

MINUTES

**ARKANSAS HEALTH INSURANCE MARKETPLACE BOARD OF DIRECTORS
U of A System, B. Alan Sugg Board Room
2404 North University Avenue, Little Rock, Arkansas
Thursday, September 12, 2013**

The Arkansas Health Insurance Marketplace Board of Directors met on Thursday, September 12, 2013, at 1:30 p.m., at the University of Arkansas System, B. Alan Sugg Board Room in Little Rock, Arkansas.

Board members present: Ms. Sherrill Wise, Interim Chairman; Mr. Fred Bean, Ms. Cynthia Crone (for Jay Bradford), Mr. Mike Castleberry, Mr. John Denery, Mr. Steve Faris, Mr. Greg Hatcher, Mr. Jerry Jones, Mr. Chris Parker, Mr. John Selig, and Ms. Annabelle Imber Tuck.

Legislators attending: Representative Mark Biviano

Ms. Sherrill Wise, Interim Chairman, called the meeting to order. Ms. Marty Garrity, Director, Bureau of Legislative Research, provided assistance.

Ms. Wise welcomed everyone to the meeting and thanked the Bureau of Legislative Research (BLR) staff for helping to facilitate the meeting.

**CONSIDERATION TO ADOPT SEPTEMBER 3, 2013, MEETING MINUTES [EXHIBIT C]
Upon motion by Mr. Parker and second by Ms. Tuck, the Minutes from the September 3, 2013, meeting were approved.**

PRESENTATION ON PUBLIC MEETING CRITERIA, PROCEDURES, RESPONSIBILITIES, ETC. (HANDOUT 1)

Mr. Warren Readnour, Senior Assistant Attorney General, Arkansas Attorney General's Office, advised members of the Board of their duties and responsibilities under the Freedom of Information Act (FOIA). He stated that, while the Board may not be a state agency, it is considered a subdivision of the state and subject to the FOIA. There is no definitive answer regarding the number of members that constitute a meeting. He added that a quorum does not have to be present to conduct business. Public notice must always be provided prior to each meeting and must include the date, time, and place. An emergency or special meeting requires a 2-hour notice and should be posted on the state website. As an abundance of caution, the Board should provide public notice of all gatherings, including social events. If the Board wishes to hold an executive session to discuss the hiring of employees, personnel matters, or other related matters, a regularly scheduled meeting must be held beforehand and the purpose must be disclosed. At the conclusion of the executive session, all action must be ratified before the public. Conference calls, emails, texts, and draft minutes are public records and subject to the FOIA. Mr. Readnour suggested that members send a copy of all emails to a central person so that FOIA requests go to that one person rather than to all members. When asked if the Attorney General's Office would provide legal assistance to the Board, Mr. Readnour replied the office represents state agencies and may not have statutory authority to do so. He will report his finding to the Board.

DISCUSSION OF ARTICLES OF INCORPORATION, BYLAWS, AND OPERATING RULES (HANDOUTS 2-5)

The Articles of Incorporation, Bylaws, and Operating Rules were discussed at length and the Board suggested several revisions and additions. Staff will prepare revised documents as requested by the Board, which will be emailed to each member in advance of the September 20 meeting.

UPDATE ON ARKANSAS HEALTH INSURANCE MARKETPLACE WEBSITE

Mr. Jim Schratz, Chief Information Officer, BLR, reported on the status of the website address www.ARHIM.arkansas.gov. The Department of Information Systems (DIS) has given preliminary approval; final DIS review is pending. The Information Network of Arkansas (INA) has begun work on the website. INA provides this as a free service to agencies that do not take in money or collect revenue. As the Board's website is not envisioned to be high volume, it should be fairly easy to maintain.

Mr. Schratz hopes to have a preliminary mock-up for the Board's review at the next meeting. The initial information will include a list of Board members and their terms, the enabling legislation, meeting notices, and adopted documents. Meeting notices may also go on the main state website (arkansas.gov), as pertinent information is pulled onto that website. A list of links to various entities can be created for the website. The Board was asked to provide direction on how it wishes the website to look.

Mr. Schratz advised that email addresses should be ready next week. He will contact each Board member to see who wants an email address. The format will most likely be: first name.last name@arhim.arkansas.gov. Instructions will be provided on how to access this through the web interface and the number to call when you cannot find it. Email addresses will be hosted by the BLR until DIS or another entity takes over after the Board receives funding.

SELECTION OF OFFICERS

Chair – Upon motion by Mr. Steve Faris and second by Mr. Bean, Ms. Sherrill Wise was selected to serve as Board Chairman.

Vice Chair – Upon motion by Mr. Jerry Jones and second by Mr. Bean, Mr. Steve Faris was selected to serve as Vice Chairman.

Secretary/Treasurer – Upon motion by Ms. Tuck, and without objection, Mr. Chris Parker was selected to serve as Secretary/Treasurer.

FUNDING

The Board discussed the next grant deadline of November 15. Ms. Crone stated the Board is responsible for getting the grant written and AID will provide guidance and assistance. AID will electronically submit the Board's request and budget. Once the federal government awards the grant, AID would have an agreement with the Board as a subgrantee. Ms. Crone suggested using this pattern of submissions: a request by the Board in November, one in February by AID, and one in May by the Board. This reflects the federal agency's recommendation that one grant ask is for the partnership and one is for the state-based plan.

Regarding the Blueprint website and requirements, Ms. Crone stated the Board does not have to address every area at once but rather choose an area on which to focus. The Board could do start-up cost and funding 90 days back so as not to have to wait until January. When the funding is received, AID must have the funding appropriated by the legislative process before it is sub forwarded to the Board. The Board may want to use some of its money to hire a well-versed consultant.

In regard to re-scoping an existing Level One grant, Ms. Crone stated that the scope of funding is toward a state partnership. It may take 30-45 days to get a scope change approval.

BOARD OF DIRECTOR'S CONSULTANT

Ms. Garrity addressed the Board's authority to hire a consultant through a competitive bid process. This would require the Board to develop qualifications, what it is seeking, put out for bid and then receive and vote on the bids. The Board could hire a consultant prior to hiring an executive director or staff. There may be law firms with experience in this area willing to work on a pro bono basis. Mr. Faris

asked that Ms. Garrity and Ms. Crone brainstorm on this issue. Ms. Garrity will check to see if the Act would prohibit the AID amending an existing contract with a consulting group in order to expedite getting the November request written. Ms. Crone expressed her thought that AID could re-scope and the Board interview current contractors as a short-term measure. Mr. Castleberry questioned if this would give the contractor(s) an unfair advantage when the Board starts the bidding process.

DISCUSSION OF STAFF EMPLOYMENT

Ms. Garrity advised that BLR is reviewing positions, salaries, and benefits at entities in other states to give the Board a working basis of what other states are doing in terms of the executive director. Staff is also reviewing similar state agency positions. The executive director will hire other staff; however, the Act does allow the Board to hire interim staff prior to hiring the executive director. General information in this regard will be presented to the Board.

MEETING SCHEDULE

Ms. Tuck suggested using meeting wizard to schedule meetings. Members could select the dates they are available and staff could tally dates members are available to determine a meeting date. The Board agreed to meet at the UA System each Wednesday in October at 8:00 a.m., with the exception of October 16, when the Board Room is unavailable. The Board also agreed that meetings be no longer than 2.5 hours. It was pointed out there may be times when the need arises to extend the meeting time.

Ms. Garrity advised that conference call capability is available but asked that members let staff know two days in advance in order to have it set up. In response to a question from Mr. Hatcher, staff will obtain information on the conference call system and report back.

NEXT MEETING

The next meeting of the Board will be held Friday, September 20, 2013, at 9:00 a.m. If necessary, another meeting may also be held in September.

With no further business, the meeting adjourned at 3:38 p.m.