

Discussion Points for HBX Clean-Up Legislation Standing Advisory Board - March 25, 2019

Discussion Points for HBX Clean up legislation. There are 3 parts:

1. Revising to ensure that if the ACA were repealed, the references to the Affordable Care Act in the HBX enabling legislation wouldn't result in a loss of consumer protections or market rules and would ensure that the Health Benefit Exchange Authority continues as the District's exchange marketplace.

Background:

- There are numerous legislative and administrative proposals and lawsuits to repeal or invalidate parts or all of the Affordable Care Act. DISB has completed technical edits in parts of the insurance code.
2. Revising the conflict of interest provision applicable to HBX Board members and staff, specifically:
 - Reviewing for revision overlapping and conflicting language regarding the ethics rules that apply to HBX board members and employees. In addition to the specific provisions in the HBX enabling legislation, the District's Code of Conduct ethics laws enforced by the DC Board of Ethics and Government Accountability (BEGA) apply to HBX board members and employees. The District's code of conduct includes financial conflicts of interest, outside activities restrictions, prohibitions on the use of confidential information, gift rules, post-employment restrictions, and more.
 - Reviewing for revision specific restrictions for HBX board members and staff related to insurance carriers, brokers, health professionals, health facilities, and health clinics.

Background:

- The Health Benefit Exchange Authority Establishment Act of 2011 became effective March 2, 2012, prior to the current Ethics Act being in place.
 - The current Ethics Act establishing BEGA and other ethical standard statutes weren't effective until April 27, 2012, and the post-employment provision in the Ethics Act were not adopted by BEGA until 2014.
 - The Maryland exchange's conflict of interest provisions include specific restrictions on carriers, brokers, third party administrators. There are no similar specific restrictions on health professionals, health facilities, and health clinics.
3. Revising to provide for permanent independent procurement authority.
 - HBX was provided independent procurement authority in the Permanent Supportive Housing Applications Streamlining Amendment Act of 2013 which sunset September 30, 2018. However, Council maintained review of multi-year contracts and contracts over \$1 million.
 - HBX's independent authority was extended to September 30, 2023 in the Fiscal Year 2019 Budget Support Act of 2018.