

**FLORIDA HEALTH MAINTENANCE ORGANIZATION  
CONSUMER ASSISTANCE PLAN**

**Board Meeting**

**Tuesday, June 26, 2018 at 11:30 a.m. Eastern Time**

**Conducted By Teleconference**

Board Members Participating

Dr. Raed Assar, Chairman  
John Hogan, Vice Chairman  
David Schandel, Secretary/Treasurer  
Lourdes Rivas  
Chris Paterson  
Michael Keeler  
Stephen Harris  
Karen Zeiler

Others in Attendance

Bruce Platt, HMOCAP Plan Manager, Akerman LLP  
Sheryl Rosen, HMOCAP Plan Manager, Akerman LLP  
Carolyn Morgan, Florida Office of Insurance Regulation  
Leean Chojnowski, Florida Office of Insurance Regulation  
Champa Burns, Florida Office of Insurance Regulation  
Alex Glorioso, Politico  
Mary Lindsey Branham, Florida Department of Financial Services  
Toma Wilkerson, Florida Department of Financial Services  
Brad Bentley, AvMed  
Seth Phelps, Florida Blue  
Ed Garcia, Florida Blue

**I. Call to Order**

Chairman Dr. Raed Assar called the meeting of the Board to order and welcomed attendees.

**II. Antitrust Preamble**

Dr. Assar read aloud the following antitrust preamble:

We are here to discuss and act on matters relating to the business of the Florida Health Maintenance Organization Consumer Assistance Plan ("HMOCAP"). We are not here to discuss or pursue the business of our individual member companies. All of us should proceed with caution and awareness of the requirements and prohibitions of federal and state antitrust laws. We should not engage in discussions, either at this meeting or in private conversation, of our individual companies' plans or contemplated activities. We should concern ourselves only with the business of the HMOCAP as set forth in the agenda for

this meeting. Only HMOCAP matters may be discussed at the meeting and each company's business plans cannot be discussed.

### **III. Approval of Minutes**

Dr. Assar asked the board members for comments or changes to the draft minutes of the November 2, 2017 annual meeting. Hearing none, Karen Zeiler moved to approve the minutes as drafted. Vice Chairman John Hogan seconded the motion, which passed unanimously.

### **IV. Discussion of Potential Long Term Care Legislation**

Dr. Assar indicated that an issue regarding proposed long-term care assessments has been raised on which the board might or might not want to take an opinion. Dr. Assar asked Bruce Platt and Sheryl Rosen of the plan manager Akerman LLP to provide more information. Ms. Rosen explained long-term care plan insolvencies are expected nationally as a result of plans sold over the past decades. Legislation is being proposed in Florida to apply assessments for long-term care plan insolvencies not only against life and health insurers but also against HMOs. The Florida Association of Health Plans and others are preparing proposed legislation, which Akerman included with the board meeting materials. Ms. Rosen pointed out that the proposal could affect the HMOCAP's ability to assess member HMOs in the event of an HMO insolvency if the statutory cap on annual assessments is reached due to long-term care assessments.

Mr. Hogan expressed interest in keeping the HMOCAP board abreast of developments involving the possible long-term care assessments but preferred that the board does not take an official position on the matter because of the differing ways the potential legislation would affect the state's HMOs. Likewise, other board members did not express interest in taking an official position.

Dr. Assar proposed authorizing Akerman to spend up to \$10,000 in hourly legal fees in order to monitor developments in the proposed legislation, communicate with the Florida Association of Health Plans and other stakeholders as necessary, and keep the board informed of changes that will affect the HMOCAP. Mr. Hogan moved to authorize such funds. Michael Keeler seconded the motion, which passed without opposition.

Dr. Assar also brought to the board's attention a research memorandum he asked Mr. Platt to prepare regarding conflicts of interest.

### **V. Other Business**

Dr. Assar asked if the Board had any other business to discuss. Mr. Platt announced that the next HMOCAP annual meeting will take place in August. He will provide meeting materials closer to that date.

### **VI. Adjourn**

Hearing no further business, Mr. Keeler moved to adjourn. The motion was seconded and passed without dissent. Dr. Assar declared the meeting adjourned.

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David C. Schandel, Secretary/Treasurer  
Florida HMO Consumer Assistance Plan

Dated this \_\_\_\_ day of \_\_\_\_\_, 2018

DRAFT