In The Matter Of:

Department of Community Health

Hearing July 22, 2020

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9	Proceedings before Matthew Krull, Esq.,
10	Health Policy Counsel, reported by Tammy G. Mozley,
11	Certified Court Reporter, at 2 Peachtree Street, Fifth
12	Floor Board Room, Atlanta, Georgia, on the 22nd day of
13	July 2020, commencing at the hour of 10:00 a.m.
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MR. KRULL: Good morning. I'm Matthew
Krull, Health Policy Counsel for the Department
of Community Health in the Office of General
Counsel. Today is July the 22nd, 2020, and it is
now 10:00 a.m.

This is the public hearing on the
Reinsurance and Georgia Access Section 1332,
State Relief and Empowerment Waiver. This public
hearing is being held in person and virtually
through WebEx videoconferencing system.

This public notice was issued by Governor Brian P. Kemp on July 9th, 2020. This notice is incorporated into these proceedings.

Pursuant to 31 CFR Section 33.112 and
45 CFR Section 155.1312, the State of Georgia is
providing public notice and a comment period
prior to submitting a modification to the
previous Section 1332 Waiver Application
submitted to the departments of Health and Human
Services and the Treasury on December 23rd, 2019.

On July 9th, 2020, the Governor issued a press release opening a second comment period for an additional 15 days to allow for a thorough public comment. The public comment period will expire on July 23rd, 2020, at 11:59 p.m.

Individuals wishing to provide written comments on or before July 23rd, 2019, may submit comments online through Web Form, which can be found at medicaid.georgia.gov/patientsfirst or by mail to Ryan Loke, care of The Office of the Governor at the following address: 206
Washington Street, Suite 115, State Capitol, Atlanta, Georgia, 30334. Comment letters must be postmarked by July 23rd, 2020, to be accepted.

At the conclusion of the comment period, all oral comments presented today will be transcribed and included with the final waiver application.

If you're present in the hearing room today and wish to make oral comment, please sign in on the appropriate roster.

To ensure the health and safety of all Georgia residents and comply with Governor Kemp's Executive Order 07.15.20.01, we are limiting the number of in-room attendees at this hearing as to no more than 50. Please maintain a social distance of at least six feet between each other. You're also strongly encouraged to wear a mask or a face covering while you're in the building.

For those of you that are participating

virtually through WebEx and wish to make an oral comment, please click on the hand -- the "raised hand" button at the bottom right -- on the bottom right of the participant panel on your browser window. The button looks like a little hand. If a participant panel -- if the participant panel is not visible, click on the third button from the left on the bottom menu bar on WebEx browser. Clicking this button will open a participant panel on the right-hand side of the WebEx browser window, where you will find the "raise hand" button.

Once you click the "raised hand" button, a hand image will appear next to your name in the participant panel. This notifies the moderator that you wish to make an oral comment today. Oral comments will first be received by individuals attending in person. Afterwards, the online monitor will call on members of the public who raised their virtual hand on the WebEx participant panel in order to provide oral comments. At the appropriate time, your microphone will be unmuted and I will call on you to make your public comments.

At this time, I would like to introduce

Mr. Blake Fulenwider, Chief Health Policy Officer at the Department of Community Health, to provide a short overview of the modified 1332 Waiver Application prior to accepting public comments.

MR. FULENWIDER: Great. Thank you, Matt.

Ladies and gentlemen, good morning. During
today's 1332 public hearing, we will provide a
brief overview on the background and
modifications to the Georgia Access Waiver.

We'll then open for in-person public comments.

Then we will transition to public comments for
those participating via WebEx.

And I would also like to remind Georgians that comments can be submitted online by July 23rd, 2020, at medicaid.georgia.gov/patientsfirst or by mail to Ryan Loke, care of Office of the Governor, 206 Washington Street, Suite 115, State Capitol, Atlanta, Georgia, 30334.

As you may recall, Senate Bill 106, the Patients First Act was signed into law by Governor Kemp on March 27th, 2019, which grants the Governor authority to submit one or more Section 1332 innovation waivers to the departments of Health and Human Services and the

United States Treasury.

The 1332 Waiver must be submitted on or before December 31st, 2021, and upon approval of one or more 1332 Waivers, authorizes the State to implement the waiver without further legislative action.

1332 Waivers are designed to pursue innovative strategies that provide access to high quality, affordable health insurance so long as they meet four statutory guardrails:

Comprehensiveness, affordability, coverage, and deficit neutrality.

During the waiver development process, we began with an environmental scan of the state and national landscape, which was completed in July of 2019. We then developed and modeled potential waiver options, which was completed in fall 2019. We drafted and submitted the waiver application on December 23rd, 2019, and have put out the modified waiver application for public comment in July of this year.

The Georgia Access Waiver is designed to accomplish a few core goals. First is reducing premiums, particularly in high-cost regions; incentivizing carriers to offer plans in more

counties across the state; foster innovation to provide better access to coverage; expand choice and affordability for Georgians; attract uninsured individuals into the market; maintain access to metal level qualified health plans as well as eligible, nonqualified health plans; and maintain protections for individuals with preexisting conditions.

The Georgia Access Waiver is composed of two primary components. First is implementation of a reinsurance program to stabilize the individual insurance market by reducing premiums and attracting and retaining carriers. The second component involves transitioning Georgia to the Georgia Access Program away from healthcare.gov. Under the modified waiver application, both reinsurance and Georgia access are slated to begin in 2022 for plan year 2022.

Key changes from the initial waiver application include the shift to plan year 2022. Also to clarify, the State is not seeking authority to certify and offer subsidies, federal subsidies for eligible non-QHPs. The State is not seeking authority to issue state subsidies.

The State will send enrollment and subsidy

eligibility information to the Department of the Treasury, and the Treasury will continue to issue advanced premium tax credits and premium tax credits as they do today for available qualified health plans.

The reinsurance program remains the same, with a claims-based reinsurance model. An attachment point of \$20,000 and a cap of \$500,000 also remains the same as well as the tiered coinsurance rate by region from 15, 45, to 80 percent coinsurance across the state. Higher coinsurance rates are applied to higher-cost regions with a targeted average 10-percent reduction in premiums statewide.

In terms of operations, the private sector will be leveraged to provide the consumer shopping, plan comparison, and plan purchasing experience through a network of private sector entities or web brokers or carriers. Private sector individuals will also perform education, outreach, and customer service.

The State will be responsible for calculating eligibility for federal subsidies and supplying that information to the Treasury Department. The federal government will maintain

its role in issuing advanced premium tax credits for qualified health plans to the health plans on behalf of individuals and reconcile premium tax credits during tax filing.

The benefits of Georgia Access include maintaining access to current qualified health plans as well as catastrophic plan options available to be viewed. The plan would also allow consumers to enroll or reenroll directly with carriers or through web brokers or through independent brokers across the state.

The plan also provides greater accuracy in projecting consumer subsidy eligibility by using more accurate income data that is maintained by the State and streamlines referrals to and from Medicaid as individuals churn from one program to the other.

At this time, I'll turn it back over to Mr. Krull, who can walk us through the open -- the public comment period. Thank you.

MR. KRULL: Thank you, Blake. At this time, I'm going to go down the roster. I'll give each person who has indicated that they wanted to present oral comment today the opportunity to speak. Please limit your comments to five

1 minutes and keep your comments limited to the 2 issues that directly relate to the proposed public notice. At the end of the five minutes, 3 if you've reached that time and you've not 4 5 completed your presentation, I may ask for a 6 brief closing statement. And you'll be able to also submit any review and comments you have in 7 8 writing online and through the mail. 9 So at that time, it looks like I'm going to call on June Dean. We will un-mute your 10 microphone, and you'll be able to make your 11 12 public comment. 13 MS. DEAN: Thank you. Hi, my name is June Dean and I'm the senior director for --14 (Audio dropped.) 15 MR. KRULL: Ms. Dean --16 17 MS. DEAN: -- public healthcare organization of the United States, representing 18 more than 36 --19 20 MR. KRULL: Ms. Dean --MS. DEAN: Yes. 21 22 MR. KRULL: -- if you'll give me the 23 opportunity. You cut out. So I'm going to go 24 ahead and ask you to start your comments over 25 again, and we'll give you your full time.

1	MS. DEAN: Oh, okay.
2	MR. KRULL: Sorry about that. This is all
3	new for all of us being virtually doing a
4	virtual public hearing.
5	MS. DEAN: New for me too. You know,
6	we're doing this from home now and it's a little
7	different.
8	MR. KRULL: Go ahead. You can start.
9	Thank you.
10	MS. DEAN: Okay. Hi, my name is
11	June Dean. I'm the senior director for advocacy
12	here in Georgia. The American Lung Association
13	in Georgia appreciates the opportunity to submit
14	comments
15	(Audio dropped.)
16	MR. KRULL: Ms. Dean, we have lost you
17	again.
18	MS. DEAN: Thanks.
19	representing more than 36 million
20	Americans with lung disease, including more than
21	1.2 million individuals in Georgia. For patients
22	with lung
23	(Audio dropped.)
24	MR. KRULL: Ms. Dean
25	MS. DEAN: We're concerned that the

1 Georgia Access Model as currently envisioned will 2 jeopardize access to quality and affordable healthcare coverage for patients with lung 3 diseases and other preexisting conditions. Under 4 5 the Georgia Access Model, the --6 (Audio dropped.) 7 MR. KRULL: Ms. Dean, are you there? 8 MS. DEAN: -- that may not help patients 9 choose the best plan for their health needs as the Lung Association and other organizations --10 11 (Audio dropped.) 12 MR. KRULL: Ms. Dean, are you there? 13 MS. DEAN: -- adequately respond to the request for comment. While the Lung Association 14 supports reinsurance as a tool to stabilize 15 premiums in the individual marketplace, we are 16 concerned that the remain --17 18 (Audio dropped.) 19 MR. KRULL: Ms. Dean, are you there? 20 MS. DEAN: -- conditions. And we urge Georgia to withdraw its application for the 21 Georgia Access Model and instead focus on 22 23 solutions that promote adequate, affordable, and 24 accessible coverage. Thank you for the 25 opportunity to provide comments.

1	MR. KRULL: Ms. Dean, this is Matthew
2	Krull. I'm going to ask you, if you could,
3	provide those comments in writing also. We have
4	had some technical difficulties completely
5	hearing your comment, and we don't want your
6	comment to be missed so.
7	MS. DEAN: I will certainly do that. I
8	was just looking at the address to mail comments
9	to. Do I need to also email those?
10	MR. FULENWIDER: We are in receipt of the
11	coalition's comments that you provided
12	MS. DEAN: I can hear me cutting out I
13	can hear me cutting out for some reason. Do I
14	need go ahead.
15	MR. FULENWIDER: We apologize for that.
16	If you could submit your comments online, that
17	would be ideal
18	MS. DEAN: Okay.
19	MR. FULENWIDER: particularly given the
20	time period that we're operating under.
21	I will also acknowledge receipt of the
22	letter that you and a number of other
23	stakeholders did provide to us and we have
24	received those comments. Thank you.
25	MS. DEAN: Okay. I appreciate it. We

1 will submit it online, and I'll put it in the 2 mail just in hopes that it comes that way as well Thank you for your time. 3 too. 4 MR. FULENWIDER: Thank you. 5 MR. KRULL: Thank you, Ms. Dean. And we appreciate it and apologize for any technical 6 7 difficulties. 8 We're going to move on to the next 9 participant that wants to make public comment and that would be Abbie Fuksman. 10 11 Ms. Fuksman, we're going to un-mute you, 12 and we're going to try this and hopefully we'll 13 be able to hear all of your public comments. MS. FUKSMAN: Can you hear me now? 14 think there's feedback coming from your room. 15 Can you guys hear me now? 16 17 MR. KRULL: We can, but it's an echo. Can I ask you, it looks like you're connected three 18 19 times to the WebEx and I think that may be a 20 problem. You're showing up three times on our attendee list. 21 22 MS. FUKSMAN: Thank you for the 23 opportunity to speak today. As a previous Blue 24 Cross/Blue Shield (inaudible), I understand that as the COVID-19 crisis continues, the value of 25

health insurance coverage has never been more apparent. While many states have chosen to lower the barriers to cover their residents, Georgia continues to pursue policies that undermine access to quality medical coverage.

Georgia has chosen to use the 1332 Waiver to eliminate the online ACA marketplace as well as the essential health benefit requirements.

While many states have used the 1332 Waiver to improve affordability of comprehensive individual market coverage, Georgia has chosen to make it harder for its citizens to make an informed, unbiased decisions around healthcare coverage.

Georgia has chosen not to enhance the already established healthcare.gov marketplace, but instead is forcing its residents to rely on health carriers and insurance brokers to provide information and access to coverage. While you claim this will provide affordability and expand access along with competition, it is likely to do the opposite. And I can tell you that by eliminating an unbiased public resource that provides the same information for all plans which will enable informed decisionmaking, you are actually making it harder for Georgia residents

to compare what services are covered, what are out-of-pocket costs, and what providers are in the network.

Georgians will now have to rely on what information they do or don't get from the insurance companies and brokers. In short, people will not be able to make fair, apple-to-apple comparisons.

These are strong stand-alone arguments during normal times, but let's throw COVID-19 into the mix. The 1332 Waiver will force (inaudible) who are not receiving coverage from their employer, COBRA, or Medicaid and these numbers are only increasing during the current pandemic, to go through private channels who may or may not have the best options for them. Lower levels of coverage and the elimination of essential health benefit requirements will result in some of these plans to be classified as subprime coverages.

Under federal COVID legislation, people enrolled in sub-prime products are classified as uninsured. So what will happen to these people when they realize they're not covered during the pandemic. In the near future, you can easily

envision Georgia dealing with citizens with little or no experience in buying or using health insurance, those with limited English, and Georgians with low health literacy skills at risk for being considered uninsured during a pandemic due to an unawareness that they have purchased a subpar plan.

Health insurance companies are all about numbers: Actuarial, CPT codes, and especially revenue. Since the for-profit changes that happened in the early '80s, health insurance companies have used this status to explain their yearly rate increases along with higher salaries, bonuses, and shareholder earnings.

I have a few numbers for this panel.

Atlanta has over approximately 5.6 million
people, a top ten city along with revenue that
comes from that; but the per capita state
expenditure is in the bottom fifth. Georgia's
overall healthcare ratings is in the bottom
tenth, and ratings on access to healthcare is
even lower. Yet, the State of Georgia is
choosing to spend a million dollars towards
waivers to promote Georgia's would-be
intervention that strips access to

healthcare.gov.

Instead, they could be spending the allocated funds by providing consumer assistance program that would provide a much needed, established, nonpartisan assistance in choosing plans that are comprehensive. Instead, you are leaving these consumers on their own to navigate during these COVID times.

So I ask, why would a state with such low ranking in overall healthcare for its citizens and one of the lowest in the country to access for the top ten city in its state consider this waiver. As someone who has worked in the health insurance industry, the only answer I can come up with is that Georgia will spend as little as possible on its own citizens while allowing the insurance company to profit for political favor.

In closing, the 1332 Waiver won't advance the goals Georgia says it wants to achieve, to improve affordability and access. Instead, the State might consider proven policy alternatives that have been implemented in other states; but by Georgia's own calculations, the State could expand Medicaid for the same cost as its waiver plans and in doing so provide affordable,

comprehensive coverage to more than five times as many Georgians.

Georgia's proposed plan is likely to be particularly harmful to residents living through and attempting to recover from the healthcare and economic crisis brought on by COVID-19.

In the words of John Lewis, Do not attempt to turn a deaf ear, a blind eye, and a cold shoulder to the sick or to our working families. Healthcare is a right and not a privilege reserved for a wealthy few.

I'm asking you to stand and protect the citizens of Georgia and not the big insurance company, especially during this pandemic, and reconsider the 1332 Waiver. Thank you for your time.

MR. KRULL: Thank you, Ms. Fuksman, for your comments today.

At this time, we have no other

participants wishing to make a comment, either in

person here in the hearing room or online. I'm

going to give anyone online -- we have a number

of participants online. I'm going to give y'all

a little bit, short period of time. If anyone

wants to make a comment, now is the time before

we adjourn this hearing.

MR. FULENWIDER: Do you want to advance to the instructions slide on how to raise your hand?

MR. KRULL: Yeah. If you want to make an oral comment, it will show you how to do it online right now up on the slide, if you look on the slide. Click on that button and it will -- the small button at the bottom, it will open up the participant panel on the right and down at the bottom there is a shorthand.

Okay. We do have a few more people wanting to make comments. So next I'll call on Leigh Boros. You'll have five minutes for your comments.

You are now un-muted, Ms. Boros.

MS. BOROS: Thank you for allowing me to speak. I do not understand why they're using private sector when -- on health insurance, where they're looking for the for-profit. And the two previous speakers presented, I agree fully with all of their comments. I just want to go on record as saying that. Thank you for your time.

MR. KRULL: Thank you, Ms. Boros, for your comments.

The next individual we'll call on -- let

me make sure -- is going to be Marla L, Marla L.

Marla, if you could, please, give us your name so
we can put it in the record and your microphone
will be un-muted now.

Is she muting her microphone on her end?

MS. LOYAL: Can you hear me?

MR. KRULL: Yes, Marla. Please give us your name and then your five minutes will start.

MS. LOYAL: Okay. My name is Marla Loyal.

I'm a resident of Atlanta, and the issues that

I'm having with this is I currently have an

Affordable Care Act plan that I purchased for

myself at the beginning of this year. Before

that, I didn't have insurance coverage at all and

I had to go -- I had to use Grady Health System

which is my public healthcare system here in

Atlanta. And Grady is fine, but Grady is

overwhelmed with the amount of people that need

it. So we often suffer from long wait times when

we go even to the walk-in clinic, when we go to

the emergency room.

I had an appointment in February to see a gynecological cancer specialist; and 30 minutes after my appointment, I was still waiting in the waiting room. And when I asked how long would it

be for them to even take my vitals, I was told by the patient access staff that they did not know and that I should continue to wait. I ended up leaving, and I scheduled that appointment with WellStar to have that procedure done because my primary care physician felt like I needed it.

My whole point is, we don't have very many options for healthcare even in Atlanta. We have the Level I trauma center right here, and we have very big hospital networks with WellStar and Grady and Piedmont and so forth. However, when you don't have insurance, you don't have access to healthcare. Never mind paying for it. You can't get an appointment for several weeks out.

If I didn't have my Affordable Care Act plan, I wouldn't have been able to get that test done. I would have been forced to go to Grady and wait for as long as they felt like making me wait for an appointment that I had scheduled a month prior.

So this waiver, I don't even understand

it. I'm a college educated person. I'm working

on my master's degree. I went through the

Affordable Care Act, healthcare.gov, and read

through those plans and picked my plan myself. I

consider myself to be intelligent. I'm a person that has initiative and figures things out and do my research on these things. So if I can't figure it out or if I'm having a hard time with something, I know that the average person that doesn't have my level of education would struggle with it as well.

So I think this is another barrier to deny poor people access to healthcare. And it's unconscionable that in the middle of a pandemic, when a lot of people have contracted this virus, they don't have a preexisting condition; and without the Affordable Care Act in the first place, we wouldn't even be able to obtain coverage. And then Kemp's labor plan, which some people have titled it Kemp care, it literally makes no sense. It covers fewer people, and the State would spend a lot more money for fewer people.

But if I didn't have health insurance at all, I would be indigent care or I would be forced onto public health entities. Like, in the past, I had to use a clinic called Pathways for mental health, which is a clinic that's run in rural Georgia, and it is also state funded.

1 Who picks up that tab when I go and 2 receive counseling service and medication and see the doctors for free. The State does. Why is 3 that better than allowing the person to purchase 4 5 my own health insurance through the Affordable 6 Care Act. I'm confused. And I do, I feel like 7 it is class warfare and it's not fair. It's not 8 moral to do this to people during a public health 9 crisis. Thank you. MR. KRULL: Ms. Loyal, thank you for your 10 comments today. If you could do me -- real 11 12 quickly, could you just spell your last name for 13 me? MS. LOYAL: L-o-y-a-l. 14 15 MR. KRULL: Thank you very much for your time today. 16 17 Next, we'll call on Laura Colbert. We're going to un-mute your microphone, Ms. Colbert, 18 19 and your five minutes will begin. 20 MS. COLBERT: Hi. Can you-all hear me? 21 MR. KRULL: Yes, we can. Thank you. 22 MS. COLBERT: Thank you. My name is Laura 23 Colbert. I, of course, know many of you in my 24 role, my professional role at Georgians for a 25 Healthy Future, but I wanted to speak today in my personal capacity as a Georgia resident and a public health professional.

We appreciate the opportunity to comment certainly, and I just wanted to thank Marla for sharing her comments before me. I think that -- that was really powerful and that she -- she being -- she speaks from clearly a vast wealth of knowledge and personal experience.

What I wanted to say, kind of on a personal note, is that, you know, of course, the reinsurance program that Governor Kemp has put forward is good evidence-based policymaking.

There's really good, solid data to back up that model and that it will work well for Georgia's market and help to lower premiums.

Unfortunately, the second part of the State's proposal is really the opposite. You know, good evidence-based policymaking is something that, you know, that is a good strategy for Georgia to take, and the second part of this waiver really just doesn't follow in those footsteps. There's really little evidence that this model is going to improve or increase enrollment in Georgia's marketplace or improve the enrollment experience of folks who need to

enroll through the ACA marketplace.

A more evidence-based way to spend the funding for this plan would be to invest that in community-based enrollment assistance programs. By my math, the State is planning to spend about \$17 million over a decade on just the Georgia Access part of the plan. There is really good state -- really good evidence from other states that that kind of investment in free, local, unbiased enrollment assistance would help increase awareness about the marketplace and increase enrollment among consumers. It's also a very racially just and equitable approach to increasing enrollment.

Local enrollment assisters are a lot more likely to reflect their communities than people who are working in the insurance sector, whether they're brokers or agents or otherwise. The insurance sector is a very white sector. So investing state dollars in more community-based enrollment assistance would be a very, a very equitable way for the State to spend those dollars.

And at the same time, a lot of those assisters are employed at community-based

nonprofits which are serving the community in other ways. So there is an enhanced benefit even for consumers and for people who are living in Georgia because they may be able to get both enrollment assistance and, let's say, food assistance at the same time and in the same place.

So, you know, as a Georgia resident, I would rather see the State invest dollars in that way as opposed to the Georgia Access Model; and as a public health professional, I think the evidence points to it being a more effective way to spend our state dollars. So I appreciate the opportunity to comment and thank you.

MR. KRULL: Thank you, Ms. Colbert, for your comments. We appreciate your time today.

It doesn't look like anyone else has indicated that they want to make a comment. I'll ask you again if you want to make a comment, please click the hand raise -- the "raise hand" button in the lower right-hand corner of the browser, the WebEx browser.

And also if you'll un-mute Ms. Dean.

Ms. Dean, are you there? Ms. Dean, can you hear

me? Ms. Dean, can you hear me?

Okay. At this time, if -- does anyone else want to make a public comment? We'll ask you to click the "raise hand" button in the lower right-hand corner of the participant panel window in your browser. Give y'all a few more moments if anyone else wants to make a comment.

Okay. I'd like to thank each of y'all for

Okay. I'd like to thank each of y'all for participating today and providing the oral comments that were presented. Let me reiterate that the public comment period for the proposed changes will expire on July 23rd, 2020, which is tomorrow.

As I indicated earlier, written comments will be entered into the official record as well as the transcription of the oral comments that we have heard this morning.

Thank you, once again, for your attendance and your input. There being no further person who wishes to make a comment, this public hearing is adjourned at 10:36 a.m.

(Proceedings adjourned at 10:38 a.m.)

CERTIFICATE STATE OF GEORGIA: COUNTY OF FULTON: I hereby certify that the foregoing proceedings were taken down, as stated in the caption, and reduced to typewriting under my direction, and that the foregoing pages 1 through 29 represent a true, complete, and correct transcript of said proceedings. This, the 24th day of July, 2020. Tammy G. Mozley, B-1032

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