

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 2665

03/08/2016 Authored by Zerwas

The bill was read for the first time and referred to the Committee on Health and Human Services Reform

03/24/2016 Adoption of Report: Amended and re-referred to the Committee on Government Operations and Elections Policy

04/01/2016 Adoption of Report: Re-referred to the Committee on Health and Human Services Finance

1.1 A bill for an act
1.2 relating to MNsure; establishing a Minnesota Eligibility System Executive
1.3 Steering Committee to govern the Minnesota eligibility system; modifying the
1.4 composition of the MNsure board; amending Minnesota Statutes 2014, sections
1.5 62V.04, subdivisions 2, 3, 4; 62V.11, by adding a subdivision; Minnesota Statutes
1.6 2015 Supplement, section 62V.03, subdivision 2; proposing coding for new law
1.7 in Minnesota Statutes, chapter 62V.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2015 Supplement, section 62V.03, subdivision 2, is
1.10 amended to read:

1.11 Subd. 2. **Application of other law.** (a) MNsure must be reviewed by the legislative
1.12 auditor under section 3.971. The legislative auditor shall audit the books, accounts, and
1.13 affairs of MNsure once each year or less frequently as the legislative auditor's funds and
1.14 personnel permit. Upon the audit of the financial accounts and affairs of MNsure, MNsure
1.15 is liable to the state for the total cost and expenses of the audit, including the salaries paid
1.16 to the examiners while actually engaged in making the examination. The legislative
1.17 auditor may bill MNsure either monthly or at the completion of the audit. All collections
1.18 received for the audits must be deposited in the general fund and are appropriated to
1.19 the legislative auditor. Pursuant to section 3.97, subdivision 3a, the Legislative Audit
1.20 Commission is requested to direct the legislative auditor to report by March 1, 2014, to
1.21 the legislature on any duplication of services that occurs within state government as a
1.22 result of the creation of MNsure. The legislative auditor may make recommendations on
1.23 consolidating or eliminating any services deemed duplicative. The board shall reimburse
1.24 the legislative auditor for any costs incurred in the creation of this report.

2.1 (b) Board members of MNsure are subject to sections 10A.07 and 10A.09. Board
2.2 members and the personnel of MNsure are subject to section 10A.071.

2.3 (c) All meetings of the board and of the Minnesota Eligibility System Executive
2.4 Steering Committee established under section 62V.055, shall comply with the open
2.5 meeting law in chapter 13D.

2.6 (d) The board and the Web site are exempt from chapter 60K. Any employee of
2.7 MNsure who sells, solicits, or negotiates insurance to individuals or small employers must
2.8 be licensed as an insurance producer under chapter 60K.

2.9 (e) Section 3.3005 applies to any federal funds received by MNsure.

2.10 (f) A MNsure decision that requires a vote of the board, other than a decision that
2.11 applies only to hiring of employees or other internal management of MNsure, is an
2.12 "administrative action" under section 10A.01, subdivision 2.

2.13 Sec. 2. Minnesota Statutes 2014, section 62V.04, subdivision 2, is amended to read:

2.14 Subd. 2. **Appointment.** (a) Board membership of MNsure consists of the following:

2.15 (1) three members appointed by the governor with the advice and consent of both the
2.16 senate and the house of representatives acting separately in accordance with paragraph (d),
2.17 with one member representing the interests of individual consumers eligible for individual
2.18 market coverage, one member representing individual consumers eligible for public health
2.19 care program coverage, and one member representing small employers. Members are
2.20 appointed to serve four-year terms following the initial staggered-term lot determination;

2.21 (2) three members appointed by the governor with the advice and consent of both the
2.22 senate and the house of representatives acting separately in accordance with paragraph (d)
2.23 who have demonstrated expertise, leadership, and innovation in the following areas: one
2.24 member representing the areas of health administration, health care finance, health plan
2.25 purchasing, and health care delivery systems; one member representing the areas of public
2.26 health, health disparities, public health care programs, and the uninsured; and one member
2.27 representing health policy issues related to the small group and individual markets.

2.28 Members are appointed to serve four-year terms following the initial staggered-term lot
2.29 determination; and

2.30 (3) ~~the commissioner of human services or a designee~~ one member representing the
2.31 interests of the general public, appointed by the governor with the advice and consent of
2.32 both the senate and the house of representatives acting in accordance with paragraph (d).
2.33 A member appointed under this clause shall serve a four-year term.

2.34 (b) Section 15.0597 shall apply to all appointments, ~~except for the commissioner.~~

3.1 (c) The governor shall make appointments to the board that are consistent with
3.2 federal law and regulations regarding its composition and structure. All board members
3.3 appointed by the governor must be legal residents of Minnesota.

3.4 (d) Upon appointment by the governor, a board member shall exercise duties of
3.5 office immediately. If both the house of representatives and the senate vote not to confirm
3.6 an appointment, the appointment terminates on the day following the vote not to confirm
3.7 in the second body to vote.

3.8 (e) Initial appointments shall be made by April 30, 2013.

3.9 (f) One of the six members appointed under paragraph (a), clause (1) or (2), must
3.10 have experience in representing the needs of vulnerable populations and persons with
3.11 disabilities.

3.12 (g) Membership on the board must include representation from outside the
3.13 seven-county metropolitan area, as defined in section 473.121, subdivision 2.

3.14 Sec. 3. Minnesota Statutes 2014, section 62V.04, subdivision 3, is amended to read:

3.15 Subd. 3. **Terms.** (a) Board members may serve no more than two consecutive
3.16 terms, ~~except for the commissioner or the commissioner's designee, who shall serve~~
3.17 ~~until replaced by the governor.~~

3.18 (b) A board member may resign at any time by giving written notice to the board.

3.19 (c) The appointed members under subdivision 2, paragraph (a), clauses (1) and (2),
3.20 shall have an initial term of two, three, or four years, determined by lot by the secretary of
3.21 state.

3.22 Sec. 4. Minnesota Statutes 2014, section 62V.04, subdivision 4, is amended to read:

3.23 Subd. 4. **Conflicts of interest.** (a) Within one year prior to or at any time during
3.24 their appointed term, board members appointed under subdivision 2, paragraph (a),
3.25 ~~clauses (1) and (2)~~, shall not be employed by, be a member of the board of directors of, or
3.26 otherwise be a representative of a health carrier, institutional health care provider or other
3.27 entity providing health care, navigator, insurance producer, or other entity in the business
3.28 of selling items or services of significant value to or through MNsure. For purposes of this
3.29 paragraph, "health care provider or entity" does not include an academic institution.

3.30 (b) Board members must recuse themselves from discussion of and voting on an
3.31 official matter if the board member has a conflict of interest. A conflict of interest means
3.32 an association including a financial or personal association that has the potential to bias or
3.33 have the appearance of biasing a board member's decisions in matters related to MNsure
3.34 or the conduct of activities under this chapter.

4.1 (c) No board member shall have a spouse who is an executive of a health carrier.

4.2 (d) No member of the board may currently serve as a lobbyist, as defined under
4.3 section 10A.01, subdivision 21.

4.4 Sec. 5. **[62V.055] MINNESOTA ELIGIBILITY SYSTEM EXECUTIVE**
4.5 **STEERING COMMITTEE.**

4.6 Subdivision 1. **Definition; Minnesota eligibility system.** For purposes of this
4.7 section, "Minnesota eligibility system" means the system that supports eligibility
4.8 determinations using a modified adjusted gross income methodology for medical
4.9 assistance under section 256B.056, subdivision 1a, paragraph (b), clause (1);
4.10 MinnesotaCare under chapter 256L; and qualified health plan enrollment under section
4.11 62V.05, subdivision 5, paragraph (c).

4.12 Subd. 2. **Establishment; committee membership.** A Minnesota Eligibility System
4.13 Executive Steering Committee is established to govern and administer the Minnesota
4.14 eligibility system. The steering committee shall be composed of one member appointed
4.15 by the commissioner of human services, one member appointed by the board, one
4.16 member appointed jointly by the Association of Minnesota Counties and the Minnesota
4.17 Inter-County Association, and one nonvoting member appointed by the commissioner of
4.18 MN.IT services who shall serve as the committee chairperson.

4.19 Subd. 3. **Duties.** (a) The Minnesota Eligibility System Executive Steering
4.20 Committee shall establish an overall governance structure for the Minnesota eligibility
4.21 system and shall be responsible for the overall governance of the system, including setting
4.22 system goals and priorities, allocating the system's resources, making major system
4.23 decisions, and tracking total funding and expenditures for the system from all sources.
4.24 The steering committee shall also report to the Legislative Oversight Committee on a
4.25 quarterly basis on Minnesota eligibility system funding and expenditures, including
4.26 amounts received in the most recent quarter by funding source and expenditures made in
4.27 the most recent quarter by funding source.

4.28 (b) The steering committee shall adopt bylaws, policies, and interagency agreements
4.29 necessary to administer the Minnesota eligibility system.

4.30 (c) In making decisions, the steering committee shall give particular attention to the
4.31 parts of the system with the largest enrollments and the greatest risks.

4.32 Subd. 4. **Meetings.** (a) All meetings of the steering committee must:

4.33 (1) be held in the State Office Building; and

4.34 (2) whenever possible, be available on the legislature's Web site for live streaming
4.35 and downloading over the Internet.

5.1 (b) The steering committee must:

5.2 (1) as part of every steering committee meeting, provide the opportunity for oral
5.3 and written public testimony and comments on steering committee governance of the
5.4 Minnesota eligibility system; and

5.5 (2) provide documents under discussion or review by the steering committee to be
5.6 electronically posted on the legislature's Web site. Documents must be provided and
5.7 posted prior to the meeting at which the documents are scheduled for review or discussion.

5.8 (c) All votes of the steering committee must be recorded, with each member's vote
5.9 identified.

5.10 Subd. 5. **Administrative structure.** The Office of MN.IT Services shall
5.11 be responsible for the design, build, maintenance, operation, and upgrade of the
5.12 information technology for the Minnesota eligibility system. The office shall carry out its
5.13 responsibilities under the governance of the steering committee, this section, and chapter
5.14 16E.

5.15 Sec. 6. Minnesota Statutes 2014, section 62V.11, is amended by adding a subdivision
5.16 to read:

5.17 Subd. 5. **Review of Minnesota eligibility system funding and expenditures.** The
5.18 committee shall review quarterly reports submitted by the Minnesota Eligibility System
5.19 Executive Steering Committee under section 62V.055, subdivision 3, regarding Minnesota
5.20 eligibility system funding and expenditures.