

Meeting Minutes  
Tribal/Federal Technical Workgroup  
Monday, January 9<sup>th</sup>, 3:30pm EST

**Tribal representatives in attendance:** Valerie Davidson, Gerald DePerry, Celeste Lemen, Laurie Lus, Maile Robidoux, Liz Turner, Leslie Weber, Luke Welles, Sara Spence, Pat Higgins

**In attendance from OPM:** Chelsea Ruediger, John O'Brien, Mary Hartman, Paul Westfall, Rachel Aksman, Eric Figg

**In attendance from NFC:** Anita Fincher, Brian Sanford, Cheri Landry, Darren Chin (Deloitte)

1. Welcome and Introductions- John O'Brien, OPM
2. Updates and announcements- Rachel Aksman and Chelsea Ruediger, OPM
  - a. Responding to consultation process questions
    - i. Responses have been written, currently going through OPM's internal clearance process.
  - b. Meeting minutes
    - i. November minutes should be posted to the website soon, OPM made the requested amendment. **UPDATE: November meeting minutes are posted at:**  
<http://www.opm.gov/insure/health/tribes/11-11consult.pdf>
  - c. Claims data
    - i. Retrieving claims data in the FEHB Program is more difficult than it is in private industry. This is because tribal employers will have employees covered under a number of plans and carriers have FEHB participants from multiple employers (Federal and tribal). Thus, it is not as simple as running one report to aggregate all of your claims data.
    - ii. OPM is working on a Claims Data Warehouse. Tribal employers will have access to the same information as Federal agencies. OPM does not currently provide raw claims data to agencies, nor do they plan to once the Warehouse is operational.
    - iii. The Warehouse team is currently discussing what information will be available to tribal employers and how they can access it. However, tribal employers will not have access to raw claims data.
  - d. ERISA and the IRS form 5500
    - i. The Seminole Tribe of Florida sent us a memo regarding ERISA and IRS form 5500, OPM is working on a response.
    - ii. As of now, ERISA will not apply to tribal employers purchasing FEHB coverage for their employees.
  - e. Employee deductibles
    - i. OPM was asked in the last teleconference if employers could pay deductibles for their employees who come in mid-year. OPM needs to discuss this internally.
  - f. Upcoming conferences/training opportunities

- i. OPM will be present at the upcoming USET Conference in DC to provide FEHB training.
  - ii. OPM will publicize, in advance, the conferences at which they plan to offer training, to the best of their ability.
- g. Eligibility review panels
  - i. Tribal employers choosing to purchase FEHB for their employees will be required to have a review panel for eligibility disputes. Federal agencies have a similar requirement.
  - ii. For example, if a tribal employee is notified that he/she is not eligible and he/she disagrees, the panel will review the decision and make a final, enforceable decision.
  - iii. The panel can be a previously existing tribal council, can be shared among several tribes, or can be created specifically for this purpose. Members of the panel cannot be the same HR representatives who make eligibility decisions.
  - iv. A record of all decisions should be maintained and OPM reserves the right to review these records.
- h. Responses to questions from Luke Wells, Workgroup member
  - i. Will the federal benefit options be available to former employees who are currently receiving COBRA coverage?
    - No, they do not meet the definition of an employee.
  - ii. Can a tribal employer choose to have multiple percentages for the employer portion of the premium? Specifically, can we fund the employer portion differently for employees with only one dependant compared to two or more dependants? Or, can we fund some of the plans differently than others?
    - No, you must provide the same percentage for all enrollment types and all plans.
    - Note that in the FEHB Program, the cost of a Self and Family enrollment is the same regardless of how many dependants an employee has.
    - OPM will continue to have conversations about this policy and announce any change in this policy if it arises.
  - iii. What is the training plan for tribal employers (especially those who are not in this Workgroup)?
    - OPM plans to host trainings in DC and attend regional conference when available to provide training.
    - OPM has spoken with several carriers who can provide their regional service reps for more remote areas.
    - More information forthcoming.
  - iv. How long can an individual be on COBRA?
    - The FEHB equivalent of COBRA is Temporary Continuation of Coverage (TCC). Tribal employees, like Federal employees, can remain on TCC for 18 months and family members for 36 months.
- i. Dear Tribal Leader letter
  - i. Mailed on December 23<sup>rd</sup>

- ii. The deadline to notify OPM of your to purchase coverage for May 1, 2012 is February 1<sup>st</sup>.
- j. SF 2809
  - i. Tribal employers will use the new SF 2809 for FEHB enrollments, not the old one that is currently posted online. An updated form will be provided shortly.
- k. Changes to Power Point from first Workgroup meeting
  - i. At the first Workgroup meeting, we distributed a Power Point which indicated that tribal employers would direct any questions about enrollment and eligibility to NFC. OPM will now be taking on this function.
- l. Billing units
  - i. There will be one bill per identifier, sub-department will not be given their own identifier and tribal employers will not be able to separate their bill into different line items. One identifier for each billing unit will be needed.
- m. Frequency of reporting
  - i. During the previous Workgroup teleconference, there was discussion of having access to more frequent enrollment data reports. The following two reports will be available to tribal employers on a daily basis:
    1. Billing Identifier, Name, SSN, Plan Code, Premium Amount, Effective Date of Coverage
    2. Billing Identifier, Name, SSN, Plan Code, Premium Amount, Date of Disenrollment
- 3. Presentation: Communication in the FEHB Program- Chelsea Ruediger, OPM
  - a. Please see the attached Power Point presentation slides 6-10.
- 4. Discussion: Current communication- Paul Westfall, OPM

Tribal representatives were asked the following questions:

- a. **How do you currently gather information about your health plan? Including:**
  - Tribal employers with self-funded plans create their own plan documents.
  - Tribal employers without self-funded plans rely on brokers and direct contact with the carriers to learn about plans.
- b. **How do you disseminate information regarding health insurance coverage to your employees?**
  - Tribal employers currently utilize employee fairs, email blasts, paper mailings, direct communication with management and HR representatives, staff meetings, new hire orientations, and intranet systems to alert employees about their health insurance plans and any relevant changes to coverage or access.
- c. **How do you communicate with your current carrier?**
  - For more complex issues, tribal representatives communicate with their carriers through their broker.
  - For simple questions, tribal representatives communicate directly with the carrier.

**d. Have you had any disputes with your carrier? How do you handle them?**

- Most tribes had not had any disputes with their carriers.
- When issues have arisen, they often communicate through their broker.

**Questions from Tribal Representatives**

1. Is the agreement that tribal employers will need to sign before purchasing FEHB available for review?
  - Not yet. It has been written and is going through OPM's internal review process. OPM hopes to have it ready for the next Workgroup meeting and, if so, will go over it then.
2. Will the timeline for enrollment be the same next year as the one provided with the Dear Tribal Leader letter?
  - Yes. Tribal employers may choose to participate at any time on a rolling basis.
3. Is dental and vision coverage included?
  - No. The Affordable Care Act only extends FEHB and FEGLI (Federal Employees' Group Life Insurance) to tribal employers. Tribal employers may provide supplemental dental and/or vision insurance to their employees.
4. Has OPM set up an Alaska call yet?
  - Not yet, OPM is working on this. Hopefully the call will occur in late January.
5. Has OPM considered having a separate call for all rural communities, not just Alaska?
  - OPM will look into this.
6. Will tribal employees be covered into retirement?
  - No. Although they will be eligible for 18 months TCC after they retire from tribal employment.

**Action Steps:**

- OPM will complete and distribute a memo in response to the Seminole's memo regarding ERISA
- OPM will begin working on a training schedule and will reach out to Workgroup members for suggestions about which conferences to attend
- OPM will continue to discuss allowing tribal employers to pay different premium contributions based on enrollment type
- OPM will continue to move the Agreement through the internal clearance process and share the draft document with the Workgroup in the February meeting if possible
- OPM will schedule an Alaska call for the end of January
- OPM will look into scheduling a rural call