NEW MEXICO PUBLIC SCHOOLS INSURANCE AUTHORITY BOARD OF DIRECTORS VIRTUAL MEETING MINUTES

3

Virtual Meeting: https://global.gotomeeting.com/join/816046589

Dial in: + 1 (408) 650-3123 Access Code: 816-046-589

Thursday, December 3, 2020

1. Call to Order

Mr. Al Park, President, called the NMPSIA Board Meeting to order at 9:00 a.m. on Thursday, December 3, 2020.

2. Roll Call

Ms. Pamela Vigil, called roll.

Present via virtual meeting/telephonic meeting:

Alfred Park, President
Chris Parrino, Vice-President
Trish Ruiz, Secretary
Denise Balderas
Tim Crone
Pauline Jaramillo
Bethany Jarrell
Sammy Quintana
David Martinez Jr.
Ricky Williams

Absent:

Staff Members Present via virtual/telephonic meeting:

Richard Valerio, Executive Director
Patrick Sandoval, Deputy Director
Martha Quintana, Chief Financial Officer
Melissa Rael, Human Resource/Finance Manager
Katherine Chavez, Benefits/Wellness Operations Manager
Pamela Vigil, Risk Program Coordinator
Dion Romero, Accountant/Auditor
Melissa Larrañaga, Benefits Specialist
Claudette Roybal, Chief Procurement Officer
Andrew Arellano, Financial Specialist

Audience present via virtual/telephonic meeting:

Martin Esquivel Esquivel & Howington Julie Garcia Poms & Assoc. Larry Vigil Poms & Assoc. Tamie Pargas Poms & Assoc. Rika Martinez Poms & Assoc.

Richard Cangiolosi CCMSI Louise Carpenter CCMSI Kevin Sovereign CCMSI Jerry Mayo CCMSI Steve Vanetsky CCMSI Daniel Warner Cigna Dr. Nura Patani Segal Melissa Krumholz Segal Sam Garcia Davis Vision Stephanie Anthony United Concordia Tom Palmer United Concordia JoLou Trujjio-Ottino Delta Dental Rich Bolstad Delta Dental Steve Valdez

Presbyterian

Lia Gainey Presbyterian Connor Jorgensen LFC Joseph Simon **LESC** CS Hwa Erisa Michelle Alarid Erisa Lourdes Rael Erisa Mike Barios Erisa Lisa Guevara **BCBS** Maureen Sergel **BCBS** Jeanine Patterson **BCBS** Jennifer Oswald Standard Stephanie Crouch Standard Jon Molberg **Express Scripts**

3. Introduction of Guests

There were no guests.

4. Citizens to Address the Board (five-minute time limit)

There were no citizens to address the Board.

5. Approval of the Agenda (Action Item)

A motion was made to approve the agenda as presented.

MOTION: P. Jaramillo

SECONDED: T. Ruiz

A roll call vote was taken.

Ms. Vigil called roll:

Chris Parrino – Yes Alfred Park – Yes Denise Balderas - Yes Tim Crone - Yes Pauline Jaramillo – Yes Bethany Jarrell - Yes Sammy Quintana - Yes David Martinez Jr. - Yes Trish Ruiz – Yes Ricky Williams - Yes

Vote carried unanimously.

6. Approval of Virtual Board Minutes (Action Item)

A motion was made to approve the November 5, 2020 Virtual Board Minutes as presented.

MOTION: C. Parrino

SECONDED: S. Quintana

A roll call vote was taken.

Ms. Vigil called roll:

Chris Parrino -Yes
Alfred Park - Yes
Denise Balderas - Yes
Tim Crone - Yes
Pauline Jaramillo - Yes
Bethany Jarrell - Yes
Sammy Quintana - Yes
David Martinez Jr. - Yes
Trish Ruiz - Yes
Ricky Williams - Yes

Vote carried unanimously.

7. Administrative Matters

7. A Recognition of Trish Ruiz for Her Dedicated Service to NMPSIA Board and Risk Advisory Committee

Mr. Richard Valerio, Executive Director, NMPSIA informed the Board this is Ms. Trish Ruiz's last Board Meeting. He stated the NMPSIA Staff and Board would like to recognize her for her many years of dedicated service on the Board and Risk Advisory Committee. Mr. Valerio stated she has served since August of 2017. Mr. Valerio thanked Ms. Ruiz for everything. She has been a great leader, mentor and has done a lot of great work with this Board. Mr. Valerio expressed his regrets she could not be recognized in person. He stated a plaque will be sent to her.

Ms. Ruiz thanked the Board and staff. She stated it has been an absolute pleasure and honor to serve on this Board.

Mr. Park thanked Ms. Ruiz for her relentless service to the Board and to her community and state. He stated she is an absolute breath of positive energy.

Mr. Sammy Quintana echoed everything Mr. Park voiced. He thanked her and wished her the very best.

Mr. Tim Crone thanked Ms. Ruiz for everything. He stated he and Ms. Ruiz served together on the PEC for many years and became immediate friends. Mr. Crone expressed his sadness over Ms. Ruiz's departure from the Board.

Mr. David Martinez Jr. thanked Ms. Ruiz. He stated he has known Ms. Ruiz for many years and praised her dedication and professionalism to the Board and her community.

Ms. Bethany Jarrell stated she has worked with Ms. Ruiz for many years with NEA and this Board. She thanked Ms. Ruiz for her relentless advocacy and wished her well.

Mr. Chris Parrino stated it has been a joy working with Ms. Ruiz. He wished her well and thanked her for everything.

Mr. Ricky Williams wished Ms. Ruiz well and stated it is always a pleasure to be around her.

Ms. Pauline Jaramillo thanked Ms. Ruiz for her great leadership and stated it has been a pleasure serving with her on this Board.

Mr. Park closed by stating Ms. Ruiz has left an indelible mark on this Board. He asked Mr. Valerio to please invite Ms. Ruiz back once the Board can meet in person, so she can be properly recognized for her dedicated service.

7. B Recognition of Melissa Larrañaga for Her Dedicated Service to NMPSIA and the State of New Mexico

Mr. Valerio reported one of NMPSIA's staff members Ms. Melissa Larrañaga will be retiring on December 31, 2020. He stated Ms. Larrañaga was able to retire at 25 years in June of 2020. He stated she has worked for NMPSIA for a total of seven years during two stints. Mr. Valerio stated she will be greatly missed and has been a great asset to the agency. He thanked her for her service and dedication.

Mr. Park thanked Ms. Larrañaga for her dedicated service and wished her the best on her retirement.

Ms. Larrañaga thanked the Board and staff for everything.

Mr. Quintana thanked Melissa for all her work with the State of New Mexico. He stated she is a top-notch employee and wished her the best.

Ms. Katherine Chavez thanked Melissa and stated she has contributed so much to the agency and to the State of New Mexico.

7. C COVID-19 Update

Mr. Valerio reported on the COVID-19 claims count through the end of October 2020. He stated under BCBS there were 6,813 claims for either testing or treatment, for a total of \$1.5 million dollars. He stated under Presbyterian there were 1,288 claims for either testing or treatment, for a total of \$1.4 million dollars. Mr. Valerio stated the combined total was 8,101 claims and a total cost of \$2.9 million dollars.

Mr. Valerio reported he has had conversations with the Department of Finance and Administration and the Department of Health to inquire if there is any federal funding available under the CARES Act that the state has received. He stated they have advised him because NMPSIA is considered an insurance company or entity, NMPSIA would not be eligible or qualify for any funding under the CARES Act.

7. D PED Surveillance Testing Requirement (Action Item)

Mr. Valerio reported back in March of 2020, the Governor and the Superintendent of Insurance declared a public health emergency due to COVID-19. He stated part of the public health emergency, The Superintendent of Insurance issued an order that all commercial insurance carriers cover the cost of testing and treatment for COVID-19 at 100% no cost to members. NMPSIA does not fall under the jurisdiction of the Superintendent of Insurance being that NMPSIA is a self-insured governmental entity. However, NMPSIA and the rest of the IBAC entities decided to provide the same benefit for members and opted to cover the cost of testing and treatment at 100%. Mr. Valerio reported since then, PED has issued their re-opening guidelines and part of those guidelines require that any schools that return to the hybrid mode, and are physically present in schools, 5% of staff need to be tested every week. Mr. Valerio stated he inquired with PED about how this will be funded. He stated after having

conversations with the PED Cabinet Secretary Dr. Stewart. Dr. Stewart advised Mr. Valerio he spoke with the Governor's Office and they are interpreting the document to include surveillance testing because medical professional experts are recommending surveillance testing be put into place and be a requirement as part of public health safety, it should be considered medical necessary, and therefore be paid for by NMPSIA. Mr. Valerio stated there were lengthy conversations at the BAC and RAC with respect to this, and it is the recommendation of both committees to fund surveillance testing until the end of February and allow for more time to evaluate what the actual cost impact will be. He stated this will also allow more time for staff to have conversations with LFC or Department of Health to see if there is some sort of collaborative effort or seek funding reimbursement from the Legislature. Mr. Valerio stated at this point in time the fund balance is healthy, but if it gets into a deficit position this may be a conversation to have with the Legislature.

A motion was made to approve the recommendation as presented.

MOTION: C. Parrino

SECONDED: D. Martinez Jr.

Ms. Vigil called roll:

Chris Parrino – Yes Alfred Park – Yes Denise Balderas - Yes Tim Crone - Yes Pauline Jaramillo – Yes Bethany Jarrell - Yes Sammy Quintana - Yes David Martinez Jr. - Yes Trish Ruiz – Yes Ricky Williams - Yes

Vote carried unanimously.

7. E Legislative Update

Mr. Park asked Mr. Parrino to take over the meeting for the next two items.

Mr. Valerio reported the LFC Budget hearing was on November 16, 2020. He reported staff discussed some of the issues of the impact of COVID-19 and the projections. Mr. Valerio stated the LFC recommendation should be released in January right before the session. Mr. Valerio stated he will report on this to the Board in February. Mr. Valerio mentioned there will be a House Appropriation and Finance Committee sometime in January or February.

8. FINANCIAL MATTERS

8. A Financial Reports for October 2020 (Action Item)

Mr. Sandoval reviewed the statement of revenues and expenditures for the Employee Benefits Fund for the period 10/1/2020 through 10/31/2020. The Benefits Fund had revenues in the amount of \$26,691,913.91; expenditures in the amount of \$30,163,602.50; resulting in a loss of \$3,471,688.59.

Mr. Sandoval reviewed the statement of revenues and expenditures for the Risk Fund for the period 10/1/2020 through 10/31/2020. The Risk Fund had revenues in the amount of \$6,818,389.39 expenditures in the amount of \$6,311,041.28; resulting in a gain of \$507,348.11.

Mr. Sandoval reviewed the statement of revenues and expenditures for the Program Support Fund for the period 10/1/2020 through 10/31/2020. The Program Support Fund had revenues in the amount of \$116,750.00; expenditures in the amount of \$110,743.07; resulting in a gain of \$6,006.93.

Mr. Sandoval reviewed the balance sheet for the period 10/1/2020 through 10/31/2020. Program Support had total assets of \$1,061,846.64, total liabilities of \$281,380.91, and fund equity of \$780,465.73. Employee Benefits had total assets of \$58,996,072.44, ending liabilities of \$28,040,361.84, and fund equity of \$30,955,710.60. Risk had assets of \$147,840,420.13, liabilities of \$153,584,894.01, and a loss of \$5,744,473.88. Total assets for the agency were \$207,898,339.21 and ending liabilities of \$181,906,636.76. Combined fund equity for the agency was \$25,991,702.45.

A motion was made to approve the Financial Reports as presented.

MOTION: D. Martinez Jr.

SECONDED: R. Williams

Ms. Vigil called roll:

Chris Parrino – Yes
Denise Balderas - Yes
Tim Crone - Yes
Pauline Jaramillo – Yes
Bethany Jarrell - Yes
Sammy Quintana - Yes
David Martinez Jr. - Yes
Trish Ruiz – Yes
Ricky Williams - Yes

Vote carried unanimously.

- 9. Risk Matters
- 9. A Approval of Request to Initiate Sole Source Procurement of Safe Schools Training Videos (Action Item)

Mr. Sandoval stated staff is seeking approval to initiate a sole source procurement for Safe School Training Videos. He stated it is the recommendation of the RAC to approve this request.

A motion was made to approve the request to initiate Sole Source Procurement of Safe Schools Training Videos.

MOTION: S. Quintana

SECONDED: R. Williams

Ms. Vigil called roll:

Chris Parrino — Yes
Denise Balderas - Yes
Tim Crone - Yes
Pauline Jaramillo — Yes
Bethany Jarrell - Yes
Sammy Quintana - Yes
David Martinez Jr. - Yes
Trish Ruiz — Yes
Ricky Williams - Yes

Vote carried unanimously.

9. B COVID-19 Liability Immunity Legislation Discussion (Action Item)

Mr. Valerio reported there was discussion yesterday at the RAC surrounding the possible pursuit of legislation that would provide schools immunity for liability related to COVID-19. He stated there has been some efforts on the federal level and other states that have been going on. He explained this would be beneficial for schools if this could get passed, but it may be hard to get passed if plaintiffs attorneys push against this. Mr. Valerio mentioned this issue came up after discussions with the Superintendents Association, NMCEL and the School Boards Association. He explained these entities were interested in pursuing legislation and asked if NMPSIA would be interested in collaborating on these efforts. Mr. Valerio stated after discussions at the RAC, they would like to see what the legislation looks like before moving forward with this. He stated being there will not be a meeting in January, the RAC discussed the possibility of creating a sub-committee of the Board to review the legislation.

Mr. Parrino stated he would like to make sure Mr. Park as the President of the Board and Mr. Quintana as the Chairman of the RAC be on this sub-committee.

Mr. Quintana recommended naming Mr. Park as the chairman of the committee.

Ms. Jaramillo volunteered to serve on the committee.

Mr. Williams volunteered to serve on the committee.

Mr. Dave Poms, Poms & Associates stated he would like to offer their services.

Mr. Valerio stated Mr. Martin Esquivel, NMPSIA General Counsel and NMPSIA staff will also serve on the committee.

A motion was made to approve recommendation as presented, and to form a sub-committee of the Board to review and pursue legislation with respect to COVID-19 liability immunity.

MOTION: S. Quintana

SECONDED: B. Jarrell

Mr. Martinez Jr. asked if this would prevent legal lawsuits against the school with respect to COVID-19.

Mr. Esquivel stated this would necessitate an additional waiver, to ensure some type of limitation against the schools. He indicated any time one attempts to constrict or expand the NM Tort Claims Act, there are a lot of consequences that can fall. This would take a significant change to the Tort Claims Act to enact that type of immunity to sue on this issue.

Mr. Martinez Jr. asked if a staff member does get sick with COVID-19, will the insurance still cover the cost for medical care if this gets passed.

Mr. Esquivel stated if it is a staff member, this would be a workers' compensation claim.

Mr. David Martinez Jr. asked if a staff member would still have coverage if they are sick with COVID-19.

Mr. Esquivel stated the determination would have to be on the workers' compensation side as to whether or not the staff member contracted the illness at work. He stated this is the biggest issue before all employers across the country right now.

Mr. Valerio reported in addition to that, if a member were declined for workers' compensation, they would be covered under the medical side.

Ms. Vigil called roll:

Chris Parrino – Yes
Denise Balderas - Yes
Tim Crone - Yes
Pauline Jaramillo – Yes
Bethany Jarrell - Yes
Sammy Quintana - Yes
David Martinez Jr. - Yes
Trish Ruiz – Yes
Ricky Williams - Yes

Vote carried unanimously.

9. C TPA Reports

9.C.1 Property & Liability Monthly Claims Report

Mr. Steve Vanetsky, CCMSI reported on the Property & Liability Monthly Claims Report. He stated for the month of October 2020 there were 324 open claims, 32 new claims and 45 claims were closed. Mr. Venetsky reported reserves were at \$63,352,495.97, payments were \$22,673,478.24 for a total of \$86,025.974.21.

9. C. 2 Property & Liability Large Losses

There were no large losses to report.

9. C. 3 Workers' Compensation Monthly Claims Report

Mr. Jerry Mayo, CCMSI provided the Workers' Compensation Monthly Claims Report for Districts as of October 31, 2020. He reported during the month of October there were 827 open claims, 102 new claims, 12 claims were re-opened, and 108 claims were closed. Mr. Mayo reported reserves were at \$14,374,375.16; payments were \$51,017,294.97; for a total of \$65,391,670.13.

Mr. Mayo reported on the Workers' Compensation Monthly Claims Report for Charter Schools as of October 31, 2020. Mr. Mayo reported during the month of October, there were 31 open claims, 3 new claims, and 2 claims were closed. Mr. Mayo reported reserves were at \$828,501.88; payments were \$1,436,756.04, for a total of \$2,265,257.92.

9. C. 4 Workers' Compensation Large Losses

Mr. Mayo reported there was one claim over \$50,000 with Southwest Secondary Learning Center. He stated this is reserved at \$350,000.

9. D Approval of Approach on an Anonymous Reporting System (Action Item)

Ms. Julie Garcia, Poms & Associates reported at the RAC last month this item was discussed in detail. She stated she and Ms. Rika Martinez had been working on the anonymous reporting system with Sandy Hook, only to discover STOPIT and the NM Central REC had been awarded a grant to do anonymous reporting for three years to small schools not including charter and larger schools. She also found out the Attorney General also received a grant to look at an anonymous reporting system similar to the Sandy Hook Promise Platform. Ms. Garcia stated because of the confusion, staff has decided the best approach is to go to the Legislature to ask them to mandate an anonymous reporting system for all schools. She stated NMPSIA can discuss afterwards if an RFP should be sent out for the larger schools and charter schools. Ms. Garcia stated she is asking for approval to start working with the Legislature to find a sponsor for the anonymous reporting system language.

A motion was made to approve the recommendation for staff to begin working with the Legislature to find a sponsor for anonymous reporting system language.

MOTION: P. Jaramillo SECONDED: A. Park

Mr. Martinez Jr. asked if there will be different types of anonymous systems.

Ms. Garcia stated there will be several systems, but the approach will be similar.

Ms. Vigil called roll:

Chris Parrino – Yes Alfred Park - Yes Denise Balderas - Yes Tim Crone - Yes Pauline Jaramillo – Yes Bethany Jarrell - Yes Sammy Quintana - Yes David Martinez Jr. - Yes Trish Ruiz – Yes Ricky Williams - Yes

Vote carried unanimously

9. E Loss Prevention Update

Ms. Garcia reported staff has been working with Zuni Public Schools. She stated they have over 1,000 Zuni Pueblo members that have contracted COVID-19, 300 school staff members that have tested positive for COVID-19, two COVID-19 related deaths and a couple of individuals in critical condition. Ms. Garcia stated they are asking for some mental health assistance. She stated she spoke with Mr. Valerio yesterday about getting the Wellness Program involved and also providing them some two-minute uplifting toolbox talks.

Mr. Larry Vigil, Poms & Associates reported staff met with the New Mexico Public Facilities Managers Association and the Association of Maintenance Directors. There are some ongoing concerns the organization has with respect to merv 13 filters. He stated they are having a hard time locating these filters in the districts and this is an ongoing concern.

He stated they will be looking into several districts that received several palettes of hand sanitizer. He stated anything more than 10 gallons of hand sanitizer is considered a large quantity of combustible material and should be handled and stored safely. Mr. Vigil stated he will be looking into which districts received this and provide guidance on how to properly store this hand sanitizer.

10. BENEFITS MATTERS

10. A SHAPE Dashboard Report

Ms. Melissa Krumholz, Segal, provided the SHAPE Dashboard Report. She stated in FY20 the medical trend was down 1.4%. She stated in a normal year, the expected increase would

be 6.5% increase. She reported COVID-19 really had a huge impact in the fourth quarter. She stated the directional downturn of 1.4% is in line with what was projected under the COVID-19 modeling. Ms. Krumholz stated pharmacy is up nearly 16% and is driven by utilization and generally higher cost with more people taking specialty drugs. She stated this is higher than what would have been projected. Ms. Krumholz stated this does not reflect any rebates or savings from SAVEON SP. She went on to report inpatient services are down and outpatient is up, which is driven by higher utilization prior to COVID-19. She stated there has been a decrease in ER utilization. Ms. Krumholz reported on the baseline start-point on the diabetics and the cost compared to non-diabetics. She stated it is important for members to stay in contact with their doctors during this time.

Mr. Valerio stated this report has been extremely helpful in pinpointing where the cost drivers are. For example, diabetics and asthma are some of the top conditions. He stated this allows staff to implement programs like Livongo to assist in cutting costs.

10. B Approval of Stop-Loss Renewal (Action Item)

Mr. Valerio reported staff and Segal are continuing to negotiate the renewal with the Stop Loss carrier Matrix. He stated since there is not a meeting until February, staff is requesting approval to continue negations and bind coverage once it is finalized. Mr. Valerio stated the final renewal contract will be brought back to the Board for review and approval in February 2021.

A motion was made to approve the stop-loss renewal and allow staff and Segal to continue negotiations to bind coverage.

MOTION: C. Parrino

SECONDED: D. Martinez Jr.

Ms. Vigil called roll:

Chris Parrino - Yes Alfred Park - Yes Denise Balderas - Yes Tim Crone - Yes Pauline Jaramillo - Yes Bethany Jarrell - Yes Sammy Quintana - Yes David Martinez Jr. - Yes Trish Ruiz - Yes Ricky Williams - Yes

Vote carried unanimously.

10. C Approval of Professional Services Agreement for Benefits Actuarial Consulting Extension (Action Item)

Mr. Sandoval requested approval of the Professional Services Agreement for the Benefits Actuarial Consulting Extension. He explained the term is from January 1, 2021 through December 31, 2022. There are no changes to the scope and compensation.

A motion was made to approve the Professional Services Agreement for Benefits Actuarial Consulting Extension as presented.

MOTION: C. Parrino

SECONDED: R. Williams

Ms. Vigil called roll:

Chris Parrino – Yes Alfred Park – Yes Denise Balderas - Yes Tim Crone - Yes Pauline Jaramillo – Yes Bethany Jarrell - Yes Sammy Quintana - Yes David Martinez Jr. - Yes Trish Ruiz – Yes Ricky Williams - Yes

Vote carried unanimously.

10. D United Concordia Dental Updates

Ms. Stephanie Anthony, United Concordia, introduced Mr. Tom Palmer, Senior Vice President, United Concordia.

Mr. Palmer thanked NMPSIA for being a loyal and long-term customer. He reported on efforts to assist with issues related to the COVID-19 pandemic.

10. E 2021 Open/Switch Enrollment Update

Ms. Michelle Alarid, Erisa Administrative Services reported switch enrollment window started on October 1, 2020 through November 13, 2020, with an effective date of January 1, 2021. Ms. Alarid reported in close coordination with the NMPSIA staff and benefits carriers, there were a total of 14 open switch virtual benefits presentations, beginning September through November. Ms. Alarid stated when there is a switch or open enrollment, the practice is NMPSIA allows the request to be processed prior to the effective date, however, if an employer accepts the request prior to the effective date, it will be accepted.

Ms. Alarid reviewed the total open enrollment count, medical only switch enrollment counts for BCBS, Presbyterian, Cigna, United Concordia, Delta Dental and Davis Vision. She reviewed the dental only switch enrollment counts. Ms. Alarid stated the numbers are subject to change as Erisa will accept approved employer requests received by the employer through 12/31/2020.

10. F Wellness Update

Ms. Katherine Chavez, Benefits/Wellness Operations Manager, reported she provided this report in detail at the Benefits Advisory Committee.

She reported the program has touched more lives and increased engagement for 2020. More schools have been recruited to the Wellness Ambassador Program. She reported within the Naturally Slim Program, 10% of participants have lost 5% of body weight. The Livongo Program has seen great success as well as the Diabetes Program.

11. General Discussion

Mr. Valerio wished everyone Happy Holidays and a Happy New Year.

The Board had discussion about children returning to in-person learning.

Mr. Park thanked the Board, NMPSIA staff and all the partners for all their hard work during this difficult year. He wished everyone a Happy Holiday Season.

12. Next Meeting Date and Location

Mr. Valerio reported the next meeting will be held virtually on February 4, 2020.

13. Adjournment (Action Item)

A motion was made to adjourn The NMPSIA Board Meeting at 10:23 a.m.

MOTION: S. Quintana

SECONDED: C. Parrino

The meeting was adjourned by acclimation.

APPROVED:

Mr. Alfred Park, President