

**Powers and Duties of the Colorado Health Benefit Exchange Board of Directors**  
**as cited in Senate Bill 11-200**

**10-22-106. Powers and duties of the board.** (1) THE BOARD IS THE GOVERNING BODY OF THE EXCHANGE AND HAS ALL THE POWERS AND DUTIES NECESSARY TO IMPLEMENT THIS ARTICLE. THE BOARD SHALL:

- (a) APPOINT AN EXECUTIVE DIRECTOR TO ADMINISTER THE EXCHANGE, SUBJECT TO APPROVAL BY THE COMMITTEE;
  
- (b) CREATE AN INITIAL OPERATIONAL AND FINANCIAL PLAN, SUBJECT TO APPROVAL BY THE COMMITTEE;
  
- (c) APPLY FOR PLANNING AND ESTABLISHMENT GRANTS MADE AVAILABLE TO THE EXCHANGE PURSUANT TO THE FEDERAL ACT AND APPLY FOR, RECEIVE, AND EXPEND OTHER GIFTS, GRANTS, AND DONATIONS. EACH GRANT APPLICATION IS SUBJECT TO THE REVIEW AND UNANIMOUS APPROVAL OF THE BOARD CHAIR AND THE CHAIR AND VICE-CHAIR OF THE COMMITTEE PRIOR TO THE SUBMISSION OF THE APPLICATION. IF THERE IS NOT UNANIMOUS APPROVAL, EACH GRANT APPLICATION IS SUBJECT TO REVIEW AND THE MAJORITY APPROVAL OF THE COMMITTEE.
  
- (d) CREATE TECHNICAL AND ADVISORY GROUPS AS NEEDED TO REPORT TO THE BOARD. THE ADVISORY GROUPS SHALL MEET REGULARLY THROUGHOUT THE YEAR TO DISCUSS ISSUES RELATED TO THE EXCHANGE AND MAKE RECOMMENDATIONS TO THE BOARD.

(e) PROVIDE A WRITTEN REPORT, ON BEFORE JANUARY 15 OF EACH YEAR, TO THE GOVERNOR AND THE GENERAL ASSEMBLY CONCERNING THE PLANNING AND ESTABLISHMENT OF THE EXCHANGE AND PRESENT THE REPORT TO THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE AND THE HOUSE OF REPRESENTATIVES HEALTH AND ENVIRONMENT COMMITTEE, OR THEIR SUCCESSOR COMMITTEES;

(f) REVIEW THE INTERNET PORTAL OPERATED AND MAINTAINED BY THE SECRETARY AND THE MODEL TEMPLATE FOR AN INTERNET PORTAL MADE AVAILABLE BY THE SECRETARY FOR USE BY THE STATE EXCHANGES AND REVIEW OTHER APPROPRIATE INTERNET PORTALS. THE REVIEW MUST INCLUDE AN EXAMINATION AS TO WHETHER THE MODEL TEMPLATE MAY BE USED TO DIRECT INDIVIDUALS AND EMPLOYERS TO HEALTH PLANS, TO ASSIST INDIVIDUALS AND EMPLOYERS IN DETERMINING WHETHER THEY ARE ELIGIBLE TO PARTICIPATE IN THE EXCHANGE OR ELIGIBLE FOR A PREMIUM TAX CREDIT OR COST-SHARING REDUCTION, AND TO PRESENT STANDARDIZED INFORMATION REGARDING HEALTH PLANS OFFERED THROUGH THE EXCHANGE TO ASSIST CONSUMERS IN MAKING HEALTH INSURANCE CHOICES.

(g) CONSIDER THE DESIRABILITY OF STRUCTURING THE EXCHANGE AS ONE ENTITY THAT INCLUDES TWO UNDERLYING ENTITIES TO OPERATE IN THE INDIVIDUAL AND THE SMALL EMPLOYER MARKETS, RESPECTIVELY;

(h) CONSIDER THE APPROPRIATE SIZE OF THE SMALL EMPLOYER MARKET UNDER THE EXCHANGE, TAKING INTO CONSIDERATION THE

DEFINITION OF "SMALL EMPLOYER" PURSUANT TO SECTION 10-16-102;

(i) CONSIDER THE UNIQUE NEEDS OF RURAL COLORADANS AS THEY PERTAIN TO ACCESS, AFFORDABILITY, AND CHOICE IN PURCHASING HEALTH INSURANCE;

(j) CONSIDER THE AFFORDABILITY AND COST IN THE CONTEXT OF QUALITY CARE AND INCREASED ACCESS TO PURCHASING HEALTH INSURANCE; AND

(k) INVESTIGATE REQUIREMENTS, DEVELOP OPTIONS, AND DETERMINE WAIVERS, IF APPROPRIATE, TO ENSURE THAT THE BEST INTERESTS OF COLORADANS ARE PROTECTED.

(2) THE BOARD MAY ENTER INTO INFORMATION-SHARING AGREEMENTS WITH FEDERAL AND STATE AGENCIES AND OTHER STATE EXCHANGES TO CARRY OUT ITS RESPONSIBILITIES UNDER THIS ARTICLE SO LONG AS THE AGREEMENTS INCLUDE ADEQUATE PROTECTIONS WITH RESPECT TO THE CONFIDENTIALITY OF THE INFORMATION THAT IS SHARED AND COMPLY WITH ALL STATE AND FEDERAL LAWS, RULES, AND REGULATIONS.