

E AND R AMENDMENTS TO LB 384

Introduced by Murante, 49, Chairman Enrollment and Review

1 1. Strike the original sections and all amendments
2 thereto and insert the following 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 purpose of the Nebraska Exchange Transparency
6 Act is to provide state-based recommendations and transparency
7 regarding the implementation and operation of an affordable
8 insurance exchange, as required by the federal Patient Protection
9 and Affordable Care Act, 42 U.S.C. 18001 et seq., by creating the
10 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 eleven 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 is a
10 nonvoting, ex officio member of the commission; and

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 is a nonvoting, ex officio member of the
14 commission.

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

17 (3) The appointed members of the commission shall serve
18 for terms of four years, except that of the members first
19 appointed, the Governor shall designate:

20 (a) One of the members representing the interests of
21 health care providers in the state to serve a term of three years
22 and the other to serve a term of two years;

23 (b) The member representing the interests of health
24 insurance carriers to serve a term of two years;

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

27 (d) All other members to serve for terms of four years.

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

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

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

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

26 Sec. 4. (1) The Nebraska Exchange Stakeholder Commission
27 shall organize by selecting a chairperson and a vice-chairperson

1 who shall hold office at the pleasure of the commission. The
2 vice-chairperson shall act as chairperson in the absence of the
3 chairperson or in the event of a vacancy in that position.

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

6 (3) A majority of the members of the commission shall
7 constitute a quorum.

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

11 Sec. 5. The Nebraska Exchange Stakeholder Commission
12 shall:

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

16 (a) Improving access to high-quality, affordable health
17 coverage options and improving policies and processes on the
18 exchange to ensure a positive and seamless consumer experience;

19 (b) Promoting competitiveness of the exchange, minimizing
20 administrative burden for issuers, and ensuring consumer
21 protections;

22 (c) Incorporating existing state policies, capabilities,
23 and infrastructure that can also assist in exchange implementation
24 and operations;

25 (d) Ensuring the effectiveness of the navigator grant
26 program;

27 (e) Promoting a seamless integration with the medicaid

1 program and continuity of care for those transitioning between
2 publicly funded coverage and private coverage; and

3 (f) Ensuring the small business health options program
4 or SHOP Exchange meets the needs and provides value to small
5 businesses;

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

9 (3) Assist the exchange in meeting the stakeholder
10 consultation requirements established in 45 C.F.R. 155.130, as
11 such regulations existed on January 1, 2013;

12 (4) Identify challenges and problems in the
13 implementation and operation of the exchange and prepare
14 recommendations to alleviate the problems identified; and

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

22 Sec. 6. The Nebraska Exchange Transparency Act terminates
23 on July 1, 2017.

24 Sec. 7. Since an emergency exists, this act takes effect
25 when passed and approved according to law.