

In The Matter Of:
Department of Community Health

Hearing
July 13, 2020

Regency-Brentano, Inc.
13 Corporate Square
Suite 140
Atlanta, Georgia 30329
404.321.3333



REGENCY-BRENTANO, INC.
Certified Court Reporters

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DEPARTMENT OF COMMUNITY HEALTH

STATE OF GEORGIA

PUBLIC HEARING IN RE:

Reinsurance and Georgia Access Section 1332 State
Relief and Empowerment Waiver

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Proceedings before Matthew Krull, Esq., Health
Policy Counsel, reported by Louise Griffith, Certified
Court Reporter, at 2 Peachtree Street, 5th Floor,
Atlanta, Georgia, on the 13th day of July, 2020,
commencing at the hour of 10:00 a.m.

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REGENCY-BRENTANO, INC.
13 Corporate Square
Suite 140
Atlanta, Georgia 30329
(404) 321-3333

Regency-Brentano, Inc.

1 APPEARANCES OF COUNSEL:

2 MATTHEW C. KRULL, ESQ.
3 BLAKE T. FULENWIDER, ESQ.
4 GA Department of Community Health
5 2 Peachtree Street, N.W.
6 40th Floor
7 Atlanta, GA 30303

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9 (Whereupon, disclosure as required by the
10 Georgia Board of Court Reporting was made by the
11 court reporter, a written copy of which is
12 attached hereto.)
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1 MR. KRULL: Good morning. I'm Matthew
2 Krull, Health Policy Counsel, at the Department
3 of Community Health in the Office of General
4 Counsel. Today is July 13th, 2020. It is now
5 9:00 -- 10:00 a.m.

6 This is the public hearing on Georgia's
7 Reinsurance and the Georgia Access Section 1332
8 State Relief and Empowerment Waiver. This
9 public hearing is being held in person and
10 virtually through the Webex videoconferencing
11 system.

12 This public notice was issued by Governor
13 Brian B. Kemp on July 9, 2020. This notice is
14 incorporated into these proceedings.

15 Pursuant to 31 C.F.R. Section 33.112 and 45
16 C.F.R. Section 155.1312, the State of Georgia is
17 providing public notice and a comment period
18 prior to submitting a modification to its
19 previous Section 1332 waiver application
20 submitted to the departments of Health and Human
21 Services and the Treasury on December 23rd,
22 2019. On July 9th, 2020, the Governor issued a
23 press release opening a second comment period
24 for an additional 15 days to allow for a
25 thorough public comment.

1 The public comment period will expire on
2 July 23rd, 2020 at 11:59 p.m. Individuals
3 wishing to provide written comments on or before
4 July 23rd, 2020 may submit comments online
5 through a web form, which can be found at
6 medicaid.georgia.gov/patientsfirst, or by mail
7 to Ryan Loke, care of The Office of the Governor
8 at the following address: 206 Washington
9 Street, Suite 115, State Capitol, Atlanta,
10 Georgia 30334. Comment letters must be
11 postmarked by July 23rd, 2020 to be accepted.
12 At the conclusion of the comment period, all
13 oral comments presented today will be
14 transcribed and included in the final waiver
15 application.

16 If you are present in the hearing room
17 today and wish to make oral comments, please
18 sign in on the appropriate roster. To ensure
19 the health and safety of all Georgia residents
20 and comply with Governor Kemp's Executive Order
21 06.29-20-02, we are limiting the number of
22 in-room attendees at this hearing to no more
23 than 50. Please maintain a social distance of
24 at least 6 feet between each other. You are
25 also strongly encouraged to wear a mask or face

1 covering while you are in the building.

2 For those of you that are participating
3 virtually through Webex and wish to make an oral
4 comment, please click the "raise hand" button at
5 the bottom right of the participant panel on
6 your browser window. The button looks like a
7 hand. If the participant panel is not visible,
8 please click the third button from the left on
9 the bottom menu bar on the Webex browser window.
10 Clicking this button will open the participant
11 panel on the right-hand side of the Webex
12 browser window where you will find the "raise
13 hand" button.

14 Once you click the "raise hand" button, a
15 hand image will appear next to your name in the
16 participant panel. This notifies the moderator
17 that you wish to make an oral comment today.
18 Oral comments will first be received by
19 individuals attending in person, after which the
20 online monitor will call on members of the
21 public who raised their virtual hand on the
22 Webex participant panel in order to provide oral
23 comments. At the appropriate time, your
24 microphone will be unmuted and I will call on
25 you to make your public comment.

1 At this time, I'd like to introduce
2 Mr. Blake Fulenwider, Chief Health Policy
3 Officer at the Department of Community Health,
4 to provide a short overview of the modified 1332
5 waiver application prior to accepting public
6 comments.

7 MR. FULENWIDER: Thank you very much, Matt.

8 Good morning, ladies and gentlemen. I'm
9 Blake Fulenwider with the Department of
10 Community Health. And today I'm going to -- if
11 you'll advance to the next slide, please. Today
12 I'm going to provide a brief overview on the
13 background and modifications to the Georgia
14 Access 1332 waiver application.

15 As Mr. Krull stated, we will then open for
16 in-person public comments should we have any
17 attendees wishing to make comment. We'll then
18 open the floor for Webex participant public
19 comment. And also would like to remind the
20 public that they are able to submit comments
21 online or through regular mail through
22 July 23rd, 2020 online at
23 medicaid.georgia.gov/patientsfirst, or via mail
24 to Ryan Loke, care of The Office of the
25 Governor, 206 Washington Street, Suite 115,

1 State Capitol, Atlanta, Georgia 30034.

2 Now to provide background information. As
3 you know, this is part of Senate Bill 106 or the
4 Patients First Act that was signed into law by
5 Governor Brian Kemp on March 27th, 2019, which
6 grants the Governor the authority to submit one
7 or more Section 1332 innovation waivers to the
8 departments of Health and Human Services and
9 Treasury.

10 The 1332 waivers must be submitted on or
11 before December 31st, 2021. And upon approval
12 of one or more 1332 waivers, the Patients First
13 Act authorizes the state to implement the
14 waivers without further legislative action.

15 1332 waivers are designed to pursue
16 innovative strategies that promote access to
17 high quality and affordable health insurance by
18 meeting four statutory guardrails set out under
19 the Affordable Care Act. The waivers must be as
20 comprehensive as coverage available absent the
21 waiver. It must be at least as affordable as
22 absent the waiver. Coverage must provide
23 coverage to a comparable number of residents
24 absent the waiver. And, also, must not increase
25 the federal deficit.

1 Initially through this process that started
2 in June 2019, we and our consulting partners
3 completed a state and national environmental
4 scan to identify our priorities, developed a
5 model of potential waiver options, drafted and
6 submitted an initial waiver application both via
7 1332 and 1115 which were released for public
8 comment on November 4th, 2019. And both were
9 formally submitted to the Department of Health
10 and Human Services and Treasury on
11 December 23rd, 2019.

12 Today we are holding our first of two
13 public hearings on a modified 1332 Georgia
14 Access waiver application that was posted on
15 July 9th, 2020. This is to reflect
16 modifications to the waiver based on recent
17 changes in the state and national landscape.
18 Again, public comment will remain open through
19 July 23rd, 2020.

20 Goals of the Georgia Access 1332 waiver
21 include reducing premiums, particularly in
22 high-cost regions; incentivizing carriers to
23 offer plans in more regions across the state;
24 foster innovation to provide better access to
25 services; expand choice and affordability for

1 consumers; attract uninsured Georgians into the
2 insurance market; maintain access to metal level
3 qualified health plans and catastrophic plans;
4 and maintain protections for individuals with
5 preexisting conditions.

6 Part one of the Georgia Access 1332 waiver
7 include establishment of a reinsurance program
8 to stabilize individual market premiums and
9 attract and retain carriers in regions across
10 the state. Part two seeks to transition away
11 from healthcare.gov to the Georgia Access model
12 which will improve access, choice, and
13 affordability for consumers.

14 One modification included in the modified
15 1332 application include a delay of
16 implementation of part one to January 1st, 2022.
17 Part one was originally slated to begin on
18 January 1st, 2021. Both part one and part two
19 will concurrently begin January 1st, 2022.

20 As noted, the reinsurance program has been
21 shifted to plan year 2022. Additionally, the
22 state is not seeking authority to certify and
23 offer subsidies for eligible nonqualified health
24 plans. We are not seeking authority to issue
25 state subsidies. Subsidies for the federal

1 advanced premium tax credits and premium tax
2 credits would be administered by the Department
3 of the Treasury, Internal Revenue Service, with
4 enrollment and subsidy eligibility information
5 being provided by the bid state.

6 The reinsurance program under part one
7 still maintains a claims-based reinsurance model
8 beginning in 2022. It establishes an attachment
9 point of \$20,000, with a cap of \$500,000, and a
10 three-tiered coinsurance rate of 15, 45 percent,
11 and 80 percent, depending upon region. Higher
12 coinsurance rates are applied to higher-cost
13 regions of the state. In total, the waiver
14 seeks to target a 10 percent reduction in
15 average premiums statewide.

16 For front-end operations, we will rely on
17 the private sector or web-brokers or carriers to
18 provide the experience for consumers to shop,
19 compare, and purchase plans. They would
20 leverage mechanisms and incentives in the
21 commercial market to provide education,
22 outreach, and customer service.

23 Back-end operations managed by the state
24 include calculation of federal subsidy
25 eligibility and transmission of that information

1 to the treasury department. Back-end operations
2 handled at the federal level include issuance of
3 advanced premium tax credits for qualified
4 health plans to the plans on behalf of
5 individuals and reconciliation of premium tax
6 credits for an individual during tax filing.

7 The benefits of the modified Georgia Access
8 1332 waiver include maintaining access to
9 current qualified health plans and catastrophic
10 plan options, providing consumers the ability to
11 view all plans available to them which are
12 licensed and in good standing with the state via
13 the Georgia Access web-broker platform, allowing
14 consumers to enroll and reenroll directly with
15 carriers, and providing greater accuracy in
16 projecting consumer subsidy eligibility by
17 leveraging more updated income verification
18 sources available to the state. This waiver
19 also further streamlines referrals to and from
20 Medicaid as individuals may churn into the
21 Medicaid program into Georgia Access and back
22 and forth.

23 At this time, we will begin our public
24 comment period. We will begin by opening for
25 in-person public comments.

1 I note that there are no attendees in
2 person in the boardroom.

3 Any call for anyone seeking to make
4 in-person public comments?

5 MR. KRULL: Just a reminder if you want to
6 make a public comment and you're using the Webex
7 platform, there is a button down at the bottom
8 in the middle if you look at the screen right
9 now. It'll access the participant panel. And
10 once you access the participant panel, there
11 will be a small hand.

12 Move to the next slide, Lavinia. Move it
13 that way so they can see.

14 MR. FULENWIDER: So to clarify, we have
15 opened the floor for Webex comment?

16 MR. KRULL: Absolutely. If you're, if
17 you're attending through Webex, if you want to
18 make a comment, click the small hand at the
19 participant panel. If you look on your screen
20 right now, it'll show you an example of where
21 the hand is. You'll raise your hand. It'll
22 notify us that you want to comment.

23 And I'll give everyone a few minutes to
24 digest what Blake has gone through and determine
25 if anyone wants to make a comment. If you are

1 going to make a comment, we're going to limit
2 your comments to five minutes today. And please
3 keep your comments limited to the issues that
4 directly relate to the proposed public notice.
5 At the end of your five minutes, if you have not
6 completed your presentation, I may ask for a
7 brief closing statement. And you'll also be
8 able to submit any remaining comments in
9 writing.

10 We'll give it, we'll give it a couple more
11 minutes.

12 So if you -- if you're attending the public
13 hearing through Webex and you want to make a
14 public comment today, if you would click on the
15 "raise hand" button at the bottom of the
16 participant panel on the right-hand side. If
17 you look at the screen right now, there's an
18 example where the button is. Click on that. It
19 will notify us if you want to make a public
20 comment.

21 We're going to give you all a couple more
22 minutes to make a decision whether you want to
23 comment. And a reminder is there is another
24 public hearing on July 22nd that will also be in
25 person here at 2 Peachtree, and also virtually

1 through Webex.

2 We'd like to thank each of you for
3 attending the virtual public hearing and the
4 in-person public hearing today. No one has
5 indicated that they wish to make oral comments
6 at this time. I reiterate that the public
7 comment period for the modified application --
8 the changes to the modified application will
9 expire on July the 23rd, 2020.

10 As indicated earlier, written comments will
11 be entered into the official record as well as
12 the transcript of this hearing today.

13 Thank you once again for the hearing.
14 There being no further person who wish to make a
15 comment, this public hearing is adjourned at
16 10:20 a.m.

17 (Proceedings adjourned at 10:20 a.m.)
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C E R T I F I C A T E

STATE OF GEORGIA:

COUNTY OF DEKALB:

I hereby certify that the above and foregoing proceedings were taken down, as stated in the caption, and reduced to typewriting under my direction, and that the foregoing pages 1 through 14 represent a true, correct, and complete transcript of said proceedings.

This, the 13th day of July, 2020.



LOUISE GRIFFITH, CCR-B-2121

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COURT REPORTER DISCLOSURE

Pursuant to Article 10.B of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia, I make the following disclosure:

I am a Georgia Certified Court Reporter. I am here as a representative of Regency-Brentano, Inc.

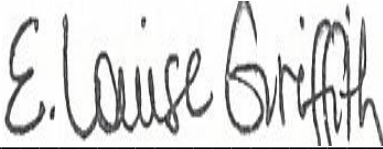
I am not disqualified for a relationship of interest under the provisions of O.C.G.A. §9-11-28 ©.

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Regency-Brentano, Inc. has no exclusive contract to provide reporting services with any party to the case, any counsel in the case, or any reporter or reporting agency from whom a referral might have been made to cover this deposition.

Regency-Brentano, Inc. will charge its usual and customary rates to all parties in the case, and a financial discount will not be given to any party to this litigation.



Louise Griffith, CCR-B-2121

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