I. CALL TO ORDER
The regular meeting of the Board of Trustees was called to order at 9:10 a.m. by Trustee Marie Laderta, Chairperson, in EUTF Conference Room, 201 Merchant Street, Honolulu, Hawaii, on Wednesday, August 20, 2008.

Chair Laderta introduced Deputy Attorney General Diane Erickson who is sitting in for Deputy Attorney General Brian Aburano.

II. APPROVAL OF MINUTES
The Board reviewed the draft minutes for June 25, 2008 and July 11, 2008.

There being no objections by the Trustees, the minutes for June 25, 2008 and July 11, 2008 were approved as circulated.
III. OTHER REPORTS
   A. Administrator
      1. August Update (see written report)
         a. PeopleSoft Support
            Overview by Ms. Shiroma regarding PeopleSoft support (see Administrator’s report). The recommendation regarding the BST contract will be addressed in Executive Session.
         b. Vitech Systems Group, Inc. – V3 Benefits Administration System Implementation
            Overview by Ms. Shiroma regarding V3 Benefits Administration System Implementation (see Administrator's report). Mr. Williams stated the equipment has been ordered and installation has begun at the ICSD center in the Kalanimoku building.
         c. IT Support by Gartner, Inc. – SPO Approved Vendor
            Overview by Ms. Shiroma regarding IT support by Gartner, Inc. (see Administrator's report).
         d. Telephone System Installed March 2008
            Update by Mr. Lawrence Nishihara regarding the telephone system installed March 2008 (see Administrator's report).
         e. Medical Part D – Unbundling of Medical and Prescription Drug Plans
            Overview by Mr. Lawrence Nishihara regarding the different scenarios for unbundling of medical and prescription drug plans (see Administrator's report). The EUTF recommends the Board approve to unbundle the prescription drug plan from the medical plan for both retirees and active employees. The benefits consultant will cover this item under their report. Discussion held by Trustees and staff regarding reasons for opting out of Medicare Part D and if retirees are required to be enrolled in Medicare Part B. Mr. Nishihara stated that the EUTF retiree EGWP prescription drug plan administered by NMHC is a Medicare Part D plan. Mr. Williams stated that the Board has given limited exceptions, when it is no fault of their own that someone is penalized, from the general rule if they are Medicare eligible they have to be enrolled in Part B. Mr. Williams clarified if an EUTF Medicare eligible person, 65 or older, wants medical and prescription drug coverage; they have to be enrolled in Medicare Part B plan. Discussion held by Trustees, staff, and benefits consultant regarding which plan is better between the Federal and State plan. Mr. Fukuhara stated one of the concerns is that if they give up their federal plan they cannot go back onto their plan later. For example, if the EUTF changed its benefits in the future and the retiree wanted to go back to the federal plan, they would not be able to do it.
EUTF, the retiree can opt out one year, and if there is a change they could come back into the EUTF. Discussion held by Trustees and staff regarding what plans couples that are both state retirees can be enrolled in.

Mr. Williams stated there is no law that says a retiree and spouse must enroll in the single plan instead of the family plan but most retirees would both enroll in the single plan. Now the state retirees may enroll in the single or two-party plans. There is no mechanism for a state retiree and a spouse that did not work for the government to enroll in two self plans. The law and the EUTF Rules do not allow the spouse to enroll separately as an individual; they must enroll as a dependent of our retiree.

Ms. Tonaki reported that Grant-Thornton has started work on the financial audit for FY 2007-2008 and will be on-site at the EUTF in September.
Ms. Tonaki introduced Lynn Shimono and Julie Hidani from Grant-Thornton (audit firm) who will discuss the planning phase of the audit with the Board.

Ms. Shimono stated she is at the meeting today because there is a change in the auditing standards which requires the auditor to communicate certain matters directly to what is defined as those in charge of governance, in this case the EUTF Board of Trustees. Presentation by Ms. Lynn Shimono (see handout).

g. Accounting Issues
Update by Ms. Tonaki regarding the collection issue with CMS (see Administrator's report).

h. GASB 43/45
Overview by Ms. Tonaki regarding checks received from counties for OPEB (pre-funding) contributions (see Administrator's report).

i. Contract with Mercer Consulting for Investment Consultant Services
This item will be addressed during Executive Session.

j. Diabetes Life Coaching Program – City and County of Honolulu
Mr. Williams reported that the EUTF received a letter from Mr. Ken Nakamatsu, Director of Human Resources, City & County of Honolulu withdrawing their request that the EUTF Board of Trustee support participation by the City & County of Honolulu in the Diabetes Life Coaching Program (see Administrator's report).
k. Proposed Legislation
Mr. Williams reported the Governor did veto SB 2262 (VEBA extension). The veto was overridden by the House and Senate, so SB 2262 has been enacted as Act 5, 2008 Special Session.

l. Recruitment for Vacant Positions
Update by Mr. Williams regarding EUTF vacant positions (see Administrator’s report).

Mr. Williams reported that he was invited to a presentation by American Well sponsored by HMSA for an on-line physician services program. It was an eye opening presentation and has potential to be revolutionary because it actually involves putting people in touch with the doctor through an on-line referral. It really has all the features that are not available anywhere else. They are going to roll it out in January. Mr. Williams stated he has asked Rod Tam from HMSA to look into if there will be any financial impact for the EUTF.

Mr. Williams reported after the distribution of the packets, the EUTF received the Attorney General's opinion on the applicability of the Patient Bill of Rights. Mr. Williams has been advised that it is the Board's decision whether to waive the Attorney-Client privilege so it can be released to the public. This item will be addressed in Executive Session.

B. DEPUTY ATTORNEY GENERAL
1. Everson Lawsuit
Ms. Erickson reported that Judge Hifo ruled on the administrative agency appeal. The Judge ruled that retiree health benefits were included in "accrued benefits" under Article XVI, Section 2 of the State Constitution and may not be diminished or impaired once accrued. Under Section 87A-23, the Judge ruled that the EUTF is required to provide to retirees and their dependents health care benefits that reasonably approximate those provided for active employees and their dependents. The Judge also indicated that certain EUTF retiree health benefits that she named are not reasonably approximate to those provided to active employees. Appellants have filed a motion for attorneys’ fees and costs which has been opposed by the State. On Monday, Judge Hifo entered the Final Judgment and a copy has been provided to the Trustees. Recently, the Plaintiffs filed a motion for class certification in the underlying lawsuit which has been provided to the Trustees. A special Board meeting is scheduled for Monday, 8/25/08, to discuss in more detail any recommendation from the Attorney General's office. Discussion held by Trustees and members of the public regarding availability to attend the special Board meeting, concern about addressing items on the agenda today, Judge Hifo's ruling, and benefits being equivalent. Chair Laderta stated that this item is on agenda to be discussed in Executive Session.
2. Mercer Contract
   This item will be addressed during Executive Session.

C. BENEFITS CONSULTANT
   1. August Report
      a. HDS Night Guard Update
         Overview by Mr. Fukuhara regarding the follow-up on the request to make an exception to cover a night guard. Mr. Fukuhara stated that HDS did follow-up with the patient. HDS concluded the denial of the night guard was appropriate and did not feel there was any justification for an exception. Aon agrees with HDS and is not making a recommendation to approve an exception (see Consultant's report). Mr. Williams clarified that the night guard was not a covered benefit when the patient previously had a night guard as an active employee.

         There being no objections from the Trustees, the EUTF will send a letter of denial.

      b. HMSA
         Mr. Fukuhara reported that HMSA is finalizing the EMS notification for distribution to all EUTF HMSA non-Medicare participants (see Consultant's report).

         Mr. Fukuhara reported that the EUTF received a request to consider changing the benefits to cover a second wheelchair that can be used outside the home. Neither HMSA nor Medicare covers back up wheelchairs. Aon does not recommend any change to the benefits for wheelchairs for either active employees or retirees. No action was proposed by Trustees.

      c. Open Enrollment Schedule and Guide for Retiree Participants
         Overview by Mr. Fukuhara regarding open enrollment schedule and guide for retiree participants (see Consultant's report).

      d. Newsletters for Actives and Retirees
         Overview by Mr. Fukuhara regarding newsletters for actives and retirees (see Consultant’s report).

      e. NMHC – Annual Plan Review
         Overview by Mr. Fukuhara regarding NMHC's annual plan review (see Consultant’s report).

      f. Retiree Plan Benefits and Rates Effective 1/1/09
         Mr. Fukuhara reported during Executive Session the Board will be discussing
the fully insured benefit plans potential benefit changes and rates to include Kaiser, VSP, Standard, HDS, and Chiro. Mr. Fukuhara summarized the plan benefits revisions (see Consultant's report). Mr. Williams clarified that this item will be addressed in Executive Session due to discussion of fully insured contracts.

Discussion held by Trustees, staff, and members of the public regarding concerns by Budget & Finance about any plan changes because appropriations did not take into account in the budget the possibility of mid-fiscal year changes; and a request for full disclosure of all proposed benefit increases for retirees at this time. Chair Laderta stated it was indicated earlier by Mr. Fukuhara that the Board will discuss certain potential changes; the Kaiser proposed change in benefits, VSP proposed change in the frequency of services for retirees, among others. The list of benefit changes was presented earlier and those benefits were disclosed to the public and to the Board. Mr. Williams clarified as Mr. Fukuhara indicated when he made his presentation, the self funded plans which include the PPO medical plans will be addressed at the September 25, 2008 Board meeting.

g. Unbundling PPO Medical and Prescription Drug Benefits

Mr. Fukuhara stated that this topic was covered by Mr. Nishihara under the Administrator's report and summarized what plans active employees and retirees may be enrolled in currently. Aon recommends allowing enrollment in HMSA or HMA PPO medical only or NMHC prescription drug only effective January 1, 2009 for retirees and July 1, 2009 for active employees. In addition, Aon recommends that dependents be allowed to either enroll in the same plans selected by the active employee/retiree or may choose not to enroll in one or more of those plans. Discussion held by Trustees, benefits consultant, and HMSA regarding the reasoning for the EUTF previously deciding to bundle medical and prescription drug plans. Mr. Fukuhara stated bundling of medical and prescription drug plans started when the EUTF first began because there was concern that employees might opt out of drug coverage to save costs and by doing so it would increase the costs of the medical plan. Last year when the EUTF chose to go with the Medicare Part D drug plan, in the short term, it automatically terminated retirees or their spouses enrollment in non-EUTF Medicare Part D plans. Subsequent to that, in some cases retirees or their spouses re-enrolled in Medicare Part D outside of the EUTF. However, CMS rules allow enrollment in only one Medicare Part D plan. Discussion held by Trustees, staff and benefits consultant regarding the original intent of bundling was to save overall costs and if that is still the case. Mr. Fukuhara stated Aon considered that and does not think there will be very many people that opt out of drugs just to save on the employee's share of the premium. Typically, people would opt out because they have other drug coverage. Aon believes that the employers, employees,
and retirees will save money by allowing unbundling. Discussion held by Trustees, staff, and benefits consultant regarding the philosophy of the EUTF has been the drug plan is needed to make sure to keep your health going by keeping your medical plan and if that philosophy changed. Mr. Williams stated the philosophy is still there but we do not need to bundle to end up in the same place because the people that are going to take the medical only already have prescription drug plans through another source. The people would still have the coverage. Discussion held by Trustees, staff, and HMSA regarding what effect it would have and no one thinks the costs would increase. Mr. Rod Tam from HMSA did not have any concerns because the idea is that they would still have another drug coverage. Ms. Benevides from Kaiser stated they preferred the bundled because they are actually able to monitor and manage the care. Mr. Williams stated it would not affect Kaiser because the unbundling is only for the PPO HMSA and HMA plans. Discussion held by Trustees, staff, and HMSA regarding how information will be transmitted to carriers for dependents enrolled in the same plans or who choose not to enroll in one or more of those plans.

MOTION was made for the Board to approve the consultant’s recommendations (effective January 1, 2009 for retirees and July 1, 2009 for active employees) to: (1) allow enrollment in a EUTF PPO Medical plan only or the EUTF prescription drug plan only; and (2) to allow dependents either to enroll in the same plans as the employee-beneficiary or to choose not to enroll in one or more of those plans. (Shiraki/Radcliffe) The motion passed unanimously. (Employer Trustees-4/Employee-beneficiary Trustees-4)

h. Kaiser Senior Advantage Plan
Overview by Mr. Mark Fukuhara regarding retirees enrolled in two Kaiser Senior Advantage Plan (see Consultant's report) who must now decide whether to stay enrolled via the EUTF or another employer. Although it is expected that most, if not all, retirees would select to remain in the EUTF's Kaiser Senior Advantage plan, a decision needs to be made on how to handle retirees who decide to enroll in another employer's Kaiser Senior Advantage Plan. Mr. Fukuhara stated though Kaiser had described 3 alternatives, the Double Covered Product for Seniors alternative has been deleted because Kaiser cannot implement at this time. Aon recommends that retirees who select enrollment in Kaiser Senior Advantage through another employer's retiree benefit plan be enrolled in Kaiser's EUTF commercial plan with premiums at the lower Medicare plan rates. Discussion held by Trustees, staff, and benefits consultant regarding retirees' option to opt out and which plan would be primary. Mr. Fukuhara stated the Medicare plan would be the primary and the EUTF's commercial plan would be secondary.
MOTION was made for the Board to approve allowing retirees that opt out to enroll in Kaiser Senior Advantage through another employer's retirement plan, to enroll in Kaiser's commercial plan with premiums at the lower Medicare plan rates (Radcliffe/Ho). After discussion by the Trustees, the motion passed unanimously. (Employer Trustees-4/Employee-beneficiary Trustees-4)

Overview by Mr. Fukuhara regarding retirees who have not enrolled in Kaiser's Senior Advantage program (see Consultant's report). Aon will present alternatives for Board consideration for handling any retirees who have still not enrolled in Kaiser's Senior Advantage at the September 25, 2008 Board meeting.

i. NMHC – Clinical Recommendations for Early Retirees and EGWP
Overview by Mr. Fukuhara regarding NMHC-clinical recommendations for early retirees and EGWP (see Consultant's report). Aon recommends implementing the clinical utilization management changes proposed by NMHC for retirees effective January 1, 2009. Mr. Williams stated he and the consultant normally would try to workout recommendations and iron out differences before meetings but has told Mr. Fukuhara that he has some concerns that he would like to share with the Board: (1) grandfathering, not sure of what is intended, in each case it says "current users be "grandfathered" to minimize participation disruption". If it means grandfathering for the current prescription until it runs out, Mr. Williams could understand that. If it means grandfathering all of these hundreds of thousands then to him it would defeat the purpose because it only applies to someone starting a prescription. None of these savings amounts would apply because you are not going to get savings for the current people that are already using it. Mr. Williams understands the need for transition but cannot see permanently grandfathering because it defeats the purpose; and (2) related to the quantity limit. Mr. Williams understands there are two reasons for adopting the quantity limit. One is for cost savings which the numbers are showing they are very minimum, almost nil compared to the total costs of the drug plan, so he does not see it as a justification. The other reason is for safety, we are preventing people from taking quantities that are not approved by the FDA. Mr. Williams sees the EUTF as the 3rd line in terms of safety. The doctors are the 1st line and the pharmacies are the 2nd line. Mr. Williams does not know if the EUTF should be jumping to the front of the line. We need to let the doctor and the pharmacy deal with the situation, and the EUTF should stay out of it. Mr. Williams does not see the need for the EUTF to get involved. Mr. Fukuhara stated the grandfathering applies to the second and third clinical programs, step therapy and contingent therapy. The grandfathering does not apply to the quantity limit program. Ms. Sanghera from NMHC confirmed that the estimated number of participants impacted assumed current users
would be grandfathered; therefore, the estimated $700,000 in savings would not go down if these people were grandfathered. Mr. Fukuhara stated that the 1st and 2nd lines of protection or prevention of unsafe quantities of certain prescription drugs is not working because patients can go to more than one doctor and get their prescriptions filled at different pharmacies. Discussion held by Trustees, staff, benefits consultant, and NMHC's clinical representative regarding exceptions for quantity of drugs, generic drugs, and concerns about timing of prior authorization approval.

MOTION was made for the Board to approve the consultant's recommendation to direct NMHC to implement the clinical utilization management changes proposed by NMHC for retirees effective January 1, 2009. (Annis/Ho) After discussion by the Trustees, the motion failed. (Employer Trustees-4 no; Annis, Laderta, Reifurth, Shiraki/Employee-beneficiary Trustees-2 yes; Fujio, Machida, 2 no; Ho, Radcliffe)

Overview by Ms. Tonaki regarding the financial report as of June 30, 2008 (see financial reports). Discussion held by Trustees and staff regarding investments and amount of reserves. Ms. Tonaki stated the reserves is $18.8 million and will increase due to surplus.

E. Carrier’s Reports
1. HDS
   Written report submitted.
2. HMSA
   Written report submitted. Mr. Tam reported that flu shots are available. There is no charge to members for the actual shots but there is an administrative charge for nurse/administration if employers request HMSA to go to their workplace. Mr. Tam stated that the set-up fee may be $125 and a per hour nurse fee will be charged.
3. HMA
   Written report submitted.
4. Kaiser
   Written report submitted. Ms. Benevides stated that she will be available to answer any questions regarding the Medicare issue.
5. NMHC
   Written report submitted.
6. Royal State Insurance
   Written report submitted.
7. Standard Insurance
   Written report submitted.
8. VSP
   Written report submitted.
IV. UNFINISHED BUSINESS: None

V. NEW BUSINESS
   A. Proposed Administrative Rules Changes-Domestic Partners
      Mr. Williams stated the proposed rules changes extend to surviving domestic partners and originally considered at the request of Senator Hanabusa on behalf of some constituents. The proposed Administrative Rules changes-domestic partners were sent to employer/employee organizations for consultation. The EUTF received seven (7) responses and no negative comments were noted. The Administrator is requesting final approval of the proposed rule changes as drafted.

      MOTION was made for the Board to approve the proposed rule changes as drafted and submit to the Governor for final approval. (Radcliffe/Ho) The motion passed unanimously. (Employer Trustees-4/Employee-beneficiary Trustees-4)

   B. BST Contract – Extension and Additional Funding
      This item will be addressed in Executive Session.

   C. Retiree Plan Benefits
      This item will be addressed in Executive Session.

   D. Retiree Plan Rates – Kaiser, VSP, Standard, HDS
      This item will be addressed in Executive Session.

   E. Unbundling of Medical/Prescription Drug Plans
      This item was addressed during the Consultant's report.

   F. Enrollment in Kaiser Commercial Plan due to Dual Senior Advantage Enrollment
      This item was addressed during the Consultant's report.

   G. Prescription Drug Plan – Clinical Utilization Management Changes
      This item was addressed during the Consultant's report.

   H. Coverage for Two Wheelchairs
      This item was addressed during the Consultant's report.

   I. Mercer Consulting Contract Terms
      This item will be addressed in Executive Session.

VI. COMMUNICATIONS FROM THE PUBLIC AND INPUT FROM ATTENDEES
   None

VII. FUTURE AGENDA ITEMS AND NEXT MEETING DATE
A. Special Board Meeting scheduled for Monday, August 25, 2008, 2:00 p.m., EUTF conference room, 15th floor. Discussion held by Trustees and staff regarding availability of Trustees. Trustees Fujio, Radcliffe, and Shiraki will not be available to attend. Trustee Ho is unsure if she will be available due to a possible conflict. Trustee Radcliffe will not be available for the Special Board meeting but would like to be able to participate regarding the appeal. Mr. Williams stated the reason for the Special Board meeting is because the attorney that is handling the case is on vacation. One of the questions would be if the Board would like to appeal the decision and there is a 30 day limit from the date of the decision which would be September 17, 2008. Discussion held by Trustees and staff that if there is no quorum for the Special Board meeting another meeting date will be re-scheduled. Further discussion held by Trustees, staff, and Mr. Charles Khim regarding procedures for noticing of meetings and concerns that Trustees cannot remove items from the agenda and must vote on items today. The EUTF staff will confer with the deputy attorney general regarding procedures for re-scheduling meetings. Chair Laderta stated that the Board is going into Executive Session as scheduled and the purpose is not any different than what is on the agenda.

B. The next regular Board meeting is scheduled for Thursday, September 25, 2008, 9:30 a.m., EUTF conference room, 15th floor.

VIII. EXECUTIVE SESSION
MOTION was made to go into Executive Session at 10:20 a.m. for the reasons stated on the agenda. (Ho/Radcliffe) The motion passed unanimously. (Employer Trustees-4/Employee-Beneficiary Trustees-4)

MOTION was made to move out of Executive Session at 12:49 p.m. (Ho/Annis) The motion passed unanimously. (Employer Trustees-4/Employee-Beneficiary Trustees-4)

The Chair reported that the Board has taken the following actions in Executive Session:
1. Approval of June 25, 2008 and July 11, 2008 Executive Session minutes.
2. Approval of BST contract extension and additional funding.
3. Approval of retiree benefit change for VSP effective January 1, 2009 to change service frequency from a contract year to a calendar year basis.
4. Approval of retiree plan rates for VSP and Standard to be extended through December 31, 2009.
5. Approval of Mercer contract terms.
6. Deferred decisions on HDS and Kaiser benefits and rates to a future Board meeting.
IX. ADJOURNMENT

There being no objections by the Trustees, the meeting adjourned at 12:51 p.m.

Respectfully submitted,

/s/

Elizabeth Ho, Secretary-Treasurer

APPROVED on September 25, 2008.

Documents Distributed:

2. Draft minutes for July 11, 2008. (5 pages)
3. Memorandum to BOT from Administrator regarding August Administrator Report dated 8/12/08. (5 pages)
4. Grant Thornton Presentation – 2008 Meeting with the Board of Trustees, EUTF, Communications Related to the Audit dated 8/20/08. (9 pages)
8. NMHC – EUTF, The Medicare and Early Retirees Prescription Drug Programs, Options for Clinical and Economic Improvement for 2009. (2 pages)
9. EUTF Statement of Net Assets (Unaudited) dated 8/11/08. (1 page)
10. EUTF Combined Statement of Revenues and Expenses-Budget & Actual Comparison 12 Months Ended 6/30/08 (Unaudited) dated 8/8/08. (1 page)
11. EUTF Statement of Cash Flows 12 Months Ended 6/30/08 (Unaudited) dated 8/8/08. (1 page)
12. Draft EUTF Administrative Rules 6/25/08. (64 pages)
13. E-mail dated 6/26/08 and Letter dated 7/11/08 from County of Maui and E-mail Response from EUTF dated 7/18/08 Regarding Proposed Administrative Rules Changes – Domestic Partners. (3 pages)
15. Letter from Department of Education Regarding Proposed Administrative Rules Changes – Domestic Partners dated 7/9/08. (1 page)
16. Letter from Senator Chun Oakland Regarding Proposed Administrative Rules Changes – Domestic Partners dated 7/10/08. (1 page)
17. Letter from Department of Human Resources Development Regarding Proposed Administrative Rules Changes – Domestic Partners dated 7/14/08. (1 page)
18. Letter from the Governor Regarding Proposed Administrative Rules Changes – Domestic Partners dated 7/15/08. (1 page)
20. Letter from Ken Nakamatsu, Director of Human Resources, and C&C of Honolulu Regarding Diabetes Life Coaching Program dated 7/28/08. (1 page)
21. Honolulu Advertiser Article "Queen's to use more Hoana technology" dated 8/4/08. (1 page)
22. Notice of Entry of Final Judgment, Everson et al. vs. EUTF et al. filed 8/18/08. (12 pages)
23. Chart from Charles Khim "Selected 2007 EUTF Health Benefits Coverage for Active Workers and Retirees". (1 page)
24. Letter from Alston Hunt Floyd & Ing Regarding Executive Session of 8/20/08 Meeting dated 8/20/08. (7 pages)
25. Minutes for May 14, 2008. (9 pages)