**Oklahoma Higher Education Employees Interlocal Group**

a/k/a OKHEEI Group

**Agenda of Regular Meeting to be held at**

**Rose State College**

**Learning Resource Center, Room 230**

 **6420 SE 15th St.**

**Midwest City, OK 73110**

**Thursday, December 1, 2022**

**10:30 am**

|  |  |
| --- | --- |
| East Central University – Designee Ron Bussert | Northeastern Oklahoma State University – Christy Landsaw |
| Northwestern Oklahoma State University –David Pecha | RUSO Board Office – Designee Debra Lyon |
| Southeastern Oklahoma State University – Dennis Westman | Southwestern Oklahoma State University –Brenda Burgess |
| Murray State College – Justin Cellum | Northern Oklahoma College – Anita Simpson  |
| Rose State College – Krista Norton | Redlands Community College – Jena Marr  |
| Seminole State College – Melanie Rinehart  |  |

1. **Announcement of Filing Meeting Notice and Posting of the Agenda in Accordance with the Oklahoma Open Meeting Act.**
2. Call meeting to order

Justin Cellum, MSC called the meeting to order at 10:35 am.

1. Roll call
	1. Board Member Attendance

|  |  |
| --- | --- |
| Ron Bussert | ECU |
| David Pecha | NWOSU |
| Dennis Westman | SE |
| Justin Cellum | MSC |
| Christy Landsaw | NSUOK |
| Debra Lyon | RUSO |
| Jena Marr | RCC |
| Anita Simpason | NOC |
| Board Members Not in Attendance  |  |
| Melanie Rinehart | SCC |
| Brenda Burgess | SWOSU |

1. Approval of minutes from 10/5/2022 meeting

Approval of minutes from the 10/5/2022 meeting was tabled till the 1/11/2023 meeting, with all the edits that need to be made for approval.

1. **Ratification of Emergency Approval**

On October5, 2022, OKHEEI Board Vice Chair Justin Cellum, MSC voted to pay the emergency air ambulance claim as presented by Kymberly Morello, BCBS.

Debra Lyon, RUSO explained that there was an someone that was insured by NWOSU. A male that was insured my NWOSU went to a hospital in the Northwestern area, to the Emergency room. While they were at the hospital, the hospital could not treat the individual this would not typically be an air ambulance transport, but while the individual was at the hospital there were no ground ambulances available to transport him to another facility. The hospital used air ambulance to transport the individual to another facility. Initially the claim was denied, because the air ambulance company submitted the claim, but never sent the claim to the insured. The claim has been pending for a couple years. It was denied by BCBS, because initially BCBS looked at the claim and stated that the condition did not warrant air ambulance transport. The claim was reviewed because it was appealed, but the BCBS Medical Reviewer stated that based on the facts that BCBS would have paid the claim. There was a timing issue related to the appeal, it was not appealed in the appropriate time frame. It was brought to Justin Cellum, MSC and Debra Lyon, RUSO for review. Based on the information that was provided by BCBS, Justin Cellum, MSC approved the payment of the bill, because the BCBS Medical Reviewer stated that the bill would have been paid by BCBS. The insured got the full bill, and immediately brought the bill to NWOSU. NWOSU had the bill within 5 days of the insured knowing that claim was still pending. Debra Lyon, RUSO made a motion to accept this claim, 2nd by Anita Simpson, NOC. All Board Members voted to approve the claim, with NWOSU abstaining from the voting as it was their employee that brought the claim.

Board Members Voting:

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| --- | --- | --- | --- | --- |
| Name: | School: | Yes: | No: | Abstain: |
| Ron Bussert | ECU | X |  |  |
| David Pecha | NWOSU |  |  | X |
| Dennis Westman | SE | X |  |  |
| Justin Cellum | MSC | X |  |  |
| Christy Landsaw | NSUOK | X |  |  |
| Debra Lyon | RUSO | X |  |  |
| Jena Marr | RCC | X |  |  |
| Anita Simpson | NOC | X |  |  |

1. **Discussion regarding Empyrean** – Mark Scott RUSO/OKHEEI Benefits Coordinator

Benefits Coordinators must submit a weekly file feed, that they are doing manually. There are a lot of errors that come back from Empyrean, as issues that the schools face. Why are the schools doing the file feeds manually? Gallagher’s opinion is that Empyrean is not very flexible in how file feeds are uploaded. Empyrean is asking the schools to jump through hoops to get their field feeds in the system. Enrollment side was better than the previous vendor. There was a lot that was not addressed at implementation. Looking for a new company to take over for Empyrean would take a little over a year to find and vet a company to take over. Gallagher’s recommendation is that even if OKHEEI left Empyrean, the file feed problem would still be an issue, and it has to do with the payroll systems that the schools use. Dennis Coon, Gallagher, has offered to sit with each school to figure out the file feeds. He also stated that having to figure out the file feed would have to happen no matter who OKHEEI used as their benefits administrator. Jena Marr, RCC asked to invite Empyrean to come to a Board Meeting so the Board Members can ask questions and see if addendum needs to be made to the original contract, then have it made, if the amount isn’t high.

1. **Discuss and possible action regarding HIPAA Compliance** – Mark Scott RUSO/OKHEEI Benefits Coordinator
	1. Security Officer
	2. Compliance Team
	3. Policies and Procedures

OKHEEI currently has no Security Officer, Compliance Team, or HIPAA Policies and Procedures. For OKHEEI to end its contract with Total HIPAA, they would have to provide a 30 written notice before February 2023 otherwise the contract with auto-renew for $24,000 for the year of 2023. It was brought up by Mark Scott, RUSO/OKHEEI that Gallagher has a HIPAA Compliance Department within their company. There will have to be training across all schools that handle PHI files. Gallagher has online training and in-person training for all that will handle PHI.

There was a motion from Debra Lyon, RUSO that OKHEEI ends its contract with Total HIPAA and engage the HIPAA Compliance Department of Gallagher. The motion was seconded by Chirsty Landsaw, NSUOK.

1. **Discussion and possible action regarding PCORI fees owed by OKHEEI** – Debra Lyon, RUSO General Counsel

It was discovered that OKHEEI was required to pay PCORI fees. It was arranged to have this year’s fees paid, but waited to long to send it, and OKHEEIO was penalized for sending the payment in late. OKHEEI engaged an attorney to assist with the previous years of PCORI fees. OKHEEI received a notification from the IRS, that the payment was received but that OKHEEI still owed $672.37 because the IRS didn’t receive it before the deadline. OKHEEI will be required to pay the $672.37 (penalties and interest till mid-Aug.) There are still payments that have not been submitted yet. A letter was received from the IRS that the payment of $12,753.93 was for payment through June 30, 2021. There was a failure to file ($573.93) & failure to pay penalty ($63.77) with interest charges. There is a 5% penalty assessed for filing the return late to up to 5 months. PCORI fees are (Patient Centered Outcome Research) which is a part of the ACA. Self-funded policies have to pay the fees themselves. The fees are $2.68 per employee that is covered under the plan for the calendar year. Chane Deumont is the attorney that was engaged by OKHEEI. We can request a waver for the penalty and interest, if we qualify. The payment was sent 2 days before the due date, which was not an enough time to request the waver. Payment and filing were sent the day it was due, but the IRS didn’t get the payment and filing till mid-August. OKHEEI can request that the penalty be reconsidered but there is no guarantee we could get the penalty taken away. OKHEEI will need to get the other 720 PCORI fees filed and paid for the previous years (2017-2020,2022). The penalty is a max of 5 months for each year that has not been paid. Fees will range from $12-$15,000 per year. It was suggested by Debra Lyon that OKHEEI pay the fees for the year, and then if the IRS comes back and says the penalties are to be paid, then OKHEEI can ask for reconsideration. The PCORI fees are an expense that is to be paid every year. The amount for the pervious years will differ because there where other schools included in OKHEEI (UCO, Western) and the dollar amount that is owed per employee changes every year.

David Pecha, NWOSU made a motion to pay the fees for the previous years and wait for correspondence from the IRS about the penalties. Debra Lyon, RUSO second the motion.

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| Name: | School: | Yes: | No: | Abstain: |
| Ron Bussert | ECU | X |  |  |
| David Pecha | NWOSU | X |  |  |
| Dennis Westman | SE | X |  |  |
| Justin Cellum | MSC | X |  |  |
| Christy Landsaw | NSUOK | X |  |  |
| Debra Lyon | RUSO | X |  |  |
| Jena Marr | RCC | X |  |  |
| Anita Simpson | NOC | X |  |  |

A motion was made by Debra Lyon, RUSO that OKHEEI seeks reconsideration of the $672.37 from the IRS based on the circumstances that OKHEEI was facing during the summer of 2022. Dennis Westman, SE seconds the motion.

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| Name: | School: | Yes: | No: | Abstain: |
| Ron Bussert | ECU |  | X |  |
| David Pecha | NWOSU |  | X |  |
| Dennis Westman | SE |  | X |  |
| Justin Cellum | MSC |  | X |  |
| Christy Landsaw | NSUOK |  | X |  |
| Debra Lyon | RUSO | X |  |  |
| Jena Marr | RCC |  | X |  |
| Anita Simpson | NOC |  | X |  |

A motion was made by Anita Simpson, NOC to pay the $672.37. Christy Landsaw, NUSOK seconded the motion.

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| --- | --- | --- | --- | --- |
| Name: | School: | Yes: | No: | Abstain: |
| Ron Bussert | ECU |  |  | X |
| David Pecha | NWOSU | X |  |  |
| Dennis Westman | SE | X |  |  |
| Justin Cellum | MSC | X |  |  |
| Christy Landsaw | NSUOK | X |  |  |
| Debra Lyon | RUSO | X |  |  |
| Jena Marr | RCC | X |  |  |
| Anita Simpson | NOC | X |  |  |

It was passed to pay the $672.37.

1. **Discussion and possible action regarding OKHEEI High Deductible plan –** Dennis Coon, Gallagher

Plan F is the High Deductible Plan that is being discussed. IRS has not come out with the current guidelines for the upcoming year. Currently the HSA plan has a deductible plan of $3000, the minimum is $3000 which OKHEEI has an embedded HSA Plan. The issue is there is a program that an employee can fill out a Health Assessment and get $200 deductible credit this is impossible to do because it would be out of compliance. In years past, the way that the problem was fixed was the deductible was raised to accommodate and come into compliance. Who this will impact: 2021 there were 15 people on the high deductible, these 15 people took the health assessment, out of these 15 people only 2 people met their deductible for the year. OKHEEI’s goal is to at some point that Plan F would be taken away but can not be done till there is no longer any employee on Plan F. OKHEEI would need to work on making the High Deductible plan a true High Deductible Plan, for people that are healthy. Currently, Plan C cost less that Plan F (High Deductible Plan).

Examples on how to apply the $200 Health Assessment: (these are an actual cost to OKHEEI)

* + 1. Employees that do the Health Assessment that the $200 could be added to their HSA
		2. Could give them a half day off work
		3. Gift Card

There are different ways to reward employees for completing the Health Assessment.

Other issues that would arise is compliance that OKHEEI could get into doing things for one plan and not doing the same for people on other plans. The idea behind applying the credit to the deductible, is an incentive without a real cost to OKHEEI, until someone meets their deductible. It was stated in the Open Enrollment packets regards to the Health Assessment and the High Deductible Plan, that the employee would need to see their HR Department for questions. There was a motion from Jena Marr, RCC that the people on the High Deductible Plan F that the Health Assessment incentive be taken away to lower the deductible. The motion was 2nd by Anita Simpson, NOC. (This motion did not pass.)

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| Name: |  | School: | Yes: | No: | Abstain: |
| Ron Bussert |  | ECU |  | X |  |
| David Pecha |  | NWOSU |  | X |  |
| Dennis Westman |  | SE |  | X |  |
| Justin Cellum |  | MSC |  | X |  |
| Christy Landsaw |  | NSUOK |  | X |  |
| Debra Lyon |  | RUSO |  | X |  |
| Jena Marr |  | RCC |  | X |  |
| Anita Simpson |  | NOC |  | X |  |

There was a motion Jena Marr, NOC that the High Deductible Plan F, the Health Assessment of $200 is taken away to stay in compliance with the Federal Government. Christy Landsaw, NSUOK 2nd the motion.

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| --- | --- | --- | --- | --- | --- |
| Name: |  | School: | Yes: | No: | Abstain: |
| Ron Bussert |  | ECU | X |  |  |
| David Pecha |  | NWOSU | X |  |  |
| Dennis Westman |  | SE | X |  |  |
| Justin Cellum |  | MSC | X |  |  |
| Christy Landsaw |  | NSUOK | X |  |  |
| Debra Lyon |  | RUSO | X |  |  |
| Jena Marr |  | RCC | X |  |  |
| Anita Simpson |  | NOC | X |  |  |

The motion passed.

1. **Discussion regarding 2024 rate timeline** – Daniel Comers, Gallagher

The discussion is when Gallagher needs to have OKHEEI’s 2024 Insurance rates to the schools, so the schools can work and add the Insurance Rates into their 2024 School Budgets. Gallagher was instructed that the April Board Meeting would be a tentative deadline, a hard deadline would be the May Board meeting. School budgets are turned in June. Gallagher can have projections in February.

1. **Discussion regarding Employee Intercollege Transfer Policy** – Dennis Coon, Gallagher

There have been 11 college to college transfers since May. The reason why this is becoming an issue, within Empyrean. The circumstance is that all the schools are individual but under the same plan. So, there can’t be a waiting period for the employee because they are already on the plan.

Rules that must be determined:

* + 1. When does the new school start paying for the employee’s insurance?
		2. What portion does the new school pay?
		3. Is there a portion that gets paid in the middle of the month?

The Board needs to decide what are going to be the rules. Suggestion from Mark Scott, RUSO that the old school pay out the remaining month and then the new school take over day one of the next month. This suggestion was made, because when an employee leaves a school, the school will already be paying out the remainder of the month for that employee. There wouldn’t have to be a change in how an employee is handled within the school’s system. If an employee is under contract and goes to another school within the OKHEEI system, then the contract with the previous school would stand.

1. **Trust Status Report** – Brenda Burgess SWOSU

Brenda Burgess, SWOSU was unable to attend the meeting, so Debra Lyon, RUSO gave the Trust Status Report. This is the OKHEEOI BOK Trust Accounts, for the below months of 2022.

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| --- | --- | --- | --- |
| Period Ending | Reserve Acct.(Invested) | ClaimsAcct. | Total |
| 2022 July | $2,869,220 | $5,858,792 | $8,728,011 |
| 2022 August | $2,795,575 | $5,133,333 | $7,928,909 |
| 2022 September | $2,655,893 | $5,878,143 | $8,534,036 |
| 2022 October | $2,685,047 | $5,584,399 | $8,269,446 |

The question was asked how much would be left in the Trust by Rose State when they leave OKHEEI. The answer is unknown as of right now on the amount that Rose State will leave in the Trust. Anita Simpson, NOC asked if there was a way that the Board Members could receive a report from the Bank. Crawford and Associates were retained to do an audit on the OKHEEI Trust, there is not status update at this time on the nature of those audits.

1. **Financial Statement –** Daniel Somers,Gallagher

Attached is the Financial Statement that was presented by Gallagher. [Gallagher ERISA\OKHEEI\_ExpRpt\_BCBS OK\_Medical\_September 2022.pdf](file:///C%3A%5CUsers%5Cmscott%5CDesktop%5CGallagher%20ERISA%5COKHEEI_ExpRpt_BCBS%20OK_Medical_September%202022.pdf)

1. **Discussion and possible action on January 2023 meeting date**

There was a discussion about changing the January 2023 Board Meeting from its current date Thursday, January 5, 2023, at 10:30 on the Redlands Campus, to the new date Wednesday, January 11, 2023, at 10:30 am on the Redlands Campus. The motion was made by Dennis Westman, SE for the meeting to be on January 11, 2023, at 10:30am on the Redlands Campus. The motion was seconded by Christy Landsaw, NSUOK. All meeting dates have to be submitted to the Secretary of State website, 48 hours before the meeting time and has to be posted to the OKHEEI website 24 hours before the meeting time, per the Open Meetings Act.

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| --- | --- | --- | --- | --- | --- |
| Name: |  | School: | Yes: | No: | Abstain: |
| Ron Bussert |  | ECU | X |  |  |
| David Pecha |  | NWOSU | X |  |  |
| Dennis Westman |  | SE | X |  |  |
| Justin Cellum |  | MSC | X |  |  |
| Christy Landsaw |  | NSUOK | X |  |  |
| Debra Lyon |  | RUSO | X |  |  |
| Jena Marr |  | RCC | X |  |  |
| Anita Simpson |  | NOC | X |  |  |

The motion passed.

1. **Chair’s Report – Justin Cellum, OKHEEI Chair**

There is nothing new to report.

1. **Coordinator’s Report – Mark Scott, RUSO/OKHEEI Benefits Coordinator**

There was nothing new to report.

1. **OKHEEI Board Member’s Comments and Announcements**

Jena Marr, RCC brought up the wellness funds being used by the schools. The discussion was to make sure that the schools are using the Wellness funds. The reimbursement process and the fund amounts for the 2023 year have been sent out to all the schools. The question was brought up if, moving forward could there be a Zoom/Teams link sent out to all Coordinators and other personnel to be able to sit in on the Board Meeting, that are unable to make it to the meeting in person. Anita Simpson, NOC brought up that anyone that has, HSA money with Chard Synder they are being charged a fee for the monies still being in that account.

1. **New Business**

There was no new business to discuss

1. **Adjournment**
	1. Justin Cellum, MSC adjourned the meeting at 12:42pm.