

## Project Narrative

### Affordable Care Act (ACA) – Consumer Assistance Program Grants

#### **a) Type of entity and description of program**

The State of Wisconsin's consumer assistance program will build on the existing consumer assistance activities of the Office of the Commissioner of Insurance (OCI). OCI is an independent state agency vested with broad powers to ensure that the insurance industry responsibly and adequately meets the insurance needs of Wisconsin citizens. Under s. 601.01, Wis. Stat., OCI's purpose includes ensuring that policyholders, claimants, and insurers are treated fairly and equitably while keeping the public informed on insurance matters. Organizationally, the consumer complaint function is located in the Bureau of Market Regulation in the Division of Regulation and Enforcement; the external review oversight is located in the Assistant Deputy Commissioner section; and the consumer outreach function is distributed throughout the agency. An organizational chart is attached as Appendix 1.

Consumer inquiries and complaints are routed to, and received by, the Bureau of Market Regulation, which is responsible for information, referral, market analysis, and enforcement. Most complaints are resolved upon OCI's first contact with the insurer, however, some complaints and inquiries require more advocacy than OCI can provide. Therefore, as part of the consumer assistance program, OCI intends to develop a new partnership with ABC for Health, Inc. (ABC), a nonprofit public interest law firm. As the State's only statewide health care advocacy organization, ABC is a natural choice as a partner in a statewide consumer assistance program. ABC is free to pursue insurance options, rights, and appeals in a consumer's best interest, without many of the restrictions imposed on state agencies. As a public interest law firm, ABC has a legal duty to advocate vigorously on behalf of consumers, from information

gathering stages through appeals and litigation. OCI and ABC will work cooperatively to identify regulatory intervention and enforcement requirements, as well as individual needs for advocacy, assistance, and advice.

OCI currently has a robust complaint and inquiry reporting system. The proposed consumer assistance program will enhance the existing system to provide more comprehensive tracking of inquiries, complaints, and referrals, and to facilitate more sophisticated analysis of data. OCI will modify the current complaints software to capture a broader range of data elements, such as demographic information, and create a searchable database that will increase the usefulness of the data and OCI's ability to identify trends and issues. Inquiries and complaints that require advocacy or advice will be referred to ABC, with the referral and subsequent result reported and tracked in OCI's enhanced complaints system. ABC will also report to OCI on consumer contacts that are not referred by OCI, but that fall within the scope of the consumer assistance program.

Because the consumer assistance program will be housed within Wisconsin's insurance regulatory agency, coordination with regulators will be a natural part of program staff's normal duties. OCI also has a close working relationship with Wisconsin's Department of Health Services (DHS), which administers the state's Medicaid program. ABC has a strong relationship with both OCI and DHS, having previously partnered with both agencies on numerous projects.

The consumer assistance program will be sustainable in the long term. OCI is a statutorily created agency, and its consumer services functions are funded in the state budget. Grant funds will be used to upgrade and enhance data systems and to conduct analysis of complaints, grievances, appeals, and external review reports. OCI intends to seek permanent positions for the new positions created under the grant. OCI will also use grant funds to partner

with ABC to assist consumers in advocacy and advising capacities. ABC is a stable and financially secure partner, having provided direct client services to Wisconsin residents for sixteen years.

**b) Scope of program assistance**

OCI has an active consumer assistance role. The OCI website has a dedicated section for consumer information (<http://oci.wi.gov/consinfo.htm>) that provides extensive information about health insurance, including information about insurance companies, frequently asked questions about health insurance and insurance terms, the independent review process, insurance news, complaints, consumer publications, and links to other websites of interest. Consumers can email questions to the OCI complaints and information email address, and an online form allows consumers to file a complaint at any time. OCI also has a toll-free hotline that is staffed during regular work hours, 7:00 a.m. to 5:00 p.m. on weekdays, and allows consumers to leave voicemail outside of regular work hours. Reports are provided weekly to management on the number and nature of calls. Written complaints are coded, and those requiring communication with the insurer are assigned to an examiner with expertise in health insurance. Insurers are required to respond to inquiries within 20 days. Insurance examiners with expertise in health insurance review the responses and respond to consumers.

OCI certifies and recertifies independent review organizations to ensure they have procedures to guarantee that independent reviewers are unbiased and medically qualified. Independent review organizations are required to submit annual reports that are summarized and posted on OCI's website. Consumers who have questions or problems with the independent review process may contact OCI for assistance by phone or by filing a complaint. In the future, the proposed consumer assistance program would also aid consumers in obtaining premium tax

credits and work with Exchange navigators, though implementation of both of these falls outside the grant's budget period.

Consumers requiring advocacy or advice beyond what OCI is able to offer will be referred to ABC. For example, while OCI lacks statutory authority to regulate self-funded health plans, ABC has the ability to pursue consumers' rights and interests in these plans. ABC can serve consumers with public, private, and blended sources of health care coverage. ABC has the ability and the expertise to handle matters relating to federal health care coverage laws, including ERISA, HIPAA, COBRA, and federal HIRSP; state private insurance laws and regulations; Medicaid eligibility and appeals; preservation of due process rights in administrative hearings; and challenges of private insurance denials in state and federal courts. ABC advocates on behalf of consumers at various stages of internal grievance proceedings in state and federally regulated private insurance disputes, in Medicaid fair-hearings, and in state and federal court, and guides consumers in navigating appeals and grievances.

Both ABC and OCI can make appropriate referrals to public programs such as CHIP and Medicaid. ABC has expertise in public benefits including Wisconsin's family Medicaid Program, BadgerCare Plus; Medicaid for elderly, blind, and disabled persons; Medicaid Purchase Plan; Katie Beckett Medicaid; Supplemental Security Income; Social Security Disability Insurance; and chronic care coverage programs.

**c) Program accomplishments**

Both OCI and ABC have an extensive track record of consumer assistance and expertise in consumer education and problem resolution. OCI's active consumer education program is a valuable resource for Wisconsin residents and includes a consumer information website, toll-free hotline, press releases, and brochures and publications. OCI's consumer information website

includes vast information on health insurance and related topics. For example, OCI collects a subset of quality and consumer satisfaction data on health maintenance organizations (HMOs) and posts it on the HMO Information section of the OCI website. The website also includes 21 publications relating to health insurance. One publication, *Consumer's Guide to Grievances and Complaints*, provides information on how to resolve disputes with health plans. OCI publications contain information about health insurance and are used by advocacy groups and educational entities, such as the Board on Aging and Long-Term Care, County Benefit Specialists, and the University of Wisconsin-Extension, as well as health care providers and members of the public.

OCI provides general information on health insurance options and refers consumers to appropriate entities. ABC has a comprehensive client intake process that helps identify the most appropriate form of health insurance coverage for a consumer. ABC helps consumers apply for, and prove eligibility for, BadgerCare Plus, other Medicaid programs, state and federal health insurance risk sharing plans (HIRSP), and related programs. Consumers interested in private insurance are assisted in identifying an insurance agent and are provided with information. ABC also assists consumers with employer-sponsored plans by providing information and identifying appropriate contacts.

OCI not only provides information to consumers, but also assists in problem resolution. Hotline staff screen calls and emails to identify situations where filing of a complaint is appropriate. Consumers may also use health plan grievance processes, but often matters can be quickly resolved through the OCI complaint process. Most complaints involve claims, either delayed settlement or denial. In 2009, OCI received 4,293 complaints and inquiries about individual and group health insurance that resulted in recoveries of \$1,039,346 for Wisconsin

consumers. Additionally, in 2009, independent review organizations received 149 review requests and completed 137 reviews. In those cases, the insurer's denial was reversed, either in whole or in part, 39 percent of the time. As part of the proposed expansion of the consumer assistance program, OCI hotline staff will be trained to identify cases needing advocacy and refer these cases to ABC. In 2009, ABC responded to 2030 individual requests for assistance, a 76 percent increase over the previous year. ABC has delivered health benefits counseling services to more than 32,500 consumers requesting services since 1994.

OCI tracks all inquiries and complaints. Currently, information collected from emails and complaints includes the consumer's type of coverage, the reason for the inquiry or complaint, the disposition, and the amount recovered on behalf of consumers. Summary information is collected on inquiry calls to the hotline. An annual report is attached as Appendix 2. Significant expansion and improvement of this tracking function, especially with respect to data analysis, is an important part of the proposed consumer assistance program expansion.

In addition to education and problem resolution, OCI aids consumers through development of public policy in collaboration with the legislative and executive branches. Most recently, OCI worked with the state legislature and Governor on statutory changes relating to preexisting conditions, short term coverage, independent review, dependent coverage, autism treatment, uniform application for individual coverage, and rescission reporting requirements. OCI's complaints process serves as a tool in highlighting problems consumers are experiencing. Tracking complaints and inquiries allows OCI staff to raise concerns with insurers. This information guides discussion and often leads to changes in regulations or insurance law. Further enhancing the complaints process will allow for efficient and complete data to better identify trends in consumer needs, assist in determining whether public policy action is

necessary, and to support the merits of future legislative and administrative proposals. The additional data fields and the creation of a searchable database under this proposal will be critical to this function.

**d) Expertise of consumer assistance program personnel**

OCI currently has seven full-time staff in the complaints section with 79 years of combined experience handling intake of consumer complaints and inquiries. Complaints staff receive ongoing on-the-job training regarding insurance products and insurance laws. These individuals provide information and screen complaints and inquiries to determine if OCI can assist the consumer. Once identified, complaints are assigned to insurance examiners. The complaints are reviewed by nine full-time equivalent insurance examiners with expertise in various kinds of health insurance. Examiners acquire expertise through on-the-job training and completion of professional insurance designation programs.

OCI has a managed care specialist who is an advanced insurance examiner responsible for administering the independent review program. The managed care specialist also helps consumers who need immediate assistance in resolving problems with health plans, contacting insurers when appropriate, and reviewing complaints with complex managed care issues. The managed care specialist implemented the independent review program and has over 20 years of experience with OCI assisting consumers.

As part of the expansion of the consumer assistance program, OCI will add six full-time staff: three insurance examiners, two of whom will specialize in evaluation and auditing of annual grievance report data to identify ways to improve the grievance and appeals processes, one communications specialist responsible for consumer outreach programs and consumer education publications, and two Information Services personnel.

ABC has seven full-time staff who participate in two training sessions per week—a case review meeting and a client services meeting. In weekly review meetings, attorneys, legal interns, and lay advocates meet as a group to discuss new cases. In client services meetings, issues of confidentiality, best practices, and case management are discussed. ABC staff also use the Client Services Manual, a comprehensive training manual and reference tool. Grant funds will enable ABC to serve the anticipated increase in clients resulting from health care reform implementation.

Both OCI and ABC have personnel that are able to provide services that are culturally and linguistically appropriate. This includes a diverse staff and bilingual staff members. OCI has staff who speak Spanish and Hmong, the two most spoken languages in Wisconsin other than English.

**e) Accessibility**

OCI is committed to a consumer assistance program that is available and accessible to all Wisconsin residents. OCI maintains a toll-free hotline, accessible from anywhere in the state, and a comprehensive website. Additionally, consumers can reach OCI for consumer assistance via email and fax, or may walk-in to the office during normal business hours. OCI's office is accessible for individuals with disabilities. The toll-free hotline is available in TDD for the hearing impaired. OCI follows accepted practices and standards for persons with disabilities when developing its website and web applications. The agency's consumer complaint form is available in Spanish and English on the website. Publications and other information are available in Spanish and English on the web and in printed copy. Consumers contacting OCI by either walk-in or phone can be assisted by one of OCI's Hmong-speaking or Spanish-speaking



staff. OCI also has access to a translation service which provides translation support in over 100 languages.

ABC's services are available statewide via toll-free hotline, email, and website.

Consumers may also walk-in to one of ABC's office location, which are in Madison and Balsam Lake, with plans for a Milwaukee office. ABC has bilingual staff that can assist Spanish-speaking consumers.

**f) Process for ensuring privacy and security of personally identifiable information**

OCI has a sophisticated computing infrastructure and a number of safeguards to protect sensitive information. The State of Wisconsin network consists of many local and wide area networks throughout the state. The servers that agencies use for database, applications, file, and print are located at the State of Wisconsin Enterprise Datacenter and utilize Windows 2008 R2. Databases are run on HP-UX servers using Oracle 10g. Staff workstations run Windows XP with SP3 and laptop computers have disk encryption installed. All staff computers at OCI are located on card access secure floors. The current public-facing web applications are written in Java running over SSL on a WebLogic 10 application server. Information is transmitted between external entities through SFTP and data replication through VPN.

The State of Wisconsin uses many firewalls to isolate the various systems it maintains. At the perimeter of the network, all inbound and outbound connections are monitored, and several layers of additional firewalls restrict access even further. OCI currently supports secure transmission of data over HTTP and FTP using SSL. Data access is currently logged in an audit trail in Oracle for certain read, write, and delete actions based on business requirements. There are backup and recovery processes in place to avoid data loss. Disaster recovery is planned at

the enterprise level (COOP COG) and implemented by the State of Wisconsin Enterprise Datacenter.

OCI uses an enterprise access management system which provides for user authentication, authorization, and role-based access control. OCI will need to classify new access roles related to health care reform. OCI will define role classifications and assign roles to staff to provide access to confidential information only when necessary to perform job functions. Data integrity will be accomplished through data entry validation and a review process. Also, for any development or integration effort, OCI will perform security threat modeling and execute a thorough testing process throughout the implementation. The contract with ABC will address data security and integrity.

OCI will meet the requirements of the electronic format for reporting, sharing, and disclosure of information, pending the receipt of such requirements from HHS. OCI currently summarizes complaint information related to health care and shares it with the National Association of Insurance Commissioners and the public. OCI plans to enhance the existing processes and systems to accommodate new data elements and reporting requirements. OCI will address data integration and security in its agreement with ABC.

Although personally identifiable information is protected in the database by the above measures, certain records may be subject to the state's open records laws. A list of citations to Wisconsin's records management laws are attached as Appendix 3. Chapter 19, Wis. Stat., is the state's general public records statute. OCI will protect personally identifiable information to the full extent allowable under state law. Additionally, personally identifiable information is protected from unauthorized use by s. 943.201(2), attached as Appendix 4, which makes unauthorized use or intended use of personal information a Class H felony.