

PROPOSED REVISIONS TO THE THIRD DRAFT OF THE HEALTH CARE REFORM REVIEW COMMITTEE'S BILL DRAFT PROVIDING FOR A STATE-ADMINISTERED HEALTH BENEFIT EXCHANGE (11.0806.04000)

Revisions to proposed North Dakota Century Code Section 54-66-03 relating to the membership of the Health Benefit Exchange Board:

- Subsection 1, replace subdivisions a through g with:
 - a. Five members who represent consumers;
 - b. One member who represents small employers; and
 - c. Three members, at least one of whom represents the health insurance industry and at least one of whom represents the medical community.
- Subsection 2, remove reference to "at large" consumer member.
- Subsection 5, revise to allow no more than two consumer representatives' terms to expire each year.

Revision to proposed Section 54-66-10 relating to the Health Benefit Exchange Division's Navigation Office, replace subsections 2 and 3 with:

2. The navigation office shall award navigator grants to at least two of the following eligible public or private entities:
 - a. Community and consumer-focused nonprofit groups;
 - b. Trade, industry, and professional associations;
 - c. Ranching and farming organizations;
 - d. Chambers of commerce;
 - e. Unions;
 - f. Resource partners of the small business administration;
 - g. Licensed producers; and
 - h. Other public or private entities that meet the requirements of this section which may include Indian tribes, tribal organizations, and state or local human service agencies.
3. To receive a navigator grant under this section, an applicant must demonstrate the applicant:
 - a. Has existing relationships or could readily establish relationships with employers and employees, consumers, uninsured and underinsured consumers, and self-employed individuals likely to be eligible for enrollment in a qualified health plan;
 - b. Does not have a conflict of interest during the term as a navigator;
 - c. Is not a health insurance issuer; and

- d. Does not receive any consideration directly or indirectly from any health insurance issuer in connection with the enrollment of any qualified individuals or qualified employees in a qualified health plan.
4. A recipient of a navigator grant under this section shall:
 - a. Maintain expertise in eligibility, enrollment, and program specifications and conduct public education activities to raise awareness about the exchange;
 - b. Provide information and services in a fair, accurate, and impartial manner, including providing information acknowledging other health programs;
 - c. Facilitate enrollment in qualified health plans;
 - d. Provide referrals to any applicable office of health insurance consumer assistance or health insurance ombudsman established under Section 2793 of the federal Public Health Service Act, or any other appropriate state agency, for any enrollee with a grievance, complaint, or question regarding the enrollee's health plan, coverage, or a determination under such plan or coverage; and
 - e. Provide information in a manner that is culturally and linguistically appropriate to the needs of the population being served by the exchange, including individuals with limited English proficiency, and ensure accessibility and usability of navigator tools and functions for individuals with disabilities in accordance with the Americans with Disabilities Act of 1990 (Pub. L. 101-336; 104 Stat. 327; 42 U.S.C. 12101 et seq.) and Section 504 of the federal Rehabilitation Act of 1973 (Pub. L. 93-112; 87 Stat. 394; 29 U.S.C. 701 et seq.).

Create a new subsection to proposed Section 54-66-15 regarding accepting funds from other sources:

- The division may seek, receive, and accept from any source aid, gifts, donations, grants, or other contributions of money, property, labor, or other things of value to be used to carry out the purposes of the division.