



MNsure Compliance Program Strategic Plan FY 2024-2025

June 28, 2023



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Introduction

The purpose of the Compliance Program Strategic Plan (the “Plan”) is to define MNSure’s overall mission for compliance as well as to define the formal Compliance Department mission and vision. The Plan will provide overall guidance on the direction and efforts of MNSure’s Compliance Department to align activities with MNSure’s organizational goals.

Throughout the Plan there are references to the “Compliance Program” and the “Compliance Department.” The use of these different phrases is intended to differentiate between the Compliance Program describing the sum of all efforts and activities related to compliance throughout the organization, regardless of what business unit is directly involved, and the Compliance Department describing the particular business unit led by the chief compliance officer charged with advising, supporting and guiding the organization’s overall efforts and activities related to compliance.

In July 2021, the MNSure Board of Directors approved the Plan for fiscal years 2022-23. MNSure presented a two-year FY 2024-2025 Plan for the Compliance Work Group’s review and approval in May 2023, and plans to present it for full board approval in June 2023.

The Plan’s compliance activities are organized into the following 10 key focus areas, consistent with best-in-class compliance programs across the United States:

- Tone at the Top
- Risk Assessment
- Lines of Communication
- Oversight and Responsibility
- Policies and Procedures
- Training
- Monitoring
- Auditing
- Response and Prevention
- Enforcement and Discipline

The Compliance Department is one of several business functions that report to MNSure’s general counsel. Other business areas reporting to the general counsel include Appeals and Accessibility, Administrative Support Services, Human Resources, Procurement, and Privacy and Security. These business areas (and others within the agency) have compliance-related missions. The Compliance Department works closely with these business areas in implementing a culture of compliance across the agency.

Compliance Program Mission

The Compliance Program is owned by the organization as a whole and includes compliance activities and efforts performed by all MNsure employees, board members and associated third parties. Below is the Compliance Program mission:

MNsure views compliance as a responsibility of all employees throughout the organization and will implement the appropriate systems and structures to provide all employees and business units support, advice and guidance to assure ethical and regulatory requirements are identified and met.

MNsure shall operate as an ethical, compliant and transparent organization by fostering a culture of honesty and accountability, while adhering to the regulatory requirements governing our organization. Additionally, MNsure views compliance as the responsibility of all employees in order to help us achieve our mission to ensure all Minnesotans have the security of health insurance.

Compliance Department Mission

The Compliance Department is responsible for guiding and driving the Compliance Program on behalf of MNsure, and for working as a collaborative partner and trusted advisor to the MNsure Board of Directors and MNsure employees. Below is the Compliance Department mission:

The MNsure Compliance Department shall be a strategic and collaborative business partner to the board, employees and business units by providing advice, support and guidance on ethical and regulatory requirements as these groups make decisions and implement operations at MNsure.

The MNsure Compliance Department will foster trust, honesty, ethics and integrity with all MNsure employees and third parties by providing guidance and counsel on compliance risks and their potential impact to MNsure, advice and support on implementing compliance best practices into operations, and the ability to report any potential compliance concerns confidentially and without fear of retaliation.

Regulatory Profile

The regulatory profile defines the laws and regulations that govern MNsure's operations as an exchange. It is this profile that the MNsure Compliance Program is responsible for overseeing and managing.

MNsure is subject to numerous federal and state laws, rules and regulations, and is governed by multiple federal and state bodies. Keeping pace with increasingly complex and changing marketplace regulations and guidance is critical to MNsure's future success.

MNsire is a Minnesota state agency established under Minnesota Statutes, Chapter 62V and is subject to the operational requirements that enabled states to establish the exchanges through the Affordable Care Act. It is responsible for qualified health plan (QHP)-related eligibility determinations and enrollments, and for appeals on QHP-related determinations.

The Minnesota Eligibility Technology System (METS) is also used by the Minnesota Department of Human Services to determine eligibility for Medicaid (Medical Assistance) and the state Basic Health Plan (MinnesotaCare). Under Minnesota Statutes Chapters 256B and 256L, the Minnesota Department of Human Services is responsible for making eligibility determinations and enrollments into the Medical Assistance and MinnesotaCare programs, including appeals on determinations made in those programs. Although MNsire and DHS share the METS platform, MNsire has no authority under federal or state law over Medical Assistance or MinnesotaCare.

For completeness, this document includes references to both Medical Assistance- and MinnesotaCare-related laws. However, the intent of this document is to focus on requirements that apply to MNsire, the state agency.

MNsire's regulatory requirements are organized by the following primary categories:

- General Standards for Operations and Functions
- Individual Insurance
- Consumer Assistance
- Financial Management
- Program Integrity and Oversight
- Plan Management
- Additional Requirements (such as multi-state plans, handling of false claims, etc.)

Compliance Department Goals

The following goals will guide the Compliance Department in its day-to-day activities and functions. The goals are segmented between short term and long term and seek to weave a culture of compliance into MNsire's operations.

Annual Goals

- **Objective:** Strengthen the crucial infrastructure needed for MNsire's Compliance Program.
- **Accountability:** David Rowley, general counsel/chief compliance officer

Annually, by June 30, 2024, and June 30, 2025, respectively, implement, operationalize and optimize tasks assigned to the following areas (Target completion dates: 6/30/24 and 6/30/25):

Tone at the Top

- Maintain the FY 2024-2025 Executive Compliance Communication Work Plan.
- Update job descriptions to include compliance responsibilities.

Risk Assessment

- Conduct annual risk assessment.

Lines of Communication

- Process consumer complaints received through the various reporting mechanisms including the anonymous telephone line, Contact Center telephone calls, compliance email account and United States Postal Service.
- Implement the FY 2024 and FY 2025 Compliance Department communication strategies.

Oversight and Responsibility

- Update Compliance Program Plan.
- Operationalize and expand MNsure Board of Directors reports and dashboards.

Policies and Procedures

- Obtain 100% of employees' Code of Conduct certification (the training will be offered to board members on a voluntary basis because they are not state employees).
- Update enterprise-wide policy and procedure structure and process.
- Inventory, review and update policies and procedures.

Training

- Conduct annual code-of-conduct training.
- Embed compliance-focused training into functional area training.

Monitoring

- Implement compliance monitoring methodology and program.
- Implement a program to monitor third-party vendors in conjunction with the Privacy Office.

Auditing

- Execute the FY 2024 and FY 2025 internal audit plans.
- Assess the need for a third-party vendor audit program.
- Coordinate external audits.

Response and Prevention

- Operationalize the process to track, trend and follow-up on reported compliance issues.

Enforcement and Discipline

- Operationalize processes for enforcement and discipline.

Long-Term Goals

1. MNsure's Compliance Department will establish processes and procedures that are recurring, consistent and measurable. Much of this infrastructure is in place but requires optimization to operate effectively.

Accountability: David Rowley, general counsel/chief compliance officer, will own this long-term goal.

2. Create compliance and ethics competence throughout MNsure through continuous education and in conversations with senior leadership.

Accountability: David Rowley, general counsel/chief compliance officer, will own this long-term goal.

Compliance Department Operations

This section focuses on the day-to-day operations of the Compliance Department. It outlines the key focus areas and activities of the Compliance Department, performance metrics used to measure the effectiveness of the Compliance Department, the Compliance Department's overall budget, the staff resources within the Compliance Department, and the organizational structure of the Compliance Department.

Key Focus Areas

The Compliance Department's core focus areas are essential to supporting MNsure's goal of honesty and transparency by driving results with efficient and effective compliance tools and processes. The key focus areas are the day-to-day activities performed by the Compliance Department as demonstrated by the tasks in the annual goals above. Key focus areas include:

1. Tone at the Top
2. Risk Assessment
3. Lines of Communication
4. Oversight and Responsibility
5. Policies and Procedures
6. Training
7. Monitoring

8. Auditing
9. Response and Prevention
10. Enforcement and Discipline

Compliance Department Performance Metrics

These metrics are intended to drive the Compliance Department towards meeting its mission. Progress on the metrics should be reported to senior leadership and the MNsure Board of Directors on a quarterly basis. The performance metrics should be revisited annually and adjusted as necessary.

The FY 2024 and FY 2025 performance metrics are as follows:

- Receive Code of Conduct attestations for 100% of employees, appropriate third parties and board by October 31, 2023, and October 31, 2024.
- Compliance annual risk assessments completed and reported to the MNsure Board of Directors' Compliance Workgroup and small groups by July 31, 2024, and July 31, 2025.
- Compliance Audit and Monitoring plan based on the risk assessment and management recommendations is developed and approved by the MNsure CEO by July 31, 2024, and July 31, 2025. The respective annual plans shall be completed by June 30, 2024, and June 30, 2025.
- Provide each new employee with general compliance training within one month of the employee's appointment.
- 95% of hotline calls will be resolved within 30 days of initial receipt.
- The chief compliance officer will conduct, at a minimum, three one-on-one meetings with the MNsure CEO and direct reports to discuss compliance trends, risks, emerging risks, audit results, etc., throughout FY 2024 and FY 2025.
- The chief compliance officer will meet at least once a quarter with the MNsure Board of Directors' Compliance Workgroup.
- 100% of all reports / data required to be provided to regulators are sent timely.

Compliance Department Resources

Appropriate staffing of the Compliance Department assures that the Compliance Department will be able to achieve its mission. The functions identified here are not necessarily intended to be a correlate to full-time equivalent positions. Rather, these may be full-time equivalent positions, or these functions may be included within an existing position or spread across several positions. However, the below descriptions of experience and skill sets outline the resource needs for the Compliance Department:

Chief Compliance Officer (CCO)

The CCO is responsible for the compliance functions executed across the enterprise with accountability and direct reporting relationship to the CEO with a dotted line to the board (or designated board workgroup).

Director of Compliance and Program Integrity

The director of compliance and program integrity is responsible for supporting the CCO and for the management of internal and external financial / compliance audits, investigations and program evaluations. Additionally, they are responsible for the day-to-day operations of the Compliance Department.

Compliance Coordinator

The compliance coordinator is responsible for supporting the director of compliance and program integrity and CCO in ongoing development and execution of the day-to-day operations of the program.

Senior Internal Auditor

The senior internal auditor is responsible for supporting the director of compliance and program integrity and CCO by executing the internal audit plan, coordinating external audits, documenting internal controls, and conducting investigations.

Compliance Department Organizational Structure

The organizational structure of the Compliance Department is intended to include clear reporting lines and support MNsure's operational stakeholders with sufficient, skilled staff. The reporting structure promotes open, transparent communication between management, senior leadership and the MNsure Board of Directors. Even as the department matures, optimization of the specific organizational structure, position supervision and position reporting continue, but, from a strategic perspective, there are two key concepts that are critical to the integrity of the department. First, that a specific individual is identified as the chief compliance officer for MNsure. Second, that this individual, regardless of the day-to-day reporting structure, has direct, unfettered access to the board and the CEO when carrying out their identified compliance obligations and responsibilities.

Biennial Approval Process

The strategic plan shall be reviewed, updated and approved yearly.

High-Level Biennial Approval Procedures:

1. Biennially, the CCO must review, update and submit the Compliance Department's Strategic Plan to senior leadership.
2. Once approved by senior leadership the plan will be submitted by the CCO to the MNsure Board of Directors for approval.

3. The strategic plan should be tracked with:
 - a. Dates of revision
 - b. Revision/editor information
 - c. Electronic signatures of the CCO, senior leadership and MNsure Board of Directors upon approval

Approved by

Date: June 28, 2023

Name:

Title: Chair, MNsure Board of Directors (signing on behalf of the board)

Signature: _____

Revision History

Version	Revised by:	Revised Date
Original		12/17/14
Revision 1	John Nyanjom	06/15/16
Revision 2	John Nyanjom	07/26/17
Revision 3	John Nyanjom	07/18/18
Revision 4	John Nyanjom	07/17/19
Revision 5	John Nyanjom	07/21/21
Revision 6	John Nyanjom	06/28/23