

GROUP INSURANCE COMMISSION

Charles F. Hurley Building
19 Staniford Street
Boston, MA 02114

MINUTES OF THE MEETING

NUMBER: Six Hundred Thirty-Eight
DATE: August 7, 2018
TIME: 8:30 AM
PLACE: Group Insurance Commission, Nancy Bolduc Conference Room,
Boston, MA 02114

Members Present:

GARY ANDERSON, (Commissioner of Insurance) - DESIGNEE REBECCA BUTLER

TAMARA P. DAVIS (Public Member)

EDWARD T. CHOATE (Public Member)

THERON R. BRADLEY (Public Member)

CHRISTINE HAYES CLINARD, ESQ. (Public Member)

ANNA SINAIKO, Ph.D. (Health Economist)

JOSEPH GENTILE (AFL-CIO, Public Safety Member)

ADAM CHAPDELAINE (Town of Arlington--Massachusetts Municipal Association)

EILEEN P. MCANNENY (Public Member)

BOBBI KAPLAN (NAGE)

MICHAEL HEFFERNAN (Secretary of Administration and Finance) DESIGNEE ELABETH DENISTON

MARGARET THOMPSON (Local 5000, SEIU, NAGE)

Not Present:

Valerie Sullivan (Public)

Jane Edmonds (Retiree)

Kevin Drake (Local 93, Labor)

Timothy Sullivan (MTA)

Vacant Seats:

MMA

I. Approval of Minutes from 4/5 and 6/13 Commission Meetings

Vice-Chair Kaplan called the meeting to order and asked for a motion for approval of April 5 and June 13 minutes. A motion to approve the minutes was made by Commissioner Choate and seconded by Commissioner McAnneny. The motion passed unanimously.

With both sets of minutes approved, Vice-Chair Kaplan introduced Anna Sinaiko, Ph.D, a new Commission member filling the role of the health economist.

Commissioner Thompson arrived at 8:32 am

II. Director's Report

Roberta Herman, M.D.

The Executive Director outlined the meeting goals and added that the bulk of time would be centered on presentations from invited guests from the Attorney General's Office and Operational Services Division, who would speak about open meeting law and procurement law, as part of the focus on governance issues.

The Executive Director indicated that during the meeting, the GIC would be asking for two Commission votes. The first would be for a consultant to support the procurement of a new FSA program, and another would be to approve the contract for services to assist the GIC with strategy, analytics and operational review.

The Executive Director then extended a warm welcome to newly appointed Commissioner Anna Sinaiko.

The Executive Director also announced several personnel updates:

She introduced Jim Rust, GIC's Chief Financial Officer. The Executive Director provided background on Jim's experience, which included work at UMass Boston and the Harvard Kennedy School, and leadership roles with the Massachusetts Turnpike Authority and most recently, the MBTA. In addition, he came to the role at GIC having spent several years in the private sector and the Massachusetts School Building Authority.

The Executive Director welcomed back Chief of Staff Ashley Maagero-Lee who returned from maternity leave the prior day.

Next, the Executive Director provided a legislative update.

The GIC fared extremely well in the budget process, with just \$5,000 removed, and no outside sections on operations called for the GIC. Overall, this year's budget worked out very nicely for us.

Commissioner Choate asked whether the GIC was level funded by the Governor's office for FY2019. The Executive Director said that the budgeted amount was a small fractional decrease but small potatoes overall.

The Executive Director said that in regards to health care legislation, there had been some discussion on compromise between House and Senate side. The Executive Director noted that she and Mike Berry, the Director of Legislative Affairs, made visits to several legislators on the issue. She said that it seems there is always health care legislation in the making, and that she thinks that, at a minimum, this summer's dialogue will serve as the foundation for the next round of discussions for a future comprehensive health care bill. The Executive Director also noted that several structural issues were addressed in both bills, and we need to have constructive dialog about them, including payments for providers, and struggling community hospitals. Next, the Executive Director said that after the GIC had completed the contracting process with the health plans in June, she had started reengaging with our health plans by having 1 on 1 meetings with health plan CEO's. These meetings were a prelude to Annual meetings with the plan that will take place later this fall.

The Executive Director then provided an update on the work of the Affordability Task Force. She noted that the Department of Revenue (DOR) is partnering with us and expects to have a data set for us by Labor Day, to which we have asked them to separate out into three cohorts: (i)Actives (ii)Non-Medicare Retirees and (iii)Medicare retirees.

The Executive Director explained each of the cohorts, what DOR will do that we can't do—that is tell us what proportion of each cohort fall within standard federal poverty levels (0-133%;133-300%;300-400%) used to determine eligibility for Medicaid and/or subsidies at the Health Care Connector (HCC). Because this will be group level data, it will not support an intervention (by itself) but will give the Commission a way to describe the potential magnitude of any problem.

She noted that she expects to hold a longer task force meeting in September, with an update to the Commission in October.

Commissioner Davis asked about these definitions and their connectivity to the work.

The Executive Director responded that it's a matter of how we want to define what's affordable. She added that as to affordability under the ACA employer shared responsibility test, we passed with flying colors. Nonetheless, we assume that there are folks who are struggling to pay for health care coverage. As a point of context, the Executive Director noted that HCC provides a readily available framework for defining affordability; it also raises a legitimate question about whether the state is behaving in an even handed manner.

Designee Elizabeth Denniston underscored that the Connector bases eligibility on household income.

The Executive Director then noted that while the chair was not present, she wanted to ensure that people are updated as to the Task Force work.

The Executive Director then reviewed the HR Quarterly Temp Report with the Commission.

Next, the Executive Director acknowledged Elizabeth Denniston, designee for Secretary Heffernan and Rebecca Butler, designee for Gary Anderson from the Division of Insurance.

III. Open Meeting Law and Procurement 101-INFORM

The General Counsel set the table by welcoming attorneys from the Attorney General's Office, Carrie Benedon and Kevin Manganaro.

Ms. Benedon, the Director of the Attorney General's Office of Open Government and Kevin Manganaro provided an abbreviated training about the Open Meeting Law (OML) and the available resources including a full 90 minute presentation they can provide entities throughout the state and the AG's Open Meeting Law hotline which can help with open meeting preparation, and compliance with OML.

Kevin Manganaro then provided a brief overview of the Attorney General's Office and the Open Meeting Law, including insights into what are closed and executive sessions. He then proceeded to discuss how that office wears few different hats in regards to Open Meeting Law, ranging from trainings, managing the hotline, promulgating regulations, providing guidance on the legal requirements, and investigating Open Meeting Law complaints.

Attorney Manganaro noted that members of public bodies must receive the guide to Open Meeting Law, and within two weeks certify that they have read about the Open Meeting Law and understand the consequences of violating it.

He then reviewed building blocks that prevent OML compliance.

Attorney Manganaro then discussed the definition of what a public body is and its relation to the OML, noting that the GIC is a public body subject to OML. He also discussed subcommittee formation, which also has an independent obligation to comply.

Attorney Manganaro then discussed facets of Quorum and Deliberation, noting that it has a broad definition and includes an oral or written communications through any medium. He said that deliberation doesn't have to happen contemporaneously, but could occur, for example, if you receive an email, and forward the information to others on the board or commission. This becomes an issue if information is shared to enough members of the public body to constitute a quorum.

Commissioner Davis asked if this includes Committees, to which Attorney Manganaro responded that yes, a quorum applies to all public bodies, and that they look to each public body to determine a quorum.

Attorney Manganaro replied that a final component of the definition of deliberation is that the subject matter must be within the body's jurisdiction. For example, at a non-related event where a quorum of

members happen to attend and isn't related to actual business, is not a public meeting, so a quorum of the public body can attend things like a retirement party--provided that they don't deliberate about board business amongst themselves. Attorney Manganaro proceeded to outline other types of permissible and non-permissible situations.

He then touched upon other meeting requirements noting that meeting notices need to be posted 48 hours in advance for all public meetings, and need to include specifics concerning the meeting time, location, and agenda. In regards to how much detail to include, you should include as much information as possible. He then clarified that meeting notices need to include topics anticipated to be raised for discussion. If a topic comes up organically and is discussed, that's not in violation of the Open Meeting law. Old business/New business-should be listed as a topic on the meeting notice. .

Attorney Manganaro added that often times, boards and commissions, particularly for cities and towns, are required to hold an Emergency Meeting to deal with an unexpected event. In such cases, notice of emergency meetings must be posted as soon as reasonably possible prior to the meeting. Examples of this include weather-related events and responding to a water-main break.

A question was raised in regards to "What if a new topic arises after a meeting notice is posted?" Attorney Manganaro indicated that it is not a violation of meeting law. If something comes up the morning of or day before the meeting, he would recommend amending the meeting notice if possible, but the matter can be discussed without violating OML. Designee Elizabeth Denniston then asked whether you can amend the notice within 48 hours, to which Attorney Manganaro replied that you could.

Mr. Manganaro said that notices should be posted on a fairly easy place to find on the commission's website. A copy of each meeting notice must also be sent to the Secretary of State's Regulations Division and should be forwarded to the Executive Office of Administration and Finance, which maintains a listing of state public body meetings. When it comes to the matter of website/webpage outages, he noted that organizations have 6 business hours to fix the website; otherwise it must cancel meetings noticed within 48 hours of outage, and if it takes longer than six hours to fix website, the meeting will need to be rescheduled.

Attorney Manganaro then discussed guidelines governing remote participation i.e. typically a conference call or Skype type setting. There must be a quorum present, and capability to ensure that remote participants may vote. All votes during that meeting should be conducted via roll call vote to ensure full participation. He continued that if a body goes into executive session, a person participating remotely must make a statement noting as such.

Attorney Manganaro then addressed the facets of public participation. He said that members of public have right to record open meeting session. A person who wishes to record must notify the chair who will then make a general announcement to those in attendance that the meeting is being recorded.

He then described 10 permissible reasons for entering executive session. Commissioner Choate asked whether interviewing candidates for a job would be permissible for executive session. Attorney

Manganaro indicated that it would be applicable to pre-screening committees. He then outlined the procedural requirement for entering executive session.

He then moved to a discussion of minutes. In terms of how much detail to include in actual meeting minutes, Attorney Manganaro indicated that as much as possible, such as dissent or discussion to provide the public with insight as to how public policy is made. Next, he reviewed the process of approval of meeting minutes and noted that all documents used by a public body during an open meeting are public records. He noted some exceptions regarding exempted documents, such as job application materials other than resumes, and performance evaluations not created by members of the public body.

Commissioner Davis asked about stakeholders informing their members, recognizing the constraints of law, and how to address the notice, documents sent out, and the need to notify constituents. Attorney Manganaro responded that you need to include as much detail as practicable on the meeting notice. Commissioner Davis then asked about timing issues, confidentiality aspects and not having documentation and materials until day or two before the meeting.

Mr. Manganaro noted that the public records law falls under the domain of the Secretary of State's office. He added that it sounds like what Commissioner Davis was describing fits exception within the public records law. He then advised people with such questions to contact the Secretary of State's office.

Attorney Manganaro noted that today was about starting a conversation, and with respect to public records, questions need to be directed to the Secretary of State's Office. He added that as for public records law, it's the AG's law to enforce.

Commissioner McAnneny indicated that this wasn't about the meeting notice, but more about sufficient notice and time to meet before taking a vote.

Ashley Maagero-Lee said that we need to be crystal clear as to what needs to happen when. The Executive Director indicated that this is a good time as we're not in the heat of the moment. We need to understand the rules to be able to run a competitive procurement process and meet the needs of our constituents, and determine what's workable for us.

Commissioner Davis responded that if you're in the middle of negotiating something, it doesn't have to be procurements, and if all of the parties know, there's no confidentiality. She noted that during the negotiation process, how do we deal with this if it's in the public domain? It's a real issue that we grapple with.

Commissioner Thompson asked about the law and what's permissible regarding staff discussion with committee/commission members. Attorney Manganaro replied that it depends, whether a quorum of members are speaking with staff (in which case there might be a risk of violating OPL). Commissioners (alone or in smaller numbers) can talk to staff, as they're not subject to open meeting law.

The Executive Director then asked whether her calls to Commission members individually before a meeting violate open meeting law, to which Attorney Manganaro indicated that statutorily, this was permissible.

Wrapping up, Attorney Manganaro reviewed key points and provided resources.

Next, Andrew Stern introduced Deputy Assistant Secretary Kathy Reilly from the state Operational Services Division.

Ms. Reilly said that the OSD is responsible for executive branch procurements and procurement policy, and that she would be talking about the Commission and the rules and policies it's subjected to. This included providing a window into the procurement during the procurement process without losing confidentiality, and abiding by the philosophy of being open, fair and competitive.

Ms Reilly outlined and discussed the agenda: (i) Procurement regulation and policies (ii) Importance of strategic sourcing teams (iii) The Strategic sourcing process and (iv) Best Value

The procurement statute itself is quite broad, and gives a purchasing agency broad authority on procurements. It is based on best-value, following procurement reforms led by then Secretary of ANF Charlie Baker

Ms. Reilly then discussed strategic sourcing teams (SST), responsible for conducting a fair open and competitive procurement and walked through the procurement process at a high level.

She then outlined the rules under which the procurement is conducted that are designed to ensure impartiality and maintain the fairness of the process. These included that team members must not have any conflicts of interest; that all meetings and proceedings of the SST stay confidential and that all procurement related documents are confidential. Ms. Riley noted that if there was a need to discuss the procurement with a supervisor, she recommended signing a non-disclosure agreement.

Ms. Riley next discussed non-disclosure, emphasizing that all procurement related documents are confidential and should not be disclosed to anyone outside the SST until final contract award. The Executive Director asked that given the non-disclosure and confidentiality requirements is there a place for public input in the process. Ms. Reilly noted that by and large, the general philosophy is that you can build your RFR process to ensure public review, comment periods prior to posting the RFR.

Ms. Reilly then followed up on several other inquiries in regards to the procurement process.

The Executive Director asked about asking Commissioners to sign NDA's in advance of deliberations as to the selection of vendor. Ms. Reilly replied that all discussions regarding vendor selection during the procurement are confidential.

The General Counsel added that for clarity, there's opportunity for open discussion concerning strategy and approach leading to the writing of the RFR, that's open and public. Ms Reilly indicated that some flexibility can be built into the process.

Designee Elizabeth Denniston indicated that building these intermediate open steps into the process could inadvertently divulge who the entities are, i.e. # of insurers is 12.

The Executive Director asked about Commissioners who have constituents and how this should be handled. They understand that the ultimate obligation is to the whole process, nonetheless there is an expectation they will keep their constituents informed. A number of commissioners then suggested hypothetical scenarios for resolving the tension between preserving confidentiality and keeping commissioners informed. The Chief of Staff and Executive Director noted that we are convening a follow up summit of the governing agencies to further address these concerns.

Ms. Reilly closed with a brief review of the Best Value Handbook and other resources provided by the Division.

IV: Flexible Spending Account: Approval of Consultant (VOTE)

Nick Federoff provided an overview of the FSA program and the consultant procurement, noting that the Commonwealth currently offers health care savings account and dependent care assistance programs on a pre-tax basis. He added that the GIC's contract with its current administrator for these programs ends June 30, 2019.

Mr. Federoff noted that the GIC has issued an RFR to acquire the services of a consultant to help review the current program, suggest improvements, look at possibilities for other kinds of pre-tax savings programs and help with the procurement of a contract. He then provided a scoring summary, outlining the scoring criteria and finalists scores and recommend that the Commission approve a one-year contract with Willis Towers Watson, not exceeding \$141,808 with the possibility of four one-year extensions at \$12,000 per year. This will have a total value not to exceed \$189,810 over the life of the five-year contract.

Commissioner Davis asked about role of consultant and what they do. Mr. Federoff responded that this contract will provide analysis, and in the fall, the consultant can help develop the RFR for the new contract. The General Counsel talked about the purpose of this, including the need for the consultant to provide strategic advice.

A Commissioner asked about the actual scores not being that high, not close to 100 and asked for more detail on scoring. Mr. Federoff replied that it was most helpful to look at scores in relation to one another, noting that the team tended to be very tough scorers.

Designee Denniston asked about pricing for the vendors. Nick Federoff indicated that WTW was found to be most efficient vendor.

Vice-Chair Kaplan asked the Commissioner for a motion to approve WTW as the apparent successful bidder.

The motion, made by Commissioner Davis, was seconded by Commissioners Choate and Thompson, and was passed unanimously.

V. Strategy, Analytics and Operations Consultant (VOTE & SIGN)

Travis Manzione began by outlining that this contract is to support GIC's longer-term three to five year strategic planning process. He then discussed the program's purpose and 3 work streams (strategy, analytics and operations) and noted that the data warehouse contract was coming up for reprocurement.

Travis Manzione said that through this initiative, we propose to do analysis and assessment on how to better manage health care data, in terms of member and plan performance to provide future programs, He added that if, in the future, GIC wishes to pursue more programmatic work and communicate information, how do we begin to think about beginning to integrate all data points?

Travis Manzione noted that the RFP's are both business related and complex, and we need help in writing the best procurement to help us fulfill our needs. The GIC does a tremendous amount of work with a limited team and an outdated technology infrastructure. How do we provide members with a better experience? If GIC's operations don't support strategy, we are just providing operational fixes.

Vice-Chair Kaplan asked about MAGIC and whether this consultant would assess the technology and how well it works for GIC. Mr. Manzione responded to Vice-Chair Kaplan, indicating this was a great question. He noted MAGIC is primarily an eligibility system and that there is not a lot of benefit eligibility software out there, but said there are a lot of great solutions that do billing effectively. Moreover, he said that we don't expect to replace the current MAGIC system anytime soon.

Commissioner McAnneny asked about how many vendors have this expertise.

Mr. Manzione said this wasn't a challenge as the statewide contracting process enabled the GIC to streamline the process. GIC invited all approved vendors—all of whom were very qualified to participate in the bid process and received responses from four highly qualified partners.

Commissioner Davis then asked about the metrics we have available, in that change isn't necessarily better. Mr. Manzione indicated that part of this assessment is to build in more metrics.

The Executive Director noted that while there are some metrics, we don't apply the rigor we use with our vendors to ourselves on things like Average Speed to Answer (ASA) or call abandonment rate. The Executive Director also added that what we expect from this engagement is a roadmap to decide on longterm organizational needs in terms of people, processes and technologies.

Commissioner Davis then asked about whether this falls within the available consulting budget and was assured it did.

Designee Elizabeth Denniston suggested check-ins along the way.

Travis Manzione put forward the recommendation to contract with Accenture.

Commissioner Davis asked about how budget/money is determined, and whether there could be a reduction in cost (for the engagement).

Travis Manzione replied that we looked at this from a value perspective and that under the statewide contracting process, it's up to the agency to negotiate cost, and mentioned his experience in consulting for 10 years.

The Executive Director noted that Accenture's strategy lead has former state government experience, and has huge depth in operations. She noted that we did small project with them last year, and were impressed with their ability to adapt very quickly.

Vice-Chair Kaplan then asked for motion to approve the recommendation, which was then seconded by Commissioner Choate and Commissioner Thompson. The motion passed unanimously.

VI. In Closing - Other Business Roberta Herman, M.D. and Vice-Chair Bobbi Kaplan

Mr. Manzione then introduced Adam Mintz, the new Mass4You EAP's dedicated integration specialist and described his role to support the new Mass4You program.

Commissioner Davis commended the Executive Director and GIC staff for their presentations.

The Executive Director thanked Mr. Manzione, and indicated that he would be leaving state service. She noted his expertise in having served as GIC's "in house consultant."

Vice-Chair Kaplan thanked Mr. Manzione, and asked for motion to adjourn the meeting and Designee Denniston so moved. The motion was seconded by Commissioner Clinard. The motion passed unanimously.

The Executive Director indicated that the meeting schedule for 2018-2019 was available as a handout.

MEETING ADJOURNED

Respectfully submitted,



Roberta Herman, M.D.

Executive Director

APPENDIX A

Materials Distributed at the August 7, 2018 Commission Meeting

1. April 5, 2018 Meeting Minutes
2. June 13, 2018 Meeting Minutes
3. Schedule of GIC Commission Meetings for 2018-2019
4. Commission Meeting Package – August 7, 2018

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

In the second section, the author outlines the various methods used to collect and analyze the data. This includes both primary and secondary data collection techniques. The analysis focuses on identifying trends and patterns over time, which is crucial for making informed decisions.

The final part of the document provides a detailed breakdown of the results. It shows that there has been a significant increase in sales volume, particularly in the online channel. This is attributed to the implementation of the new marketing strategy and the improved user experience on the website.

