30).

There is no impact to the General Fund. Negotiated rulemaking was conducted. There is no incorporation by reference.

MOTION: **Senator Thayn** moved to approve **Docket No. 18-0170-1801**. **Chairman Patrick** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Vice Chairman Agenbroad passed the gavel back to Chairman Patrick.

ADJOURNED: There being no further business, **Chairman Patrick** adjourned the meeting at 2:47 p.m.

Senator Patrick
Chair

Linda Kambeitz
Secretary