



## MISSISSIPPI INSURANCE DEPARTMENT

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### MISSISSIPPI INSURANCE DEPARTMENT BULLETIN 2011- 9

**AMENDED, January 25, 2012**

**TO: ALL INTERESTED PARTIES**

**FROM: MIKE CHANEY  
COMMISSIONER OF INSURANCE**

**DATE: OCTOBER 18, 2011**

**SUBJECT: APPLICATION REQUIREMENTS AND APPOINTMENT  
PROCEDURE FOR ESTABLISHMENT OF HEALTH INSURANCE  
EXCHANGE ADVISORY BOARD AND SUBCOMMITTEES.**

#### **I. Purpose**

The Patient Protection and Affordable Care Act (Pub. Law 111-148) (“PPACA”) requires that every State have a health insurance exchange in operation no later than January 1, 2014. That Exchange may be operated by the State, through a State agency or through a nonprofit entity. Under PPACA, if a state opts not to or fails to establish and operate its own exchange, that state’s exchange will be established and operated by the federal government.

The State of Mississippi, by and through the Mississippi Insurance Department (“MID”), has decided to establish and operate its own health insurance exchange (“the Exchange”). In May, 2011, MID designated the Mississippi Comprehensive Health Insurance Risk Pool Association (“CHIRPA”) as the entity that will establish and operate Mississippi’s Exchange. CHIRPA is a nonprofit entity that was established by the Mississippi Legislature in 1991 and that has legal statutory authority to operate an Exchange in Mississippi subject to regulation and supervision by MID. Under PPACA, MID is charged with continuing regulation of the Exchange, which includes the formation and oversight of advisory committees and subcommittees.

Specifically, under §1311(d)(6) of PPACA, the Exchange is required to consult with certain groups of stakeholders. Those stakeholders are to have input regarding the establishment of Exchange programs and ongoing Exchange operations. MID has established procedures pursuant to which (1) these Advisory Board Subcommittees (“Subcommittees”) and the Advisory Board (“Board”) will be established; (2) appropriate and qualified individuals may submit applications to participate in both the Subcommittees and potentially the Board; and (3) members may be accepted to the Subcommittees and appointed to the Board for an initial term of one year.

## **II. Advisory Board and Advisory Board Subcommittees**

MID intends to establish eleven (11) Advisory Board Subcommittees and one (1) Exchange Advisory Board, to provide recommendations, suggestions, advice and consultation to the Exchange, as follows:

### Advisory Board Subcommittees:

The following Advisory Board Subcommittees shall be established pursuant to this Bulletin:

- a. Educated health care consumers;
- b. Individuals and entities with experience in facilitating enrollment in health coverage;
- c. Advocates for enrolling hard-to-reach populations, which includes individuals with a mental health or substance abuse disorder;
- d. Small businesses (100 or fewer employees) and self-employed individuals;
- e. Appropriate State government agencies or divisions;
- f. Federally-recognized tribe(s) as defined in the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. §479a, located within the Exchange’s geographic area;
- g. Public health experts (individuals representing public health entities and/or individuals with at least five (5) years of experience in public health and an ongoing interest in the provision of health care in this State);
- h. Health care providers;
- i. Large employers (more than 100 employees);
- j. Health insurance issuers; and
- k. Health insurance agents and brokers holding current licenses under *Miss. Code Ann. §83-17-51, et al.*

In order to qualify as a recognized Subcommittee, there must be at least three (3) qualified individuals participating.

Each Subcommittee shall report to the Advisory Board at least quarterly in advance of the Advisory Board’s quarterly meeting, or more often as directed by either the Advisory Board and/or the Commissioner of Insurance.

### Exchange Advisory Board:

The Exchange Advisory Board shall be comprised of thirteen (13) individuals, one from each of the above identified Advisory Board Subcommittees, and two additional members who will be selected at-large from the Advisory Board Subcommittees.

NOTE: It was MID's original purpose to have an eleven (11) member Advisory Board. However, due to the overwhelming positive response of Stakeholders interested in serving, together with MID's commitment to collect and consider as much Stakeholder input as reasonably possible to benefit the development and operation of Mississippi's Exchange, that number was expanded by two to thirteen (13) as set forth herein.

MID believes that the inclusion of these eleven disparate groups of stakeholders will provide diverse and unbiased input from the perspectives of all of the various stakeholder groups impacted by the operation of the Exchange.

The Board shall assist MID in developing policy, rules and regulations governing the Exchange and shall utilize the Subcommittees to assist it in doing the same.

The Advisory Board shall report to CHIRPA and/or the Commissioner of Insurance at least quarterly, or more often as requested or directed by the Commissioner of Insurance or CHIRPA.

### Meetings:

Subcommittee and Board appointments will be posted to the MID website at least ten (10) days prior to the first meeting of the Advisory Board, which will be set by the Commissioner of Insurance no later than December 31, 2011.

Each Advisory Board Subcommittee shall meet at least quarterly, with the first meeting for each Subcommittee to be set by the Commissioner of Insurance. Subsequent meetings of the Subcommittees shall be set by each separate Subcommittee, by the Advisory Board, or by the Commissioner of Insurance. The Commissioner of Insurance or his designee shall be notified of and invited to attend every meeting of every Subcommittee.

The Advisory Board will meet at least quarterly, with the first meeting to be set by the Commissioner of Insurance. Subsequent meetings of the Board shall be set by the Board or by the Commissioner of Insurance. The Commissioner of Insurance or his designee shall serve as the chairman of the Advisory Board. All meetings of the Advisory Board shall be open to the public.

Each Subcommittee and the Advisory Board shall designate one member as the secretary. That person will keep detailed minutes of all discussions held and all actions taken in every meeting held. If the secretary is not in attendance at any meeting, an alternate secretary may be appointed for the purpose of keeping minutes in the secretary's absence.

### III. Application Process

All interested persons who submit an application on or before the deadline will be placed on the Advisory Committee requested, if they meet the qualifications for same. An applicant who does not meet the qualifications for his or her requested Subcommittee may be placed on a different Subcommittee for which the individual is qualified. The Commissioner of Insurance shall have discretion to determine whether an applicant meets the required qualifications for a particular Subcommittee.

In order to apply, a person must submit a "letter of intention" together with a current resume or CV. The letter of intention must identify the particular Subcommittee (a through k, above) to which the applicant would like to be appointed. All applications must be submitted by either United States Mail to:

Mississippi Insurance Department  
Attn: Aaron Sisk  
P. O. Box 79  
Jackson, Mississippi 39205-0079

or by electronic (email) mail to [mshealthexchange@mid.state.ms.us](mailto:mshealthexchange@mid.state.ms.us) to the attention of Aaron Sisk, Senior Staff Attorney.

**The deadline for all applications to be submitted (postmarked or emailed) is thirty days from the date of this Bulletin. Applications postmarked or emailed after the deadline will not be accepted.**

### IV. Appointment Process

The Commissioner of Insurance will appoint the members of the Advisory Board for the first term of that Board. One member will be appointed from each Subcommittee, and the two members designated "at-large members" will be appointed from one or two Subcommittees of the Commissioner's choice. (In any given year, the Subcommittee(s) from which at-large member(s) are chosen will have more than one representative on the Advisory Board). Each appointed member will serve a term of one year.

In years following the first year of the Advisory Board, members will be elected/appointed from the Subcommittees by the Subcommittee members. "At-large" members will continue to be appointed by the Commissioner of Insurance. Each individual elected/appointed will serve a term of one year. This process will be repeated each year in order to reestablish the Advisory Board.

At any point during the year, the Commissioner of Insurance shall have discretion to take whatever action is necessary to repopulate or increase the membership of any Subcommittee in which participation has decreased or as to which more robust participation would likely increase the effectiveness of the Advisory Board.

## V. Dismissal Process


The Commissioner of Insurance may dismiss a member of the Advisory Board or any Subcommittee at any time if that member fails to attend two or more meetings of the Advisory Board or his/her Subcommittee. Any member of the Advisory Board dismissed by the Commissioner of Insurance shall be replaced in the same manner in which he/she was originally placed on the Board. Subcommittee members who are dismissed may be replaced by the Commissioner of Insurance, in his discretion.

A member of the Advisory Board may resign his or her position on the Board at any time. Any member of the Advisory Board who resigns his or her position prior to the end of his or her one-year term shall be replaced in the same manner in which he/she was placed on the Board for that term.

The Commissioner of Insurance or his designee shall conduct a review of the membership of all Subcommittees at least annually in order to insure that the Subcommittees are functioning as intended, are appropriately populated, and are providing constructive feedback to the Advisory Board. Based on the results of these reviews, the Commissioner of Insurance shall have discretion to reassign members from one Subcommittee to any other Subcommittee for which they are also qualified in order to insure or enhance the effectiveness of the Subcommittees.

Originally issued the 18<sup>th</sup> day of October, 2011.

Amended and re-issued this the 25<sup>th</sup> day of January, 2012.

  
MIKE CHANEY  
COMMISSIONER OF INSURANCE