

BURLINGTON COUNTY INSURANCE COMMISSION
OPEN MINUTES
MEETING – February 14, 2022
TELEPHONIC MEETING
2:00 PM

Executive Director called the meeting to order and read the Open Public Meetings notice into record.

ROLL CALL OF COMMISSIONERS:

Ashley Buono, Esq.	Excused
Eve A. Cullinan	Present
Damon Burke	Present
Dina Rocco, Esq. (Alternate)	Present

FUND PROFESSIONALS PRESENT:

Executive Director	PERMA Risk Management Services Joseph Hrubash
Claims Services	PMA Management Corp. Justin Wilkinson Jennifer Signs
	Qual Lynx
	PERMA Risk Management Services Jennifer Conicella
Attorney	CraigAnninBaxter Law Jeffrey S. Craig, Esq.
NJCE Underwriting Manager	Conner Strong & Buckelew Ed Cooney
Treasurer	Edward Troy
Safety Director	J.A. Montgomery Consulting Glenn Prince
Employee Benefits	PERMA Risk Management Services Brandon Lodics Emily Koval
	Conner Strong & Buckelew Brandon Lodics Diane Peterson
	Amerihealth Administrators Megan Penick
	Express Scripts, Inc. Michael Stahl

ALSO PRESENT:

Tom Reilly, J.A. Montgomery
Bob Gemmell, Brown & Brown
Christina Violetti, Hardenbergh Insurance Group
Cathy Dodd, PERMA Risk Management Services

APPROVAL OF MINUTES: OPEN MINUTES OF JANUARY 10, 2022

MOTION TO APPROVE OPEN MINUTES OF JANUARY 10, 2022

Moved: Commissioner Cullinan
Second: Commissioner Burke
Vote: 3 Ayes, 0 Nays

CORRESPONDENCE: NONE

COMMITTEE REPORTS:

SAFETY COMMITTEE: Mr. Prince reported the Safety Committee last met on January 20 at 10:00 AM. Mr. Prince advised a variety of topics were discussed including two Safety Director Bulletins, Best Practices for Snow Emergencies and Managing Slips Trips and Falls during the inclement weather season. Mr. Prince said they also discussed training opportunities that were available and members were encouraged to visit the NJCE website. Mr. Prince advised the next meeting was scheduled for April 21 at 10:00 AM. Mr. Prince reported he would coordinate with Mr. Burke for agenda topics and would distribute the meetings electronically. Mr. Prince concluded his report unless there were any questions.

CLAIMS COMMITTEE: Ms. Conicella reported the Claims Committee only had one settlement authority to present and would do so during closed session. Ms. Conicella concluded her report unless there were any questions.

EXECUTIVE DIRECTOR REPORT: Executive Director advised his report was included in the agenda

NJCE 2022 RENEWAL OVERVIEW: Executive Director reported the NJCE Underwriting Manager completed the 2022 Renewal Marketing and there were a number of changes, which were summarized in the renewal overview in Appendix II. Executive Director noted there were two webinars held where all of the changes were reviewed in detail. Executive Director thought the overview was posted to the NJCE website.

Mr. Cooney said the presentation overview really provided a good overview of the renewal and any changes. Mr. Cooney advised there was also a summary document in the presentation which was helpful. Mr. Cooney reported over the next weeks he would send out a separate memo with key takeaways or to do items over the course of 2022. Executive Director asked if anyone had any questions for Mr. Cooney.

2022 PLAN OF RISK MANAGEMENT: Executive Director reported the Plan of Risk Management was included in Appendix III of the agenda. Executive Director advised the Plan was an overview of the Commission’s coverage, risks retained by the Commission, reserving philosophy, method of assessing member contributions and claim payment authority. Executive Director noted the changes were highlighted in yellow. Mr. Cooney advised the Plan of Risk Management was updated to reflect any changes necessary and again it’s all the same things that were outlined in the presentation. Executive Director requested a motion to approve the Plan.

MOTION TO APPROVE RESOLUTION 13-22, PLAN OF RISK MANAGEMENT

Moved: Commissioner Burke
Second: Commissioner Rocco

Roll Call Vote: 3 Ayes, 0 Nays

NJ COUNTIES EXCESS JOINT INSURANCE FUND (NJCE): Executive Director reported the NJCE was scheduled to meet again on Thursday, February 24, 2022 at 9:30 AM via Zoom.

CERTIFICATE OF INSURANCE REPORTS: Executive Director referred to copies of the certificate of insurance issuance reports from the NJCE listing those certificates issued during the months of December and January which were included in the agenda. Executive Director advised there were (8) eight certificates issued in December and (2) two in January. Executive Director asked if anyone had any questions on the reports. In response to Executive Director’s inquiry, Mr. Burke advised he was familiar with all of the requests.

MOTION TO APPROVE THE CERTIFICATE OF INSURANCE REPORT

Moved: Commissioner Burke
Second: Commissioner Rocco
Roll Call Vote: 3 Ayes, 0 Nays

ACTIVE ASSAILANT COVERAGE: Executive Director said at our January meeting we discussed the feasibility of purchasing the Active Assailant Coverage. Executive Director advised it was agreed the Commissioners would review and provide feedback. Executive Director said the Board of Social was interested in the coverage, but they were unable to purchase it without the County participating since they leased the building from the County. Executive Director explained this coverage provided in the event an individual or individuals threatened and or inflicted harm to an employee or other individuals at a covered location this policy would pay for the costs incurred for crisis management public relations, additional security measures and employee relocation, training and recruitment. Executive Director reviewed the quote for this coverage and said we were recommending purchase of this coverage.

XL Option 1: \$5M Per Occurrence/\$5M Annual Aggregate				
Entity	TIV	% of TIV	\$ Share of Premium	
Burlington County (includes BOSS)	\$ 361,310,387	17%	\$ 13,618.00	
Burlington County Bridge Commission	\$ 21,921,900	1%	\$ 826.00	
Rown College At Burlington County	\$ 372,725,879	18%	\$ 14,048.00	

MOTION TO APPROVE THE PURCHASE OF THE ACTIVE ASSAILANT COVERAGE

Moved: Commissioner Burke
Second: Commissioner Rocco
Roll Call Vote: 3 Ayes, 0 Nays

BURLINGTON COUNTY SPECIAL SERVICES SCHOOL DISTRICT MEDICAL MALPRACTICE: Executive Director reported the BCSSSD has opted to purchase Medical Malpractice coverage for the employed physical therapists, occupational therapists and speech therapists while acting in the scope of their duties. Executive Director said this was for informational purposes only and no action was required.

BCIC PROPERTY & CASUALTY FINANCIAL FAST TRACK: Executive Director reported the November Financial Fast Track was included in the agenda. Executive Director advised as of November 30, 2021 there was a surplus of \$3,667,536. Executive Director referred to line 10 of the report, “Investment in Joint Venture” and indicated \$1,247,555 of the surplus was the BCIC’s share of the NJCE equity. Executive Director noted the cash amount was \$6,669,703.

NJCE PROPERTY & CASUALTY FINANCIAL FAST TRACK: Executive Director reported the November Financial Fast Track for the NJCE was included in the agenda. As of November 30, 2021 the NJCE had a surplus of \$12,987,214. Executive Director noted the total cash amount was \$31,395,191. Executive Director reported line 7 of the report “Dividend” presented the figure released by the NJCE of \$5,107,551. Executive Director asked if there were any questions on the Financial Fast Tracks.

CLAIMS TRACKING REPORTS: Executive Director reported the claims tracking reports as of November 30, 2021 were included in the agenda. Executive Director reviewed the reports with the Commission.

2022 EXCESS INSURANCE AND ANCILLARY COVERAGE POLICIES: Executive Director reported the NJCE renewal policies would again be available electronically through the Conner Strong & Buckelew Egnite Connect for authorized users. Executive Director advised the Limit Schematics were also posted to the site. Executive Director said if anyone was having any difficulty in accessing the website, they should contact the Fund Office.

2022 PROPERTY & CASUALTY ASSESSMENTS: Executive Director advised in accordance with the Commission’s By Law’s the Property & Casualty Assessment Bills would be e-mailed to the member entities. Executive Director noted the first installment was due on March 15, 2022. Executive Director said future assessments would be due on May 15, 2022 and October 15, 2022.

2022 MEL, MRHIF & NJCE EDUCATIONAL SEMINAR: Executive Director reported the 11th Annual Educational Seminar would be held virtually again this year. Executive Director advised this year there would be two sessions, Friday, April 29th and Friday, May 6th, 9:00 AM to Noon. Executive Director noted the seminar qualified for Continuing Education Credits including CFO/CMFO, Public Works, Clerks, Insurance Producers and Purchasing Agents. Executive Director referred to the flyer which was included in the agenda. Executive Director said if you had any questions or needed assistance in registering to contact Cathy Dodd, cdodd@permainc.com

MARCH MEETING: Executive Director reported the next meeting was scheduled for Monday, March 14th and asked if the Commissioners wanted to meet in person. Mr. Burke said he was good either way, but wanted to hear from Ms. Cullinan and Ms. Buono. Mr. Craig advised his recommendation for anything like this was whatever the Burlington County Health Department was recommending or if they did not have a specific guideline then follow the New Jersey Department Health, whatever they say that’s what you should follow. Ms. Cullinan advised the Board was making their own decision based on the Covid numbers and the Burlington County Commissioners had not made a decision for March yet. Executive Director said we should keep the meeting virtual for now and then check with the Chair closer to the meeting date.

Executive Director's Report Made Part of Minutes

EXECUTIVE DIRECTOR’S REPORT

FINANCIAL PROCEDURES

- **Financial Fast Track** – The December FFT is included in the agenda on page 19. Mr. Lodics reviewed the financial report. Overall, there was a small loss in December and the surplus stands at \$7.7 million which is more than 2 months of claims. The Commission is in good standing, financially.

RISK MANAGEMENT PLAN – APPEALS AND CLAIMS FIDUCIARY

In preparation of the 2022 Risk Management Plan (RMP), it was realized that the Commission’s RMP was developed off traditional Health Insurance Fund (HIF) and TPA Contracts and does not match the actual

administration of the Commission.

Mr. Lodics said that the Risk Management Plan was not in sync with the Amerihealth contract on the fiduciary language. Currently, the HIFs throughout the State, dictate the Fund as the claims fiduciary, which provides the opportunity to make final determination on claims disputes and appeals. The Commission’s arrangement with AmeriHealth Administrators (AHA) has AHA acting as the claims fiduciary and handling both internal and external appeals. Before we update the RMP we want to outline the differences between the Commission being named fiduciary versus AmeriHealth Administrators retaining the authority.

Mr. Lodics said that there is a fee to allow Amerihealth to make final appeal decisions. The ACA law allows for an IRO to make the determination of medical necessity. Currently, AHA works with the IRO to determine, in other Funds across the State, the HIFs make the decision. He reviewed the differences. Either the Fund should change the contract or change the Risk Management plan to follow suit with what is actually happening. Mr. Lodics said there is not a recommendation to change to fiduciary, but wanted to make the Commissioners aware. The Fund will update the Risk Management to sync with the contract and plan documents.

Claims Fiduciary Agent	
	Current
Fiduciary	AmeriHealth Administrator (AHA)
	Commission
Final Claim Decision	AHA
Internal Appeals	AHA
External Appeals	Contracted IRO
Associated Cost	1.85 PEPM
Next Steps	Update RMP
Advantages	Removes Commission from appeals review and discussion
	Provides the opportunity for the Commission to make final decision on behalf of membership

Legislative Update

Vaccine Mandates

November 4, 2021, OSHA released the Emergency Temporary Standard, which implemented a “vaccine or test” requirement for Employers over 100 Employees. The Mandate is still not in effect has been through multiple State and Federal Court appeals. Most recently, on January 13, 2022, the US Supreme Court blocked the enforcement of vaccine or testing mandates for businesses with at least 100 employees.

As a reminder, testing as an occupational requirement is not covered under Employer Health Plans.

AmeriHealth Administrators

CMS Letters

As of February 3RD, 2022, there have been no new developments on the outstanding CMS claims for two individuals within the Commission. Conner Strong and Buckelew, in conjunction with AmeriHealth Administrators, are still awaiting a final response from CMS for both individuals and are monitoring the situation attentively.

“No Surprise Billing” Resolution

In late December, the Conner Strong and AmeriHealth teams conferenced regarding the carrier’s solution to comply with the Federal Mandate on “no surprise billing.” The “No Surprise Billing” Act of 2022 protects the insured from out-of-network provider billings when the participant did not have a choice in provider (I.e.,> anesthesiologist services for procedures performed by in-network providers and at in-network facilities or true-life emergencies in an out-of-network emergency room). The plan opts in or out of the AmeriHealth solution; however, the County plan already provides the protection this federal Act requires. The AmeriHealth solution develops a QPA (qualified payment amount); however, this does not prevent the provider from disputing the payment amount. The QPA is the median contract rate of the plan adjusted for CPI in urban markets. The Act provides rules regarding negotiations and Independent Dispute Resolution.

MDLIVE

In an ongoing effort to best serve its members and combat the public health emergency, AmeriHealth’s telemedicine service, MDLIVE, continues to be offered to BCIC’s members at a \$0 copay, regardless of diagnosis. This copay will continue to be waived until the end of the public health emergency on April 15th.

For specifics on which COVID-19 benefits will be impacted by the ending public health emergency, please refer to the handout labeled “COVID-19 Benefit Updates”.

COVID-19 Update

AmeriHealth Administrators

AmeriHealth Administrators has implemented the following actions and programs to mitigate COVID-19’s effect on their members. AmeriHealth Administrators currently covers the cost of administering vaccines with no cost share (such as co-pays, deductibles, coinsurance) for members regardless of where the vaccine is given. AmeriHealth will also cover the cost for COVID-19 boosters at no cost to the members.

For more specifics on what COVID-19 benefits are available to BCIC’s members, please refer to the handout labeled “COVID-19 Benefit Updates”.

Over-the-Counter (OTC) Testing Through Express Scripts

On January 10, 2022, the Biden administration released a final requirement that insurance companies and group health plans must cover eight (8) U.S. Food and Drug Administration (FDA) -approved over-the-counter (OTC) COVID-19 tests per month, at no member cost, by January 15, 2022. Participants enrolled in BCIC's prescription plan through Express Scripts are eligible for this benefit. OTC tests can be purchased online or in person at a pharmacy without a prescription. Tests will be covered under the Express Scripts (ESI) pharmacy plan at no cost at the point of sale. Tests required for surveillance or return to work purposes are NOT covered under your health plan. More information on this program can be found in the attached handout from ESI.

ESI also has given members the option to obtain OTC tests via mail order. This option is now available to those registered through ESI's member portal. The mail-order option allows participants to receive their kits via mail-in lieu of picking them up at a participating ESI pharmacy. The mail-order option will allow an eligible participant to receive more than eight (8) kits every 30-days. This includes the number of kits a participant may have received from a participating pharmacy and/or reimbursement for kits purchased outside of a participating pharmacy. It may take up to 4-weeks to receive the kits in the mail. Orders are filled and shipped by ESI as the kits are available.

FREE Tests from the Government

OTC test kits are also available through the US government, where each household is eligible to receive four (4) tests at no cost. Please refer to the handout labeled "Get Free At-Home COVID Test" for specific details about the program.

Ms. Peterson reviewed the mandate and said that ESI has helped make this happen in such quick timeframe.

Client Activity Report

Report Summary

As the insurance broker and program manager of Burlington County Insurance Commission, Connor Strong and Buckelew maintains records of all interactions between our Member Advocacy team and members of the Commission. From these records, CSB creates comprehensive monthly and annual reports on these interactions. Topics outlined in these reports are the subject of inquiry, the time it took to resolve the issue, and other statistics about BCIC's inquiries. The intent of this report is to understand better, address, and predict the needs of BCIC's members.

December 2021 Client Activity Report Highlights:

1. Seven members contacted our Member Advocacy team. Of the seven inquires, General Benefits/Plan Design was the most common inquiry (3), followed by inquiries from retirees (2).
2. The most common call source from the Commission was from Employees (5).
3. On average, 50% of all inquiries were addressed and closed by Member Advocacy on the same day of outreach. All other inquiries were addressed and closed within 10-days of outreach.

2021 Annual Client Activity Report Highlights

1. Forty-eight total members of BCIC contacted our Member Advocacy team in 2021. Of the forty-seven (47) inquires, General Benefits/Plan Design was the most common inquiry (16), followed by inquiries from retirees (8). Inquires related to Special Projects and Medicare tied for the third most common subjects, with each topic having five inquires respectively.
2. The most common call source related to the Commission was from Employees (33).
3. On average, 55% of inquiries were resolved on the same day of outreach, 23% took 1-5 days to address, 11% took 5-10 days to resolve, and 11% took beyond 10-days to find a resolution.

For the complete Client Activity report, please refer to the provided labeled “Client Activity Report” in Appendix IV.

AMERIHEALTH ADMINSTRATORS – Ms. Penick reviewed the Amerihealth reports for December included in the agenda.

EXPRESS SCRIPTS – Mr. Stahl reviewed the December claims report which was included in the agenda.

Benefits Executive Director's Report Made Part of Minutes

TREASURER REPORT: Mr. Troy reported he had the January Health Bills List and the February P&C Bills List. Mr. Troy advised he did just receive the February Health Bills List from Ms. Dodd. Ms. Dodd said the next Resolution was 17-22. Mr. Troy indicated he reviewed the resolutions and recommended payment.

**MOTION TO APPROVE RESOLUTION 14-22, JANUARY HEALTH BILLS LIST,
RESOLUTION 15-22, FEBRUARY P&C BILLS LIST AND RESOLUTION 17-22
FEBRUARY HEALTH BILLS LIST**

Moved:	Commissioner Rocco
Second:	Commissioner Cullinan
Roll Call Vote:	3 Ayes, 0 Nays

ATTORNEY: Mr. Craig advised he did not have any report this month unless anyone had any questions.

CLAIMS ADMINISTRATOR: Ms. Signs advised PMA’s monthly reports were included in the appendix section of the agenda. Ms. Signs referred to the WC Claims by Quarter Report valued as of 1/1/22. Ms. Signs reviewed the 2021 claim counts compared to 2020 for the member entities. Ms. Signs noted the claim counts were trending higher but attributed the increase to people returning to work after the leave from Covid. Ms. Signs referred to the Year to Date Containment Savings Report, which was included in the agenda for the period of 1/1/21 to 1/1/22 and advised PMA processed 1,243 bills in the amount of \$1,377,462. Ms. Signs said there was a savings applied of \$684,326 and the final paid charges were for \$693,136. Ms. Signs also reviewed the WC Claims Frequency and Severity by Location and Top 5 Causes Group by Claims Frequency reports which were included in the agenda. Ms. Signs concluded her report unless there were any questions.

NJCE SAFETY DIRECTOR: Mr. Prince advised the January - February 2022 All Risk Control Activity Report was included in the agenda. Mr. Prince reported they were providing Safety Expos around the State and this was a method for employees to obtain instructor based training as opposed to webinar-based training. Mr. Prince said he an associate spoke with Theresa Ventresca of the Bridge and Road Department and were attempting to coordinate an Expo in Burlington County as a host at the Emergency Training Center. Mr. Prince advised he was hoping to schedule something for the spring. Mr. Prince said this would accommodate

a request from John Janis for some instructor led training. Mr. Prince reported he received notification from the NJCE Underwriting Manager that the Munich Re Grant was authorized again for 2022. Mr. Prince advised the grant was for \$50,000 to be shared between the 10 County members. Mr. Prince said if any departments had any submissions they should forward to Mr. Burke. Mr. Prince concluded his report unless there were any questions.

OLD BUSINESS: None

NEW BUSINESS: None

PUBLIC COMMENT: Executive Director asked if there was anyone from the public that wanted to make a comment. There was no one from the public in attendance.

CLOSED SESSION: Executive Director read Resolution 16-22, Resolution for Closed Session, and requested a Motion for Executive Session (in accordance with the Open Public Meetings Act, N.J.S.A. 10:4012) to discuss payment authority requests.

MOTION TO APPROVE SAR # 4090 AS DISCUSSED IN CLOSED SESSION

Moved:	Commissioner Cullinan
Second:	Commissioner Rocco
Vote:	3 Ayes, 0 Nays

Executive Director said the next meeting was scheduled for Monday, March 14, 2022.

MOTION TO ADJOURN:

Moved:	Commissioner Burke
Second:	Commissioner Cullinan
Vote:	3 Ayes, 0 Nays

MEETING ADJOURNED 3:01 PM

Minutes prepared by:
Cathy Dodd, Assisting Secretary
Emily Koval, Benefits