

HOUSE BILL 1361

C3, P1

EMERGENCY BILL

4r2643
CF 4r3149

By: **Delegates Szeliga, Afzali, Arentz, Aumann, Bates, Beitzel, Boteler, Cluster, Costa, Dwyer, Eckardt, Elliott, Fisher, Frank, George, Glass, Haddaway-Riccio, Hogan, Hough, Impallaria, Jacobs, Kach, Kipke, Krebs, McComas, McConkey, McDermott, McDonough, McMillan, Myers, Norman, O'Donnell, Otto, Parrott, Ready, Schuh, Schulz, Serafini, Smigiel, Stifler, Stocksdale, and Vitale**

Introduced and read first time: February 7, 2014

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Joint Committee to Review the Maryland Health Benefit Exchange and Audit**
3 **by the Office of Legislative Audits**

4 FOR the purpose of establishing the Joint Committee to Review the Maryland Health
5 Benefit Exchange; providing for the composition, chair, and vice chair of the
6 Committee; requiring the Committee to investigate and review certain matters;
7 authorizing the Committee to issue subpoenas, compel the attendance of
8 witnesses and the production of documents, administer oaths, and cause the
9 deposition of certain witnesses; authorizing the Committee to take certain
10 action to compel compliance with certain subpoenas or testimony; requiring the
11 Committee to adopt certain rules to govern its procedures; requiring the
12 Committee to issue a certain report to the General Assembly on or before a
13 certain date; requiring the Office of Legislative Audits to conduct a performance
14 audit of the Exchange; requiring the audit to include a review of certain
15 matters; requiring the Office to complete the audit and submit a certain report
16 to the Committee on or before a certain date; making this Act an emergency
17 measure; providing for the termination of this Act; and generally relating to the
18 Joint Committee to Review the Maryland Health Benefit Exchange and the
19 Office of Legislative Audits.

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That:

22 (a) There is a Joint Committee to Review the Maryland Health Benefit
23 Exchange.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) The Committee consists of 12 members.

2 (2) Of the 12 Committee members:

3 (i) four shall be members of the Senate of Maryland, appointed
4 by the President of the Senate;

5 (ii) two shall be members of the Senate of Maryland, appointed
6 by the President of the Senate with the approval of the Senate Minority Leader;

7 (iii) four shall be members of the House of Delegates, appointed
8 by the Speaker of the House; and

9 (iv) two shall be members of the House of Delegates, appointed
10 by the Speaker of the House with the approval of the House Minority Leader.

11 (c) The President of the Senate and the Speaker of the House jointly shall
12 appoint the chair and the vice chair of the Committee.

13 (d) (1) The Committee shall investigate and review the performance of the
14 Maryland Health Benefit Exchange in implementing health reform in the State.

15 (2) The Committee's investigation and review shall include:

16 (i) an evaluation of the Exchange's efforts to build an
17 information technology (IT) system, establish a call center, and implement other
18 consumer assistance programs to facilitate enrollment in qualified health plans and
19 Medicaid, including:

20 1. procurement and contracting practices, including the
21 selection of vendors, software, and other infrastructure;

22 2. project planning, management, and oversight;

23 3. training, utilization, and coordination of connector
24 entities, navigators, assisters, application counselors, call center staff, and other
25 consumer assistance personnel;

26 4. system testing and contingency planning;

27 5. marketing and outreach efforts; and

28 6. measures taken to address problems encountered by
29 consumers after the launch of Maryland Health Connection;

30 (ii) a review of the Exchange's budget and how the Exchange
31 has spent and will spend funds appropriated to it;

1 (iii) an evaluation of the security of the IT system and measures
2 to protect the privacy of consumer personal information;

3 (iv) an analysis of enrollment data, including the number and
4 profile of individuals who have obtained health insurance through the Exchange and
5 whether these individuals previously had health insurance; and

6 (v) a review of a performance audit of the Exchange conducted
7 by the Office of Legislative Audits.

8 (e) (1) In carrying out any of its functions or powers, the Committee may:

9 (i) issue subpoenas;

10 (ii) compel the attendance of witnesses;

11 (iii) compel the production of any papers, books, accounts,
12 documents, and testimony;

13 (iv) administer oaths; and

14 (v) cause the depositions of witnesses, who reside in or outside
15 the State, to be taken in the manner provided by law for taking depositions in a civil
16 case.

17 (2) If a person fails to comply with a subpoena issued under this
18 subsection or fails to testify on any matter on which the person lawfully may be
19 interrogated, on petition of a member of the Committee, a circuit court may pass an
20 order directing compliance with the subpoena or compelling testimony and may
21 enforce the order by proceedings for contempt.

22 (f) The Committee shall adopt rules to govern its procedures, including the
23 conduct of hearings.

24 (g) The Committee shall issue a report of its findings and recommendations
25 to the General Assembly on or before December 1, 2014.

26 SECTION 2. AND BE IT FURTHER ENACTED, That:

27 (a) The Office of Legislative Audits shall conduct a performance audit of the
28 Maryland Health Benefit Exchange.

29 (b) The audit shall include a review of the matters that the Committee
30 established under Section 1(a) of this Act is required to investigate and review under
31 Section 1(d) of this Act.

1 (c) On or before September 1, 2014, the Office of Legislative Audits shall
2 complete the audit and submit a report of its findings and recommendations to the
3 Committee.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
5 measure, is necessary for the immediate preservation of the public health or safety,
6 has been passed by a ye and nay vote supported by three-fifths of all the members
7 elected to each of the two Houses of the General Assembly, and shall take effect from
8 the date it is enacted. It shall remain effective through June 30, 2015, and, at the end
9 of June 30, 2015, with no further action required by the General Assembly, this Act
10 shall be abrogated and of no further force and effect.