

**IDAHO HEALTH INSURANCE EXCHANGE  
DBA YOUR HEALTH IDAHO**

**GOVERNANCE COMMITTEE  
MINUTES  
OCTOBER 17, 2014**

**1. COMMITTEE MEMBERS PRESENT**

- Dr. John Livingston, Chair
- Mr. Kevin Settles, Vice Chair
- Representative Rusche (via teleconference)
- Mr. Scott Kreiling

**2. OTHERS PRESENT**

- Mr. Pat Kelly, Your Health Idaho
- Ms. Jody Olson, Your Health Idaho
- Ms. Cheryl Fulton, Your Health Idaho
- Mr. Mike Stoddard, Hawley Troxell
- Mr. Gabriel Hamilton, Hawley Troxell

**3. CALL TO ORDER**

Following proper notice in accordance with Idaho Code § 67-2343, the Governance Committee meeting of the Idaho Health Insurance Exchange (Exchange) was called to order by Dr. Livingston, Chair of the Committee (Chair), at 8:16am, Friday, August 17, 2014, at the offices of Hawley Troxell Ennis & Hawley, 877 W Main Street, Suite 1000, Boise, Idaho. In accordance with Idaho Code § 41-6104(8), the meeting was held in an open public forum and was streamed in audio format. Members of the public could access the audio stream by dialing into a telephone number that was included in the notice of meeting posted on the Exchange Board's Web site and at the meeting location.

**4. ROLL CALL**

The Vice Chair took roll call and determined that the Chair, Representative Rusche (via teleconference) and Mr. Kreiling and were present, resulting in a quorum.

Mr. Erstad and Senator Rice were absent.

**5. APPROVE PRIOR MEETING MINUTES: AUGUST 14, 2014**

Motion: Mr. Kreiling moved to approve the minutes from the August 14, 2014 Governance Committee meeting.

Second: Mr. Settles.

The motion carried.

**6. REVIEW ROADMAP**

The Chair said that as YHI moves forward, they are working to establish a cadence where the Committee meetings are held just prior to the Board meeting. The roadmaps will line up to that going forward.

Mr. Stoddard discussed the Board training, when it will take place and what information will be included. The Committee agreed that this training is important to complete and decided it would be held following the December Board meeting.

Motion: Mr. Settles moved that the Committee amend their decision from August 14, 2014 and move the Board Training session from November 2014 to December 2014.

Second: Mr. Kreiling.

The motion carried.

## **7. REVIEW AGENDA**

There were no changes made to the agenda.

## **8. COMMITTEE APPOINTMENTS**

The Chair asked for comment on the Committee Appointments.

Motion: Mr. Kreiling moved that the Governance Committee recommend the Committee appointments, as presented today, be submitted to the Board for approval.

Second: Mr. Settles.

The motion carried.

## **9. APPEALS PROCESS UPDATE**

Ms. Gershick discussed the appeals requirements as outlined in 45 CFR 155.500, which states that individuals have the right to appeal eligibility determinations with which they do not agree. In Idaho, appeals will be a split responsibility between the Department of Health and Welfare and Your Health Idaho.

- DHW will be responsible for appeals related to Medicaid/CHIP, APTC/CSR and failure of the Marketplace to issue timely determinations.
- YHI will be responsible for appeals related to Marketplace eligibility, enrollment periods, including special enrollment periods and failure of the Marketplace to issue timely determinations.

The appeals hearing panel would meet no less than quarterly. Expedited appeal hearings may be required. Flexible formats are permitted including in person, over the telephone, or video conference. Final decisions from the panel may be appealed to CMS.

Mr. Kreiling asked if there is a process or procedure that the team needs to put in place to protect the Committee members that serve on this Committee in case there is additional risk.

Mr. Stoddard said that the decisions are not a risk, but the processes need to be in place in order to protect YHI. Everything needs to be appropriately tracked.

The Committee decided to limit the panel to a total number of three representatives from the Governance Committee and hold the actual appeals sessions as a separate meeting after the Governance Committee meeting each quarter, or more often as necessary. The Committee indicated that one of the three panel members be consistent over time while the remaining two could cycle in and out of the panel. This would provide some level of consistency in decisions.

Mr. Hamilton suggested that YHI obtain a set of procedures from another Exchange that already has them in place.

Motion: Mr. Settles moved to recommend to the Board to amend the Governance Charter to include an appeals process and direct staff and the Accenture team, with assistance from legal counsel, to create the final details and processes to comply with CMS regulations at this point.

Second: Mr. Kreiling.

The motion carried.

## **10. AMMENDED PLAN OF OPERATIONS**

Mr. Stoddard said the Governance Committee is tasked with making sure that everything pertaining to YHI coordinates appropriately throughout the various Committees. The governing documents that help guide this are called the Plan of Operations. The Plan of Operations include the By-Laws, which will not be changed here, the Committee Charters, Roadmaps, Privacy and Security Policies and other various policies.

Motion: Mr. Settles moved that the Governance Committee recommend to the Board that they adopt the Plan of Operations as presented and consistent with the actions taken today regarding the Security and Privacy Policies.

Second: Mr. Kreiling.

The motion carried.

## **11. SECURITY POLICIES**

### **(a) MARS-e Compliance**

Mr. Kelly said that within YHI's requirements relevant to Privacy and Security, YHI must adhere to MARS-e compliance which are the Minimal Acceptable Risk Standards. YHI has worked with Accenture to work through each compliance area within that framework and have developed policies for each of those compliance areas. The policies have been written, reviewed by YHI leadership, reviewed by legal and now come before the Committee for review and approval.

Mr. Kelly presented the 17 security control areas which include access controls, awareness and training, audit and accountability, security assessment and authorization, configuration management, contingency planning, identification and authentication, incident response,

maintenance, media protection, physical and environment protection, planning, personnel security, risk assessment, system and services acquisition, systems and communication protection, and systems and information integrity.

These will also tie into the personnel handbook, as applicable, with a new acknowledgment page requiring a signature by each employee.

At yesterday's Marketplace Committee meeting, there were two motions made that approved two different vendors to affect the actions in these policies. The selected vendors included a local IT support company to handle the in-house IT work. This is lower in cost and an Idaho company solution as proposed in the RFP. Accenture will ensure that YHI continues to comply with all of the MARS-e guidelines until a Security Manager is hired to take care of compliance through an extension of the existing Security SOW. This is a multi-phased approach in getting these controls in place. As YHI hires their security team, Accenture will roll off.

There are 45 "high" items that need to be resolved prior to go-live and that will allow YHI to send an Attestation Letter to the Governor. An additional 180 items will need to be completed after go-live, before open enrollment 2016.

Mr. Kreiling asked about the carrier agreements and if that will be satisfied in the MARS-E security. Mr. Stoddard said that the carrier agreements are designed to ensure that the carriers are responsible for the data on their end and comply with their privacy requirements, and that YHI is responsible for the data on their side. CMS determined that HIIPA requirements on the carrier side were sufficient.

Mr. Settles asked about the Finance Director/IT Director relationship. Mr. Kelly said that the Finance Director obligation is simply to ensure sufficient funding to ensure the policy can be operationalized.

Motion: Mr. Kreiling moved that the Governance Committee recommend the YHI Security Policy, as presented today, be submitted to the Board for approval.

Second: Mr. Settles.

The motion carried.

Motion: Mr. Kreiling moved to recommend to amend the current document retention policies to align with the Security Policies as proposed and accepted in this meeting today.

Second: Mr. Settles.

The motion carried.

### **(b) Governor's Attestation Letter**

Mr. Kelly said that with the attestation and all the policies that need to go to the Board for approval, the team needs to get all of this information in order and to create the letter following that. Technically, the letter cannot go to the Governor until all of this is in place. For timing purposes, and assuming the Board approves the policies on the 24<sup>th</sup>, and Ethan completes the 45 items before go-live, the Committee would then approve the letter to the Governor. This means

the Governance Committee will need to meet again at some point before the 15<sup>th</sup> of November (the week prior).

Motion: Mr. Settles moved to recommend to the Board that they delegate authority back to the Governance Committee for the oversight and delivery of the Attestation Letter to the Governor.

Second: Mr. Kreiling.

The motion carried.


## **12. NEXT MEETING**

The Governance Committee will meet again the first week of November to create and approve the Attestation letter. The next full Committee meeting will be held during the first week of December. Ms. Fulton will send a poll to the Committee members to determine the best time and day.

## **13. ADJOURN**

The Committee adjourned at 9:32am.

Signed and respectfully submitted,



Dr. John Livingston, Committee Chair