

# **Public Employees Benefits Board Special Meeting**

**April 2, 2020**

## Public Employees Benefits Board

April 2, 2020

1:00 p.m. – 2:00 p.m.

Health Care Authority  
Sue Crystal A & B  
626 8<sup>th</sup> Avenue SE  
Olympia, Washington

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**TAB 1**

## AGENDA

**Public Employees Benefits Board**  
**April 2, 2020**  
**1:00 p.m. – 2:00 p.m.**

**Aligning with [Governor's Proclamation 20-28](#),  
all Board Members and public attendees  
will only be able to attend telephonically.**

**To attend telephonically:**  
**Call-in Number: 1-866-374-5136**  
**Participant PIN Code: 95587891**

[Join Skype Meeting](#)

This link is for visual presentation only.

|            |                                    |       |   |                            |
|------------|------------------------------------|-------|---|----------------------------|
| 1:00* p.m. | <b>Welcome &amp; Introductions</b> |       | Lou McDermott, Chair Pro Tem  |                            |
| 1:05 p.m.  | <b>Meeting Overview</b>            |       | Dave Iseminger, Director<br>Employees & Retirees Benefits<br>(ERB) Division | Information/<br>Discussion |
| 1:10 p.m.  | <b>COVID-19 Resolutions</b>        | TAB 3 | Rob Parkman, Policy and Rules<br>Coordinator, ERB Division                  | Action                     |
| 1:45 p.m.  | <b>Public Comment</b>              |       |   |                            |
| 2:00 p.m.  | <b>Adjourn</b>                     |       |   |                            |

**\*All Times Approximate**

The Public Employees Benefits Board will meet Thursday, April 2, 2020 for a Special Board Meeting. Due to COVID-19 and [Governor's Proclamation 20-28](#), Board Members and the public will only be able to attend this meeting via telephone.

The Board will consider all matters on the agenda plus any other emergency COVID-19 items that develop after publication of this agenda.

This notice is pursuant to the requirements of the Open Public Meeting Act, Chapter 42.30 RCW.

Direct e-mail to: [board@hca.wa.gov](mailto:board@hca.wa.gov).

Materials posted at: <http://www.pebb.hca.wa.gov/board/>.

## PEB Board Members

| Name  | Representing                         |
|---|--------------------------------------|
| Sue Birch, Director<br>Health Care Authority<br>626 8 <sup>th</sup> Ave SE<br>PO Box 42713<br>Olympia WA 98504-2713<br>V 360-725-2104<br><a href="mailto:sue.birch@hca.wa.gov">sue.birch@hca.wa.gov</a> | Chair                                |
| Vacant  | State Employees                      |
| Elyette Weinstein<br>5000 Orvas CT SE<br>Olympia WA 98501-4765<br>V 360-705-8388<br><a href="mailto:elyette.weinstein@hca.wa.gov">elyette.weinstein@hca.wa.gov</a>                                      | State Retirees                       |
| Tom MacRobert<br>4527 Waldrick RD SE<br>Olympia WA 98501<br>V 360-264-4450<br><a href="mailto:tom.macrobert@hca.wa.gov">tom.macrobert@hca.wa.gov</a>  | K-12 Retirees                        |
| Tim Barclay<br>9624 NE 182 <sup>nd</sup> CT, D<br>Bothell WA 98011<br>V 206-819-5588<br><a href="mailto:tim.barclay@hca.wa.gov">tim.barclay@hca.wa.gov</a>  | Benefits Management/Cost Containment |

## PEB Board Members

| Name   | Representing                         |
|--|--------------------------------------|
| Yvonne Tate<br>1407 169 <sup>th</sup> PL NE<br>Bellevue WA 98008<br>V 425-417-4416<br><a href="mailto:yvonne.tate@hca.wa.gov">yvonne.tate@hca.wa.gov</a>   | Benefits Management/Cost Containment |
| John Comerford*<br>121 Vine ST Unit 1205<br>Seattle, WA<br>V 206-625-3200<br><a href="mailto:john.comerford@hca.wa.gov">john.comerford@hca.wa.gov</a>  | Benefits Management/Cost Containment |
| Harry Bossi<br>19619 23 <sup>rd</sup> DR SE<br>Bothell WA 98012<br>V 360-689-9275<br><a href="mailto:harry.bossi@hca.wa.gov">harry.bossi@hca.wa.gov</a>  | Benefits Management/Cost Containment |
| <b>Legal Counsel</b>   |                                      |
| Michael Tunick, Assistant Attorney General<br>7141 Cleanwater Dr SW<br>PO Box 40124<br>Olympia WA 98504-0124<br>V 360-586-6495<br><a href="mailto:MichaelT4@atg.wa.gov">MichaelT4@atg.wa.gov</a> |                                      |

\*non-voting member

4/2/20



Washington State Health Care Authority  
*Public Employees Benefits Board*

P.O. Box 42713 • Olympia, Washington 98504-2713  
360-725-0856 • TTY 711 • FAX 360-586-9551 • [www.pebb.hca.wa.gov](http://www.pebb.hca.wa.gov)

**PEBB MEETING SCHEDULE**

**2020 Public Employees Benefits Board Meeting Schedule**

The PEB Board meetings will be held at the Health Care Authority, Sue Crystal Center, Rooms A & B, 626 8<sup>th</sup> Avenue SE, Olympia, WA 98501.

January 30, 2020 (Board Retreat) 9:00 a.m. – 3:00 p.m.

March 18, 2020 - Noon – 5:00 p.m.

April 15, 2020 - Noon – 5:00 p.m.

May 28, 2020 - Noon – 5:00 p.m.

June 17, 2020 - Noon – 5:00 p.m.

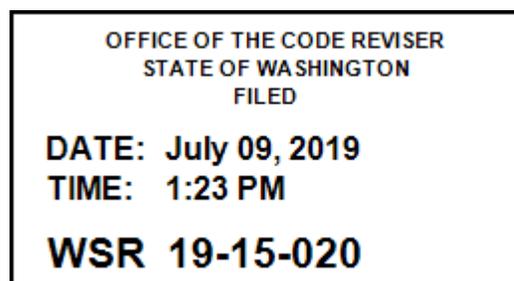
July 15, 2020 - Noon – 5:00 p.m.

July 22, 2020 - Noon – 5:00 p.m.

July 29, 2020 - Noon – 5:00 p.m.

If you are a person with a disability and need a special accommodation, please contact Connie Bergener at 360-725-0856

7/2/19



**TAB 2**

## PEB BOARD BY-LAWS

### **ARTICLE I**

#### **The Board and its Members**

1. **Board Function**—The Public Employee Benefits Board (hereinafter “the PEBB” or “Board”) is created pursuant to RCW 41.05.055 within the Health Care Authority; the PEBB’s function is to design and approve insurance benefit plans for State employees and school district employees.
2. **Staff**—Health Care Authority staff shall serve as staff to the Board.
3. **Appointment**—The Members of the Board shall be appointed by the Governor in accordance with RCW 41.05.055. Board members shall serve two-year terms. A Member whose term has expired but whose successor has not been appointed by the Governor may continue to serve until replaced.
4. **Non-Voting Members**—Until there are no less than twelve thousand school district employee subscribers enrolled with the authority for health care coverage, there shall be two non-voting Members of the Board. One non-voting Member shall be the Member who is appointed to represent an association of school employees. The second non-voting Member shall be designated by the Chair from the four Members appointed because of experience in health benefit management and cost containment.
5. **Privileges of Non-Voting Members**—Non-voting Members shall enjoy all the privileges of Board membership, except voting, including the right to sit with the Board, participate in discussions, and make and second motions.
6. **Board Compensation**—Members of the Board shall be compensated in accordance with RCW [43.03.250](#) and shall be reimbursed for their travel expenses while on official business in accordance with RCW [43.03.050](#) and [43.03.060](#).

### **ARTICLE II**

#### **Board Officers and Duties**

1. **Chair of the Board**—The Health Care Authority Administrator shall serve as Chair of the Board and shall preside at all meetings of the Board and shall have all powers and duties conferred by law and the Board’s By-laws. If the Chair cannot attend a regular or special meeting, he or she shall designate a Chair Pro-Tem to preside during such meeting.
2. **Other Officers**—(*reserved*)

**ARTICLE III**  
**Board Committees**

**(RESERVED)**

**ARTICLE IV**  
**Board Meetings**

1. Application of Open Public Meetings Act—Meetings of the Board shall be at the call of the Chair and shall be held at such time, place, and manner to efficiently carry out the Board's duties. All Board meetings, except executive sessions *as permitted by law*, shall be conducted in accordance with the Open Public Meetings Act, Chapter 42.30 RCW.
2. Regular and Special Board Meetings—The Chair shall propose an annual schedule of regular Board meetings for adoption by the Board. The schedule of regular Board meetings, and any changes to the schedule, shall be filed with the State Code Reviser's Office in accordance with RCW 42.30.075. The Chair may cancel a regular Board meeting at his or her discretion, including the lack of sufficient agenda items. The Chair may call a special meeting of the Board at any time and proper notice must be given of a special meeting as provided by the Open Public Meetings Act, RCW 42.30.
3. No Conditions for Attendance—A member of the public is not required to register his or her name or provide other information as a condition of attendance at a Board meeting.
4. Public Access—Board meetings shall be held in a location that provides reasonable access to the public including the use of accessible facilities.
5. Meeting Minutes and Agendas—The agenda for an upcoming meeting shall be made available to the Board and the interested members of the public at least 10 days prior to the meeting date or as otherwise required by the Open Public Meetings Act. Agendas may be sent by electronic mail and shall also be posted on the HCA website. Minutes summarizing the significant action of the Board shall be taken by a member of the HCA staff during the Board meeting, and an audio recording (or other generally-accepted) electronic recording shall also be made. The audio recording shall be reduced to a verbatim transcript within 30 days of the meeting and shall be made available to the public. The audio tapes shall be retained for six (6) months. After six (6) months, the written record shall become the permanent record. Summary minutes shall be provided to the Board for review and adoption at the next board meeting.
6. Attendance—Board members shall inform the Chair with as much notice as possible if unable to attend a scheduled Board meeting. Board staff preparing the minutes shall record the attendance of Board Members at the meeting for the minutes.

**ARTICLE V**  
**Meeting Procedures**

1. Quorum— Five voting members of the Board shall constitute a quorum for the transaction of business. No final action may be taken in the absence of a quorum. The Chair may declare a meeting adjourned in the absence of a quorum necessary to transact business.
2. Order of Business—The order of business shall be determined by the agenda.
3. Teleconference Permitted— A Member may attend a meeting in person or, by special arrangement and advance notice to the Chair, A Member may attend a meeting by telephone conference call or video conference when in-person attendance is impracticable.
4. Public Testimony—The Board actively seeks input from the public at large, from enrollees served by the PEBB Program, and from other interested parties. Time is reserved for public testimony at each regular meeting, generally at the end of the agenda. At the direction of the Chair, public testimony at board meetings may also occur in conjunction with a public hearing or during the board's consideration of a specific agenda item. The Chair has authority to limit the time for public testimony, including the time allotted to each speaker, depending on the time available and the number of persons wishing to speak.
5. Motions and Resolutions—All actions of the Board shall be expressed by motion or resolution. No motion or resolution shall have effect unless passed by the affirmative votes of a majority of the Members present and eligible to vote, or in the case of a proposed amendment to the By-laws, a 2/3 majority of the Board .
6. Representing the Board's Position on an Issue—No Member of the Board may endorse or oppose an issue purporting to represent the Board or the opinion of the Board on the issue unless the majority of the Board approve of such position.
7. Manner of Voting—On motions, resolutions, or other matters a voice vote may be used. At the discretion of the chair, or upon request of a Board Member, a roll call vote may be conducted. Proxy votes are not permitted.
8. Parliamentary Procedure—All rules of order not provided for in these By-laws shall be determined in accordance with the most current edition of Robert's Rules of Order [RONR]. Board staff shall provide a copy of *Robert's Rules* at all Board meetings.
9. Civility—While engaged in Board duties, Board Members conduct shall demonstrate civility, respect and courtesy toward each other, HCA staff, and the public and shall be guided by fundamental tenets of integrity and fairness.
10. State Ethics Law—Board Members are subject to the requirements of the Ethics in Public Service Act, Chapter 42.52 RCW.

## **ARTICLE VI**

### **Amendments to the By-Laws and Rules of Construction**

1. Two-thirds majority required to amend—The PEBB By-laws may be amended upon a two-thirds (2/3) majority vote of the Board.
2. Liberal construction—All rules and procedures in these By-laws shall be liberally construed so that the public's health, safety and welfare shall be secured in accordance with the intents and purposes of applicable State laws and regulations.

**TAB 3**



# Eligibility & Enrollment Policy Development

Rob Parkman, Policy and Rules Coordinator  
Policy, Rules, and Compliance Section  
Employees and Retirees Benefits Division  
April 2, 2020

# Introduction of Proposed Resolutions

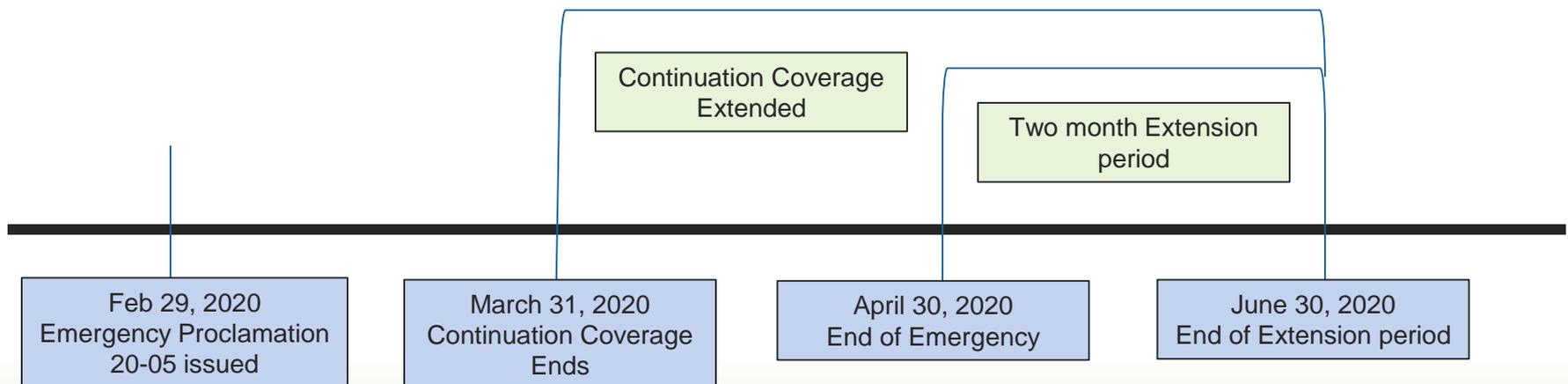
- PEBB 2020-01 COVID-19 Continuation Coverage Eligibility
- PEBB 2020-02 COVID-19 Enrollment Timelines
- PEBB 2020-03 COVID-19 Related Eligibility for Newly Hired or Rehired State Employees

# Proposed Resolution PEBB 2020-01 COVID-19 Continuation Coverage Eligibility

Beginning February 29, 2020, the date that Governor Inslee declared a state of emergency in Proclamation 20-05, the maximum period of continuation coverage is extended until two months after the date the Governor terminates the state of emergency.

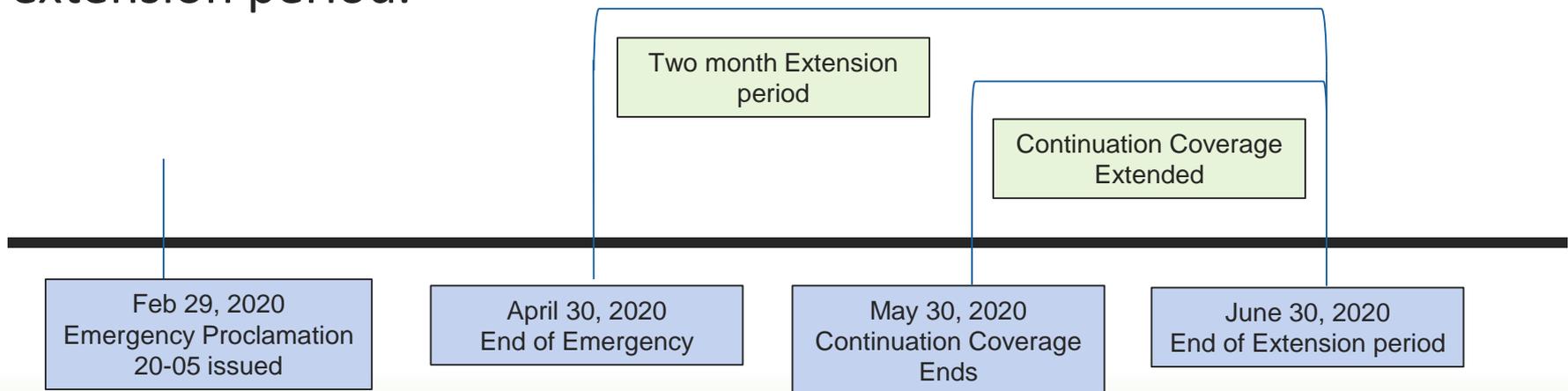
# COVID-19 Continuation Coverage Eligibility Example #1

If (hypothetically) the emergency period ends April 30, 2020, and the subscriber's continuation coverage ends March 31, 2020, the subscriber's continuation coverage may be extended through the emergency period and for two months post the emergency period to end June 30, 2020.



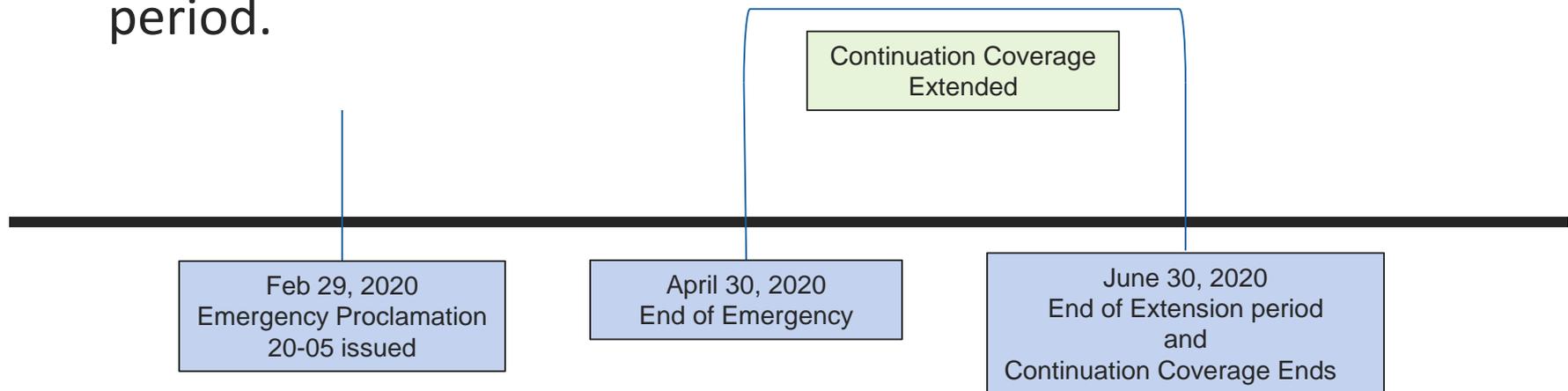
# COVID-19 Continuation Coverage Eligibility Example #2

If (hypothetically) the emergency period ends April 30, 2020, and the subscriber's continuation coverage ends May 30, 2020, the subscriber's coverage may be extended to June 30, 2020 because the subscriber's continuation coverage ended following the end of the emergency period, and before the end of the two month extension period.



# COVID-19 Continuation Coverage Eligibility Example #3

If (hypothetically) the emergency period ends April 30, 2020, and the subscriber's continuation coverage ends June 30, 2020, no extension will be given to the subscriber because the subscriber's continuation coverage ends the last day of the two month period following the end of the emergency period.



# Resolution PEBB 2020-01 COVID-19 Continuation Coverage Eligibility

**Resolved that,** beginning February 29, 2020, the date that Governor Inslee declared a state of emergency in Proclamation 20-05, the maximum period of continuation coverage is extended until two months after the date the Governor terminates the state of emergency.

# Proposed Resolution PEBB 2020-02 COVID-19 and Enrollment Timelines

Beginning February 29, 2020, the date that Governor Inslee declared a state of emergency in Proclamation 20-05, any enrollment timelines established for continuation coverage and retiree subscribers will be extended to 30 days past the date the Governor terminates the state of emergency.

The Health Care Authority is authorized, during the state of emergency as described above, to extend this deadline further and extend any other enrollment deadlines as needed to meet the needs of the state and PEBB Program subscribers.

# COVID-19 and Enrollment Timelines

## Example #1

If (hypothetically) an employee's last day to enroll in PEBB continuation coverage was April 30, 2020, and the state of emergency terminated on May 15, 2020, then the enrollment period for that subscriber will be increased to June 14, 2020.

# COVID-19 and Enrollment Timelines

## Example #2

If (hypothetically) an employee's last day to enroll in PEBB continuation coverage was May 31, 2020, and the state of emergency terminated on May 15, 2020, then the enrollment period for that subscriber would not change and the deadline would remain as May 31, 2020.

# Resolution PEBB 2020-02

## COVID-19 and Enrollment Timelines

**Resolved that,** beginning February 29, 2020, the date that Governor Inslee declared a state of emergency in Proclamation 20-05, any enrollment timelines established for continuation coverage and retiree subscribers will be extended to 30 days past the date the Governor terminates the state of emergency.

The Health Care Authority is authorized, during the state of emergency as described above, to extend this deadline further and extend any other enrollment deadlines as needed to meet the needs of the state and PEBB Program subscribers.

# Proposed Resolution PEBB 2020-03 COVID-19 Related Eligibility for Newly Hired or Rehired State Employees

Beginning April 1, 2020, and through the last day of the month in which the Governor terminates the COVID-19 state of emergency declared in Proclamation 20-05, an employee hired or rehired by a state agency to respond to the Covid-19 emergency in the following position types, first responders (firefighters, police, EMTs, public safety personnel, etc.), health care professionals (doctors, nurses, pharmacists, behavioral health specialists, etc.), any position worked in medical facilities (health care professionals, lab technicians, administrative staff, sanitation workers, etc.), public health officials, and any COVID-19 research positions, is eligible for the employer contribution toward PEBB benefits in any month they work a minimum of 8 hours. If the employee becomes eligible under this temporary criteria for establishing eligibility, PEBB coverage will begin the first day of the month in which the employee becomes eligible. PEBB benefits for this resolution includes the following: medical, dental, basic life, basic AD&D, and basic LTD.

The Health Care Authority is authorized during the state of emergency to include additional position types to the list above, as needed, to meet the needs of the state and PEBB Program subscribers.

Once the COVID-19 state of emergency is terminated, the temporary criteria for establishing eligibility ends and the standard PEBB benefits and maintenance eligibility rules apply.

# COVID-19 Related Eligibility for Newly Hired or Rehired State Employees

## Example #1

If (hypothetically) a state employee was rehired by a state agency, as a nurse, to respond to the COVID-19 emergency on April 27, 2020 and they work at least 8 hours in that month, their PEBB benefits would start on April 1, 2020.

# COVID-19 Related Eligibility for Newly Hired or Rehired State Employees

## Example #2

If (hypothetically) a state employee was hired by a state agency, as a sanitation worker at a medical facility to respond to the COVID-19 emergency on May 16, 2020, and they work at least 8 hours in that month, their PEBB benefits would start on May 1, 2020.

# Resolution PEBB 2020-03 COVID-19 Related Eligibility for Newly Hired or Rehired State Employees

**Resolved that**, beginning April 1, 2020, and through the last day of the month in which the Governor terminates the COVID-19 state of emergency declared in Proclamation 20-05, an employee hired or rehired by a state agency to respond to the Covid-19 emergency in the following position types, first responders (firefighters, police, EMTs, public safety personnel, etc.), health care professionals (doctors, nurses, pharmacists, behavioral health specialists, etc.), any position worked in medical facilities (health care professionals, lab technicians, administrative staff, sanitation workers, etc.), public health officials, and any COVID-19 research positions, is eligible for the employer contribution toward PEBB benefits in any month they work a minimum of 8 hours. If the employee becomes eligible under this temporary criteria for establishing eligibility, PEBB coverage will begin the first day of the month in which the employee becomes eligible. PEBB benefits for this resolution includes the following: medical, dental, basic life, basic AD&D, and basic LTD.

The Health Care Authority is authorized during the state of emergency to include additional position types to the list above, as needed, to meet the needs of the state and PEBB Program subscribers.

Once the COVID-19 state of emergency is terminated, the temporary criteria for establishing eligibility ends and the standard PEBB benefits and maintenance eligibility rules apply

# Next Steps

- Immediately inform state agencies of this change

# Questions?

Rob Parkman, Policy and Rules Coordinator  
Policy, Rules, and Compliance Section  
Employees and Retirees Benefits Division  
[rob.parkman@hca.wa.gov](mailto:rob.parkman@hca.wa.gov)