

## 3.11 ELIGIBILITY APPEALS

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### Current Exchange Operational Readiness Activities Related to Appeals

1. The Exchange has convened an Appeals Work Group comprised of representatives from various areas that will interact with or be directly involved in Exchange appeal activities including: Department of Human Services (“DHS”) legal staff; DHS human services judges; Exchange legal staff; and DHS business staff. This Work Group has responsibility for identification and/or creation of business processes related to appeals of Exchange eligibility determinations. In some instances, the tactical planning and implementation of these business processes will be carried out by the Work Group as well. Finally, the Work Group serves in an advisory role on all issues related to appeals processes within the Exchange, thereby leveraging the wealth of appeals expertise existent within the Minnesota state agencies.
2. The Exchange has begun defining the business process for submission of eligibility appeals, adjudication of eligibility appeals, and post-appeal activities in such a way that acknowledges three important factors: first, that current Minnesota law requires all appeals of Medicaid and CHIP eligibility determinations be adjudicated through the fair hearing process operated by DHS, and second, the identification of which entity or entities are responsible for adjudication of appeals of non-Medicaid and non-CHIP eligibility determinations is a policy decision that is yet to be decided; and third, additional federal guidance on the content and manner of appeals of Exchange eligibility determinations is forthcoming. Recognizing these factors, the Exchange, through the Appeals Work Group, has begun this process including:
  - o Identifying necessary business processes for appeals of Exchange eligibility determinations
  - o Conducting a gap analysis to identify business processes that would meet the likely requirements for the manner and content of Exchange appeals including:
    - o Creation of an inventory of applicable, existing Minnesota state agency business processes and applicable, existing business processes contained within any COTS software within the Exchange Solution.
    - o Identification of any business processes not currently in existence which would need to be developed by 10/01/2013 and identification of what needs to be created external to the Exchange solution
    - o Identification of linked business operations requiring connection to the appeals process through the Exchange
3. The Exchange has established a specific project and has a project team in place to ensure the Exchange has capacity to support appeals of Exchange eligibility determinations.

### Future Exchange Operational Readiness Activities Related to Appeals Capacity

Moving forward, the Exchange will build upon the current activities to ensure that the Exchange has sufficient capacity to support appeals of Exchange eligibility determinations including:

1. Continuing development and implementation of Exchange appeals business processes recognizing there may be a need to adjust business processes to meet the requirements of forthcoming federal guidance and state policy decisions. This continuing work will include:
  - a. Leveraging appeals processes currently in existence within state agencies or within COTS software to the extent applicable
  - b. Create new appeals processes where needed due to unique needs of the Exchange
  - c. Define clear roles and responsibilities between agencies where applicable based on forthcoming federal guidance and state policy decisions.
2. Weekly Appeals Work Group Meetings
  - a. Assigned work group Leads
  - b. Structured agendas and timelines
  - c. Assigned responsible resources for action item and tasks
  - d. Ensure the Exchange consistently leverages the Appeals Work Group expertise, including providing subject-matter expertise to policy-makers by reviewing or assisting in drafting statutory or regulatory changes related to Exchange appeals.
  - e. Expand Work Group members to include representatives from additional state agencies as well as external stakeholders.
3. Project Team and Project Work plan
  - a. Work plan in MS Project with tasks, resources and due dates
  - b. Dedicated business owner
  - c. Dedicated project manager
  - d. Dedicated business analyst
  - e. Additional resources for advice and deliverable completion support through the Appeals Work Group

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4. Timeline with key milestones for meeting 10/1/2013 Open Enrollment date shared with team members and subject matter experts
5. Hiring plan for permanent Exchange employees to manage, oversee, and support Exchange appeals functions:
  - a. Appeals Manager to be hired by the end of 2012 to assume leadership and oversight of the development and implementation of Exchange appeals functions.
  - b. Hearings Officers (3) and a Paralegal to support Exchange appeals functions
6. Provide subject-matter expertise in applicable development processes (analysis, design, testing and implementation) for the Exchange Solution.
7. Identify any additional Exchange actions or determinations, beyond the eligibility determinations identified above, for which the Exchange may be required to provide a right to appeal and determine what mechanisms are available to ensure these appeal categories are addressed within any applicable Exchange appeals functions.
8. The Exchange will draft and execute any interagency agreements or other contractual agreements necessary to carry out Exchange appeals functions based upon forthcoming federal guidance and state policy decisions.