

## COHBE Board Legislative Approach

January 14, 2013

### **Essential Questions:**

How will COHBE engage with issues at the Colorado General Assembly that relate to the continued functioning of the Exchange?

### **Goals/Objectives of COHBE:**

- To increase access, affordability and choice for individuals and small employers purchasing health insurance in Colorado.
- To create a health benefit exchange to fit the unique needs of Colorado and seek Colorado-specific solutions.
- To foster and maintain a competitive marketplace for insurance.
- To balance the needs of numerous stakeholders.
- To ensure financial sustainability of the Colorado Health Benefit Exchange

### **Background:**

There may be times where changes to state policy or legislation may be required to ensure the continued operation of the Colorado Health Benefit Exchange. In addition, Colorado Health Benefit Exchange Board MAY be asked to weigh in on a variety of legislation that may affect either COHBE or the health care industry in Colorado. This policy provides some fundamental principles as we approach legislative sessions this year and in the future.

### **Applicable law:**

#### **Colorado:**

**SB11-200 10-22-104** The board does not have the authority to promulgate rules pursuant to the “state Administrative Procedure Act” Article 4 of title 24, C>R>S> The Exchange shall not duplicate or replace the duties of the Commissioner established in section 10-1-108, including rate approval, except as directed by the federal act.

**SB11-200 10-22-107 (5)** In any year, the Legislative Health Benefit Exchange Implementation Review Committee may report up to five bills or other measures to the legislative council created in section 2-3-301, C.R.S. These bills are exempt from any applicable bill limit imposed on the individual committee members sponsoring such bills if the bills have been approved by the legislative council under joint rules of the Senate and House of Representatives.

**Federal:** N/A

**Recommendations:**

1. The Colorado Health Benefit Exchange will not take a position on legislation unless the legislation will have a direct and significant impact on the continued operation of the Exchange.
2. If a piece of legislation has been introduced and is anticipated to have a direct and significant impact on the continued operation Exchange, the Board or the Board Executive Committee will discuss whether or not a position is warranted.
3. If the Board or the Board Executive Committee determines that it is appropriate to take a position on a piece of legislation or to request the initiation of legislation, there will be general discussion and guidance at a board meeting. In that case, the Board Chair, CEO or other board designee will have the authority to represent the board as required in working with legislators, administration officials, the Governor, as well as, other parties though the legislative process.
4. If a board member receives a request from a legislator or committee for information about health care or the health care industry as it pertains to COHBE or to comment on potential or introduced legislation, the board member should make it clear whether or not their comments represent a formal position of the COHBE board or their personal opinion.