

..... moves to amend H.F. No. 5 as follows:

Page 4, after line 7, insert:

"Sec. 4. Minnesota Statutes 2014, section 62V.04, subdivision 1, is amended to read:

Subdivision 1. **Board.** MNsure is governed by a board of directors with ~~seven~~
eleven members.

Sec. 5. Minnesota Statutes 2014, section 62V.04, subdivision 2, is amended to read:

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

(1) ~~three~~ six members appointed by the governor with the advice and consent of both the senate and the house of representatives acting separately in accordance with paragraph (d), with one member representing the interests of individual consumers eligible for individual market coverage, one member representing individual consumers eligible for public health care program coverage, ~~and~~ one member representing small employers, one member who is an insurance producer, and two members who are county employees involved in the administration of public health care programs. Members are appointed to serve four-year terms following the initial staggered-term lot determination;

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

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

(3) the commissioner of human services or a designee; and

(4) the chief information officer of MN.IT Services or a designee.

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

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

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

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

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

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

Sec. 6. Minnesota Statutes 2014, section 62V.04, subdivision 4, is amended to read:

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

(b) Board members must recuse themselves from discussion of and voting on an official matter if the board member has a conflict of interest. For board members other than an insurance producer or a county employee, a conflict of interest means an association including a financial or personal association that has the potential to bias or have the appearance of biasing a board member's decisions in matters related to MNsure or the conduct of activities under this chapter. The board member who is an insurance producer and the board members who are county employees are subject to section 10A.07.

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

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

Sec. 7. [62V.045] EXECUTIVE DIRECTOR.

3.1 The governor shall appoint the executive director of MNsure. The executive director
3.2 serves in the unclassified service at the pleasure of the governor."

3.3 Page 4, line 12, after "personnel" insert "subject to the power of the governor to
3.4 appoint the executive director,"

3.5 Page 5, after line 4, insert:

3.6 "Section 1. Minnesota Statutes 2014, section 62V.05, subdivision 5, is amended to read:

3.7 Subd. 5. **Health carrier and health plan requirements; participation.** (a)
3.8 Beginning January 1, 2015, the board may establish certification requirements for health
3.9 carriers and health plans to be offered through MNsure that satisfy federal requirements
3.10 under section 1311(c)(1) of the Affordable Care Act, Public Law 111-148.

3.11 (b) Paragraph (a) does not apply if by June 1, 2013, the legislature enacts regulatory
3.12 requirements that:

3.13 (1) apply uniformly to all health carriers and health plans in the individual market;
3.14 (2) apply uniformly to all health carriers and health plans in the small group market;
3.15 and

3.16 (3) satisfy minimum federal certification requirements under section 1311(c)(1) of
3.17 the Affordable Care Act, Public Law 111-148.

3.18 (c) In accordance with section 1311(e) of the Affordable Care Act, Public Law
3.19 111-148, the board shall establish policies and procedures for certification ~~and selection~~
3.20 of health plans to be offered as qualified health plans through MNsure. The board shall
3.21 certify ~~and select~~ a health plan as a qualified health plan to be offered through MNsure, if:

3.22 (1) the health plan meets the minimum certification requirements established in
3.23 paragraph (a) or the market regulatory requirements in paragraph (b);

3.24 (2) the board determines that making the health plan available through MNsure is in
3.25 the interest of qualified individuals and qualified employers;

3.26 (3) the health carrier applying to offer the health plan through MNsure also applies
3.27 to offer health plans at each actuarial value level and service area that the health carrier
3.28 currently offers in the individual and small group markets; and

3.29 (4) the health carrier does not apply to offer health plans in the individual and
3.30 small group markets through MNsure under a separate license of a parent organization
3.31 or holding company under section 60D.15, that is different from what the health carrier
3.32 offers in the individual and small group markets outside MNsure.

3.33 (d) In determining the interests of qualified individuals and employers under
3.34 paragraph (c), clause (2), the board may not exclude a health plan for any reason specified
3.35 under section 1311(e)(1)(B) of the Affordable Care Act, Public Law 111-148. ~~The board~~
3.36 ~~may consider:~~

(1) ~~affordability;~~
(2) ~~quality and value of health plans;~~
(3) ~~promotion of prevention and wellness;~~
(4) ~~promotion of initiatives to reduce health disparities;~~
(5) ~~market stability and adverse selection;~~
(6) ~~meaningful choices and access;~~
(7) ~~alignment and coordination with state agency and private sector purchasing strategies and payment reform efforts; and~~
(8) ~~other criteria that the board determines appropriate.~~

~~(e) For qualified health plans offered through MNsure on or after January 1, 2015, the board shall establish policies and procedures under paragraphs (c) and (d) for selection of health plans to be offered as qualified health plans through MNsure by February 1 of each year, beginning February 1, 2014. The board shall consistently and uniformly apply all policies and procedures and any requirements, standards, or criteria to all health carriers and health plans. For any policies, procedures, requirements, standards, or criteria that are defined as rules under section 14.02, subdivision 4, the board may use the process described in subdivision 9.~~

~~(f)~~ (e) The board shall not have the power to select health carriers and health plans for participation in MNsure. The board shall permit all health plans that meet the certification requirements under section 1311(c)(1) of the Affordable Care Act, Public Law 111-148, to be offered through MNsure.

~~(g)~~ (f) Under this subdivision, the board shall have the power to verify that health carriers and health plans are properly certified to be eligible for participation in MNsure.

~~(h)~~ (g) The board has the authority to decertify health carriers and health plans that fail to maintain compliance with section 1311(c)(1) of the Affordable Care Act, Public Law 111-148.

~~(i)~~ (h) For qualified health plans offered through MNsure beginning January 1, 2015, health carriers must use the most current addendum for Indian health care providers approved by the Centers for Medicare and Medicaid Services and the tribes as part of their contracts with Indian health care providers. MNsure shall comply with all future changes in federal law with regard to health coverage for the tribes.

EFFECTIVE DATE. This section is effective July 1, 2015.

Sec. 5. Minnesota Statutes 2014, section 62V.11, is amended by adding a subdivision to read:

5.1 Subd. 5. **Reports to the commission.** (a) The board shall submit an enrollment
5.2 report to the commission on a monthly basis. The report must include:

5.3 (1) total enrollment numbers;

5.4 (2) the number of commercial plans selected;

5.5 (3) the percentage of the commercial plans for which the first month's premium
5.6 has been paid; and

5.7 (4) the average number of days between a consumer's submission of an application
5.8 and transmittal to the health carrier chosen.

5.9 (b) At each of the commission's quarterly meetings, the board shall present the
5.10 following information:

5.11 (1) at the first quarterly meeting, a progress report on the most recent MNsure
5.12 open enrollment period and a progress report on technology upgrades and any proposed
5.13 schedule for future technology upgrades;

5.14 (2) at the second quarterly meeting, the annual budget for MNsure, as required by
5.15 subdivision 4;

5.16 (3) at the third quarterly meeting, a hearing in conjunction with the Department of
5.17 Human Services regarding any backlog created by qualifying life events for enrollees in
5.18 public or private health plans through MNsure; and

5.19 (4) at the fourth quarterly meeting, a hearing in conjunction with the Department of
5.20 Commerce on the release of premium rates and in conjunction with the Department of
5.21 Human Services on reimbursement of MNsure for public program enrollment.

5.22 Sec. 6. Minnesota Statutes 2014, section 62V.11, subdivision 2, is amended to read:

5.23 **Subd. 2. Membership; meetings; compensation.** (a) The Legislative Oversight
5.24 Committee shall consist of five members of the senate, three members appointed by
5.25 the majority leader of the senate, and two members appointed by the minority leader of
5.26 the senate; and five members of the house of representatives, three members appointed
5.27 by the speaker of the house, and two members appointed by the minority leader of the
5.28 house of representatives.

5.29 (b) Appointed legislative members serve at the pleasure of the appointing authority
5.30 and shall continue to serve until their successors are appointed.

5.31 (c) The first meeting of the committee shall be convened by the chair of the
5.32 Legislative Coordinating Commission. Members shall elect a chair at the first meeting.
5.33 The chair must convene at least one meeting annually each quarter of the year, and may
5.34 convene other meetings as deemed necessary."

5.35 Page 5, line 6, before "The" insert "(a)"

6.1 Page 5, after line 8, insert:

6.2 "(b) Of the four additional members of the board appointed under section 4, one
6.3 shall have an initial term of two years, two shall have an initial term of three years, and
6.4 one shall have an initial term of four years, determined by lot by the secretary of state.

6.5 (c) Board members must be appointed by the governor within 30 days of final
6.6 enactment of these sections."

6.7 Renumber the sections in sequence and correct the internal references

6.8 Amend the title accordingly