



# MNsure Oversight, Appeals, and Privacy & Security Overview

Board of Directors Meeting

July 17, 2013

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# Overview

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**Oversight and Monitoring**

**Appeals**

**Privacy and Security**

# Oversight and Monitoring

# Federal Oversight

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- Requires Exchanges to keep an account of all activities relating to the administration of its duties, including publication of any funds lost to waste, fraud, and abuse.
- Requires the Secretary of Health and Human Services (HHS) to perform an annual audit of Exchanges.
- Requires an annual, external audit Exchanges. This will be the legislative Auditor in Minnesota.
- Allows for the Secretary of HHS to conduct investigations into Exchange activities, and if serious misconduct is found, may rescind certain payments until proper corrective actions are taken.
- Federal Office of Information Services (OIS) may review and audit the IT operations of the Exchange at any time. Exchanges must also conduct an Independent Verification and Validation (IV&V) audit of IT systems.

# Federal Oversight

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- Exchanges must meet privacy and security requirements for access to information through the federal services data hub. Exchanges are subject to audits at any time regarding the use of this data.
- Applies the Federal False Claims Act to all payments made by or through an Exchange. Imposes liability (treble damages – three times the amount defrauded) on persons or entities that defraud the federal government. Department of Justice or by a private person acting on behalf of the government can litigate the claim and the private individual can collect a portion of the damages in a successful action.

# State Oversight

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- Subject to audits by the Office of the Legislative Auditor.
- Requires an annual report to the Legislature on the performance of MNsure, meeting its responsibilities, and an accounting of its budget activities.
- Legislative Oversight Committee:
  - Includes 5 members of House (3 majority, 2 minority) and 5 members of Senate (3 majority, 2 minority)
  - At least annual meetings – first meeting July 22, 2013
  - Annual review of operations and meeting responsibilities
  - Review of proposed rules
  - Review of annual budget

# Oversight and Monitoring

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- MNsure is required by both state and federal law to perform various functions related to oversight and monitoring of all operational activities, including program and financial.
- In order to carry out this function, MNsure has developed a compliance plan that incorporates risk identification and assessment, mitigation of risk through the implementation of risk assessment, controls, and robust monitoring of controls.

# Compliance Plan Phases

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- The plan will be executed in two phases:
  - A short-term phase, which begins in late September 2013 and runs through March 2014, will focus on the highest risk activities and will include high-frequency testing and targeted monitoring.
  - A long-term phase, which begins in April 2014 and runs through December 2014, will build on the findings from the first phase and will focus on activities in a lower tier of risk. During this phase, more in depth audit activities will occur both within MNsure and within partner entities.



# Appeals

# Appeals

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- MNsure sure is required by state and federal law to provide individuals and entities aggrieved by a MNsure determination an opportunity to appeal that determination.
- Under state law, an appeal by a health carrier of a MNsure selection or certification determination must be conducted as a contested case under Minnesota Statutes, Chapter 14.
- MNsure must establish processes and procedures, consistent with applicable state and federal law, for appeals of other MNsure determinations, including eligibility determinations.

# Eligibility Appeals

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- For appeals of MNsure eligibility determinations, MNsure is partnering with the Minnesota Department of Human Services (DHS) as the appeals entity.
- Individuals seeking to appeal MNsure eligibility determinations will be presented a single, MNsure-branded “front door,” which will lead to the existing DHS appeals infrastructure.
- MNsure is also collaborating with the Minnesota Office of Administrative Hearings (OAH) in developing and implementing the MNsure appeals processes and procedures.

# Appeals Deliverables

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MNsure its partners are working to draft various deliverables required to support the appeals process including:

- Notices
- Administrative rules
- Processes and procedures
- Training and public education materials

# Process for Eligibility Appeals

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The MNsure Appeals process includes the following steps:

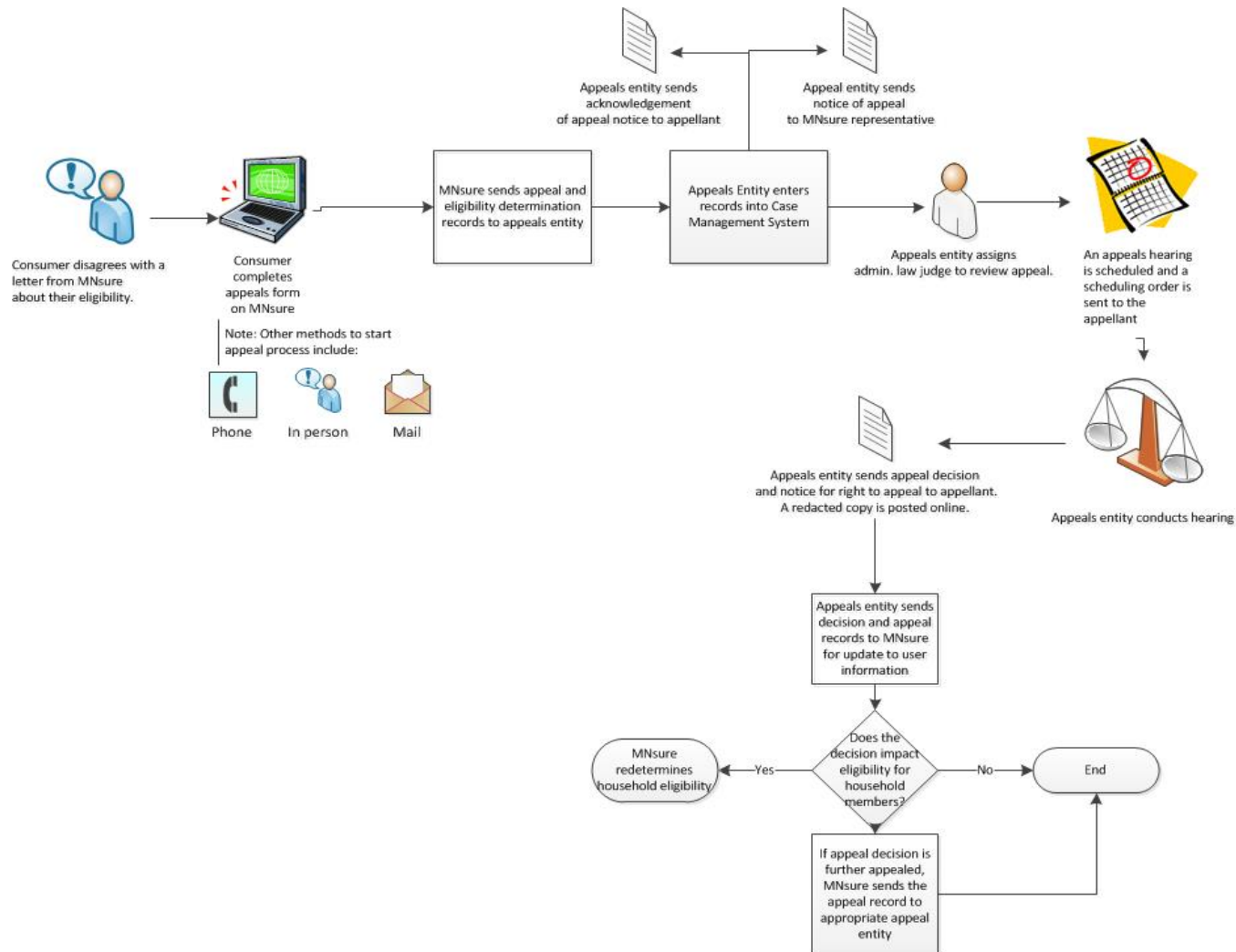
- Individuals who receive and dispute a MNsure eligibility determination may file an appeal on an appeals form that can be accessed through a variety of means: MNsure system, mail, phone and in-person.
- This appeal intake will be input onto an automated form, which will be transferred with the eligibility determination records from the MNsure system to the appeals entity, DHS.
- The appeals entity will log the appeal and records into its case management system. It will then send an acknowledgment notice to the appellant and to a MNsure representative for the purpose of MNsure representation. The appeals entity will assign a human services judge, schedule the hearing, and administer the hearing.

# Process for Eligibility Appeals











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- Once a decision is made, within the 90 day timeline or the 3-day, expedited timeline, notice of the appeal decision is sent to the appellant, along with a notice of appeal rights.
- The appeal decision is also redacted of identifying information and posted online.
- The appeals entity will send the decision and the accumulated appeal record to MNsure to update its user information. If household eligibility needs redetermination, MNsure will complete the same.
- If the appeal decision is appealed to another entity, MNsure will send the appeal record to the appropriate entity.

# Process for Eligibility Appeals



# MNsure Appeals Public Education

<p>1</p>  <p>You disagree with a Letter from MNsure about your eligibility.</p>	<p>2</p>  <p>You file an appeal @ <a href="http://MNsure.org/appeals">MNsure.org/appeals</a></p> <p>Other methods to start appeal process include:</p>     <p>Phone In person Mail fax</p>	<p>3</p>  <p>An appeals hearing is scheduled. You will receive a letter in the mail.</p>
<p><b>Important</b> Timeliness is critical. You have <b>90 calendar days</b> to file an appeal after receiving your determination.</p>		
<p>4</p>  <p><b>Preparing for your Hearing</b></p> <ol style="list-style-type: none"><li>1. Review "Appeal Hearing Guide"</li><li>2. Fax or mail any new supporting information to the appeals office <b>5 or more days before the hearing.</b></li><li>3. Notify the Appeals office of any witnesses, representatives, or the need for an interpreter.</li></ol>	<p>5</p>  <p>An appeals judge conducts a telephone hearing with you (bad pic)</p>	<p>6</p>  <p>The appeals law judge makes a <b>decision</b> and sends it out to both you and to MNsure.</p>
<p><b>Resources</b> Instructions for Filing an Appeal "Appeal Hearing Guide" Telephone Hearing Instructions</p>		



# Additional Information on Appeals

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- During the MNsure appeals process all due process protections will be afforded to appellants under state and federal laws, including the right to request to review their appeal records, to submit evidence to be considered, to be represented by counsel, and to cross-examine witnesses.
- MNsure appeals is also making arrangements to be fully accessible under state and federal laws governing access for persons with disabilities and/or with limited English language proficiency.

# Privacy and Security

# Privacy and Security

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- MNsure views its obligation to protect citizens' data as one of its primary duties and is implementing strict privacy and security to assure compliance with all applicable state and federal requirements, including policies that put in place robust technical, physical, and administrative safeguards for data under MNsure's control.
- MNsure's authority to collect, use, and disclose data is governed by a variety of state and federal laws including the Minnesota Government Data Practices Act and the Final Exchange Privacy and Security Rule.
- Additionally, there are significant technical security requirements that must be met prior to MNsure receiving authorization to connect to the federal data services hub.

# Privacy and Security

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MNsure has submitted or is in the process of submitting various artifacts documenting compliance with federal privacy and security requirements, including:

- A Privacy Impact Assessment to delineate privacy protections and applicable laws for the protection of information and compliance with privacy and security rules
- An Interconnection Security Agreement to delineate information sharing among data sources and outputs and the federal hub
- A Computer Matching Agreement to outline terms and conditions for connection to the federal hub
- A System Security Plan to highlight technical and business controls for maintaining information and system security

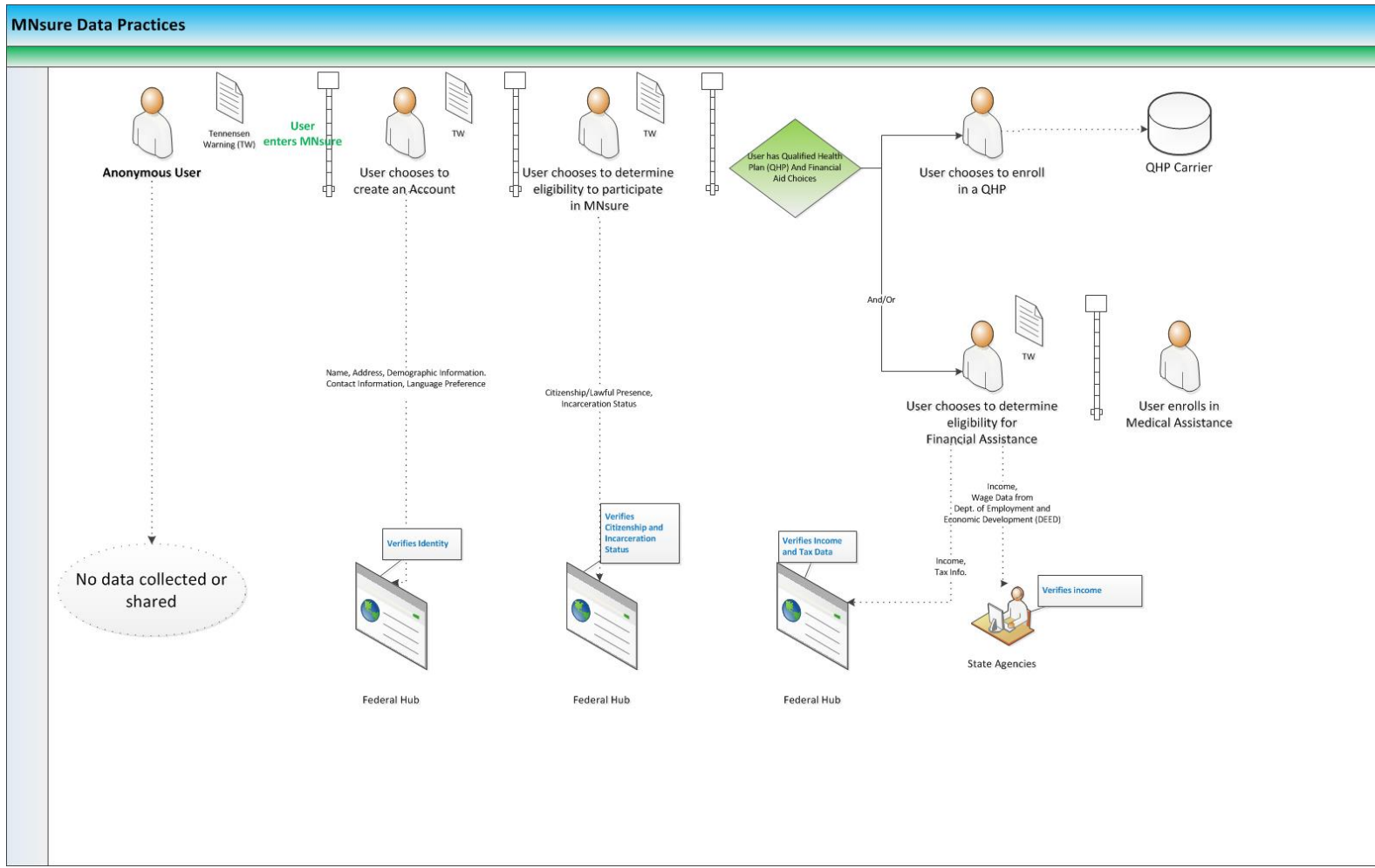
# Privacy and Security Procedures

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MNsure is developing privacy and security policies to implement requirements under state and federal law. These include the following areas of focus:

- Retention Schedules (how long certain documents must be maintained)
- Privacy Policy for participants
- Tennessean Warnings to advise what information will be collected, how it will be used, consequences for not providing it, and identifying who will have access to information.
- Terms of Use for participants and non-participants
- Personnel security
- Training
- Security breach process
- Access Management (the approval process for system access and user account maintenance)

# Providing Privacy Notices



# Data Sharing Agreements

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- In those instances where MNsure is authorized to disclose data, MNsure executes a data sharing agreement prior to any disclosure to assure that the purpose, authority, conditions, and protections connected to that data sharing are listed in a legally binding document.
- MNsure has entered into various data sharing agreements to where disclosure of not public data is or will be necessary for MNsure to carrying out its legal obligations under state and federal law.

# Questions?

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