



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2021-381
June 4, 2021

**RELATING TO ESTABLISHMENT OF THE
KENTUCKY HEALTH BENEFIT EXCHANGE ADVISORY BOARD**

The Patient Protection and Affordable Care Act (Pl. 111-148) as amended by the Health Care and Education Reconciliation Act (P.L. 111-152) (hereinafter the "Affordable Care Act") and the regulations promulgated under it provide for the establishment of an American Health Benefit Exchange for every state in America, to facilitate the purchase of health insurance coverage; and

The Cabinet for Health and Family Services is charged with the improvement of the health of all Kentuckians, and securing all available resources to do so; and

The commitment to the Affordable Care Act and the Health Benefit Exchange is a priority for this administration and immediate steps are necessary to take action to further the purposes of both; and

The Commonwealth of Kentucky elected to create a State-Based Exchange to:

1. Operate an Exchange within Kentucky's commercial insurance market;
2. Consider the unique regional and economic needs of the Commonwealth's individual and small business health insurance markets;
3. Account for and understand the diversity of its population;
4. Ensure coordination and integration of eligibility determinations and enrollment with the state Medicaid program;
5. Develop cooperative working relationships with insurers, agents, advocates, health care providers, and other business partners;
6. Determine the benefits provided to enrollees in the Exchange, the criteria to participate in the Exchange and the rules for marketing products;

NOW THEREFORE, I, Andy Beshear, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by Sections 69 and 81 of the Kentucky Constitution, and KRS 12.029, do hereby Declare, Order and Direct the following:

- I. The Kentucky Health Benefit Exchange Advisory Board is hereby created and attached to the Cabinet for Health and Family Services for administrative purposes. The Division of the Health Benefit Exchange shall review and discuss issues with the Kentucky Health Benefit Exchange Advisory Board.
 - A. The Kentucky Health Benefit Exchange Advisory Board shall be appointed by the Governor and composed of the following 14 members that have relevant experience in health benefits administration, health care finance, health plan purchasing, health care delivery system



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administration, or health policy related to the small group and individual markets and the uninsured:

- i. Secretary of the Cabinet for Health and Family Services, who shall serve as chair of the Board;
 - ii. Commissioner of the Department of Insurance, or the Commissioner's designee;
 - iii. Two (2) representatives of insurers, with a health line of authority that offers health benefit plans in the Commonwealth;
 - iv. One (1) representative of insurers, with a certificate of authority that offers dental plans in the Commonwealth;
 - v. One (1) representative of insurance agents licensed to sell health insurance in the Commonwealth;
 - vi. Two (2) representatives for non-facility based health care providers licensed in the Commonwealth;
 - vii. Two (2) representatives for facility based health care providers licensed in the Commonwealth;
 - viii. One (1) representative of small employers doing business in the Commonwealth;
 - ix. One (1) representative of an individual purchaser of health benefit plans in the Commonwealth; and
 - x. Two (2) consumer representatives.
- B. All members other than those who serve by virtue of their offices shall be selected by the Governor from a list of names submitted by any interested parties. The Governor may request the submission of additional names.
- C. Membership on the Kentucky Health Benefit Exchange Advisory Board representing non-state Agencies shall initially be for a staggered term limit for a two- or three-year period as designated by the Governor to ensure that experienced members are maintained on the Board at all times.
- D. The Kentucky Health Benefit Exchange Advisory Board may establish advisory sub-committee(s) consisting of consumers and other stakeholder groups or interested parties to study specific policy issues and advise the Board.



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This Order shall be effective June 4, 2021.

A handwritten signature in black ink, appearing to read "Andy Beshear", written over a horizontal line.

ANDY BESHEAR, Governor
Commonwealth of Kentucky

A handwritten signature in black ink, appearing to read "Michael G. Adams", written over a horizontal line.

MICHAEL G. ADAMS
Secretary of State

RECEIVED AND FILED

DATE

6/4/2021

MICHAEL G. ADAMS

SECRETARY OF STATE

COMMONWEALTH OF KENTUCKY

BY

Sam M. Dunbar