

AMENDMENTS TO LB 384

Introduced by Banking, Commerce and Insurance

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Sections 1 to 6 of this act shall be known and
4 may be cited as the Nebraska Exchange Transparency Act.

5 Sec. 2. The purposes of the Nebraska Exchange
6 Transparency Act are to provide state-based recommendations and
7 transparency regarding the implementation and operation of an
8 affordable insurance exchange, as required by the federal Patient
9 Protection and Affordable Care Act, 42 U.S.C. 18001, et. seq., by
10 creating the Nebraska Exchange Stakeholder Commission.

11 Sec. 3. (1) The Nebraska Exchange Stakeholder Commission
12 is created. For administrative and budgetary purposes only, the
13 commission shall be housed within the Department of Insurance. The
14 commission shall be composed of twelve members as follows:

15 (a) Nine members shall be appointed by the Governor in
16 the following manner:

17 (i) Four members to represent the interests of consumers
18 who will access health insurance in the exchange with at least one
19 of such members to represent the interests of rural consumers who
20 will access health insurance in the exchange;

21 (ii) One member to represent the interests of small
22 businesses who are qualified to purchase health insurance in the
23 exchange;

1 (iii) Two members to represent the interests of health
2 care providers in the state;

3 (iv) One member to represent the interests of health
4 insurance carriers who are eligible to offer health plans in the
5 exchange; and

6 (v) One member to represent the interests of health
7 insurance agents. This member shall not be a captive agent of any
8 health insurance carrier.

9 (b) The Director of Insurance or his or her designee will
10 be a nonvoting, ex officio member of the commission;

11 (c) The director of the Division of Medicaid and
12 Long-Term Care of the Department of Health and Human services
13 or his or her designee will be a nonvoting, ex officio member of
14 the commission; and

15 (d) The director of the Division of Children and Family
16 Services of the Department of Health and Human Services or his
17 or her designee will be a nonvoting, ex officio member of the
18 commission.

19 (2) The terms of appointed members of the commission
20 shall commence on July 1, 2013.

21 (3) The appointed members of the commission shall serve
22 for terms of four years, except that of the members first appointed
23 the Governor shall designate:

24 (a) One of the members representing the interests of
25 health care providers in the state to serve a term of three years
26 and the other to serve terms of two years;

27 (b) The member representing the interests of health

1 insurance carriers to serve a term of two years;

2 (c) The member representing the interests of health
3 insurance agents to serve a term of three years; and

4 (d) All other members will serve for terms of four years.

5 (4) A member may be reappointed at the expiration of his
6 or her term. All succeeding appointments to the commission shall be
7 made in the same manner as the original appointments are made and
8 succeeding appointees shall have the same qualifications as their
9 predecessors.

10 (5) An individual appointed to fill a vacancy occurring
11 other than by the expiration of a term of office shall be appointed
12 for the unexpired term of the member such individual succeeds
13 and shall be eligible for appointment to subsequent full terms
14 thereafter.

15 (6) All appointments whether initial or subsequent shall
16 be subject to the approval of a majority of the members of
17 the Legislature, if the Legislature is in session, and, if the
18 Legislature is not in session, any appointment shall be temporary
19 until the next session of the Legislature, at which time a majority
20 of the members of the Legislature may approve or disapprove such
21 appointment.

22 (7) A member shall have his or her membership terminated
23 if he or she ceases to meet the qualification for his or her
24 appointment. A member may be removed from the commission for good
25 cause upon written notice and upon an opportunity to be heard
26 before the Governor. After the hearing, the Governor shall file in
27 the office of the Secretary of State a complete statement of the

1 charges and the findings and disposition together with a complete
2 record of the proceedings.

3 Sec. 4. (1) The Nebraska Exchange Stakeholder Commission
4 shall organize by selecting a chairperson and a vice-chairperson
5 who shall hold office at the pleasure of the commission. The
6 vice-chairperson shall act as chairperson in the absence of the
7 chairperson or in the event of a vacancy in that position.

8 (2) The commission shall hold at least four meetings
9 annually, at times and places fixed by the chairperson.

10 (3) A majority of the members of the commission shall
11 constitute a quorum.

12 (4) Members of the commission shall be reimbursed for
13 their actual and necessary expenses as provided in sections 81-1174
14 to 81-1177.

15 Sec. 5. The Nebraska Exchange Stakeholder Commission
16 shall:

17 (1) Work with state and federal agencies and policymakers
18 to provide recommendations regarding implementation and operation
19 of the exchange, including, but not limited to:

20 (a) Improving access to high-quality, affordable health
21 coverage options and to improve policies and processes on the
22 exchange to ensure a positive and seamless consumer experience;

23 (b) Promoting competitiveness of the exchange, minimize
24 administrative burden for issuers, and ensure consumer protections;

25 (c) Incorporating existing state policies, capabilities,
26 and infrastructure that can also assist in exchange implementation
27 and operations;

1 (d) Ensuring the effectiveness of the navigator grant
2 program;

3 (e) Promoting a seamless integration with the medicaid
4 program and continuity of care for those transitioning between
5 publicly funded coverage and private coverage; and

6 (f) Ensuring the small business health options program
7 or SHOP Exchange meets the needs and provides value to small
8 businesses.

9 (2) Create technical and advisory groups as needed to
10 discuss issues related to the exchange and make recommendations to
11 the commission, state or federal agencies, and the Legislature;

12 (3) Assist the exchange in meeting the stakeholder
13 consultation requirements established in 45 C.F.R. 155.130, as
14 it existed on January 1, 2013;

15 (4) Identify challenges and problems in the
16 implementation and operation of the exchange and prepare
17 recommendations to alleviate the problems identified; and

18 (5) Provide a report on or before December 1, 2013, and
19 each December 1 thereafter, to the Governor and the Legislature
20 concerning the implementation and operation of the exchange,
21 challenges and problems identified in the implementation and
22 operation of the exchange, and recommendations to address such
23 problems and challenges. The report to the Legislature shall be
24 submitted electronically.

25 Sec. 6. The Nebraska Exchange Transparency Act terminates
26 on July 1, 2017.

27 Sec. 7. Since an emergency exists, this act takes effect

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1 when passed and approved according to law.