

1 Cabinet for Health and Family Services

2 Kentucky Office of the Health Benefit and Health Information Exchange

3 (New Administrative Regulation)

4 900 KAR 10:040 KHBE Consumer Assistance Program and kynector Certification.

5 RELATES TO: KRS 194A.050(1), 42 U.S.C. Section 18031, 45 C.F.R. Part 155.

6 STATUTORY AUTHORITY: KRS 194A.050(1)

7 NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family
8 Services, Kentucky Office of the Health Benefit and Health Information Exchange, has
9 responsibility to administer the state-based American Health Benefit Exchange. KRS
10 194A.050(1) requires the secretary of the cabinet to promulgate administrative
11 regulations necessary to protect, develop, and maintain the health, personal dignity,
12 integrity, and sufficiency of the individual citizens of the Commonwealth; to operate the
13 programs and fulfill the responsibilities vested in the cabinet; and to implement
14 programs mandated by federal law or to qualify for the receipt of federal funds. This
15 administrative regulation establishes the consumer assistance program of the Kentucky
16 Office of the Health Benefit and Health Information Exchange and the policies and
17 procedures relating to the certification of kynectors, including a Certified Application
18 Counselor, In-Person Assistor, or Navigator in accordance with 42 U.S.C. 18031 and 45
19 C.F.R. Part 155.

20 Section 1. Definitions.

21 (1) "Agent" is defined by KRS 304.9-020(1).

1 (2) "Certified application counselor" or "CAC" means an individual employed by, or
2 volunteer of, an entity designated by the office to perform the functions described in 45
3 CFR 155.225.

4 (3) "Department" or "DOI" is defined by KRS 304.1-050(2).

5 (4) "Enrollee" means an eligible individual enrolled in a qualified health plan.

6 (5) "Individual exchange" means the Kentucky Health Benefit Exchange that serves
7 the individual health insurance market.

8 (6) "Individual market" is defined by KRS 304.17A-005(26).

9 (7) "In-Person Assistor" or "IPA" means an entity or individual selected by the office
10 to perform the functions described in 45 CFR 155.205 and 45 CFR 155.215.

11 (8) "Issuer" is defined by 45 C.F.R. 144.103.

12 (9) "Issuer application assister" means an employee, contractor, or agent of a QHP
13 issuer who is not licensed as an agent, broker, or producer under state law and who
14 assists individuals in the individual market with applying for a determination or
15 redetermination of eligibility for coverage through the Exchange or for insurance
16 affordability programs.

17 (10) "Insurance affordability program" means one (1) of the following:

18 (a) A state Medicaid program under title XIX of the Social Security Act;

19 (b) A state children's health insurance program (CHIP) under title XXI of the Social
20 Security Act;

21 (c) A program that makes coverage in a qualified health plan through the Exchange
22 with advance payments of the premium tax credit established under section 36B of the
23 Internal Revenue Code available to qualified individuals; or

1 (d) A program that makes available coverage in a qualified health plan through the
2 Exchange with cost-sharing reductions established under section 1402 of the Affordable
3 Care Act.

4 (11) "Kentucky Health Benefit Exchange" or "KHBE" or "Exchange" means the
5 Kentucky state-based exchange conditionally approved by the Department of Health
6 and Human Services pursuant to 45 C.F.R. 155.105 to offer a QHP beginning January
7 1, 2014.

8 (12) "Kentucky Insurance Code" means KRS Chapter 304 and associated
9 administrative regulations.

10 (13) "Kentucky Online Gateway" means the system for identity authentication
11 services for users requesting access to the KHBE portal.

12 (14) "kynector" means a CAC, In-person Assistor, or Navigator.

13 (15) "Navigator" means an entity as described in 45 CFR 155.210 selected by the
14 Office of KHBE.

15 (16) "Office" means the office created to administer the Kentucky Health Benefit
16 Exchange.

17 (17) "Organization" means an entity as follows:

18 (a) Community Health Center;

19 (b) Hospital;

20 (c) Health Care Provider;

21 (d) Indian Health Service Provider;

22 (e) Ryan White HIV/AIDS provider;

23 (f) Behavioral or mental health provider; or

1 (g) Agencies with experience providing social services, energy assistance, or tax
2 assistance which are:

- 3 1. Non-federal government entity;
- 4 2. 501(c) organization; or
- 5 3. Local government agency.

6 (18) "Participating agent" means an agent as defined by KRS 304.9-020(1) who has
7 been registered by the office to participate on the KHBE.

8 (19) "Qualified Health Plan" or "QHP" means a health plan that meets the standards
9 described in 45 C.F.R. 156 Subpart C and that has in effect a certification issued by the
10 office.

11 (20) "Qualified individual" means an individual who has been determined eligible to
12 enroll through the KHBE in a QHP in the individual market.

13 (19) "SHOP" means a Small Business Health Options Program operated by the
14 KHBE through which a qualified employer can provide a qualified employee and their
15 dependents with access to one (1) or more QHPs.

16 (21) "Training" means the training established by the office for agents and
17 kynectors.

18 Section 2. KHBE Consumer Assistance Programs.

19 (1) The Kentucky kynector Program, in accordance with the accessibility standards
20 of 42 CFR 155.205(c) and (d), includes the following programs:

21 (a) The Certified Application Counselor Program described in Section 3 of this
22 administrative regulation;

23 (b) The In-Person Assistor Program described in Section 4 of this administrative

1 regulation; and

2 (c) The Navigator Program described in Section 5 of this administrative regulation.

3 (2)(a) A kynector shall receive initial training in accordance with 45 C.F.R
4 155.215(b)(2);

5 (b) The kynector training shall be provided by the office or an approved vendor; and

6 (c) All kynectors shall participate in annual continuing education training established
7 by the office.

8 (3) The office and kynector program shall refer consumers to other consumer
9 assistance programs in Kentucky when available and appropriate.

10 (4) The kynector shall be prepared to serve both the individual exchange and
11 SHOP.

12 Section 3. Certified Application Counselor Program.

13 (1) The certified application counselor program shall comply with the provisions of
14 45 CFR 155.225.

15 (2) Organizations seeking designation to participate in the Certified Application
16 Counselor program shall:

17 (a) Enter into an agreement with the office to comply with the applicable standards
18 of 45 CFR 155.210, 155.225, and this administrative regulation;

19 (b) Maintain a registration process for staff and volunteers of the organization who
20 wish to serve as a certified application counselor;

21 (c) Track the performance of CAC staff and volunteers of the organization in
22 accordance with any tracking tools provided by the office;

23 (d) Comply with the office privacy and security standards in accordance with 45

1 CFR 155.260;

2 (e) Act in the best interest of an applicant; and

3 (f) Provide information in a manner that is accessible to individuals with disabilities
4 directly or through a referral to a kynector or the office contact center.

5 (3) The office shall certify staff and volunteers of office-designated organizations to
6 act as certified application counselors to:

7 (a) Provide information about insurance affordability programs and coverage
8 options;

9 (b) Assist individuals and employees to apply for coverage in a QHP or insurance
10 affordability programs through the KHBE; and

11 (c) Help to facilitate enrollment of qualified individuals in QHPs and insurance
12 affordability programs.

13 (4) The office shall certify an individual as an application counselor if the individual:

14 (a) Is identified by a designated organization described in subsection (1) of this
15 section as an employee or a volunteer;

16 (b) Registers with the KHBE through the Kentucky Online Gateway;

17 (c) Receives KHBE training in accordance with Section 2(2) of this administrative
18 regulation, prior to acting as a certified application counselor;

19 (d) Discloses to the office and potential applicants any relationships the application
20 counselor or CAC's sponsoring organization has with QHPs or insurance affordability
21 programs, or other potential conflicts of interest identified by the office;

22 (e) Complies with the privacy and security standards adopted by the office and
23 consistent with 45 CFR 155.260, and applicable authentication and data security

1 standards;

2 (f) Agrees to act in the best interest of the applicants;

3 (g) Provides information with reasonable accommodation for an individual with a
4 disability, as defined by the Americans with Disabilities Act, if providing in-person
5 assistance; and

6 (h) Enters into an agreement with the office regarding compliance with the
7 standards specified in this section.

8 (5) A certified application counselor shall:

9 (a) Inform an applicant of the functions and responsibilities of certified application
10 counselors, other kynectors, and participating agents; and

11 (b) Obtain authorization for the disclosure of applicant information prior to assisting
12 the applicant with submitting an application.

13 (6) Certified application counselors shall not:

14 (a) Impose any charge or fee on applicants for application assistance;

15 (b) Receive compensation or a referral fee from an agent; or

16 (c) Enter into an exclusive referral agreement with an agent.

17 (7) In accordance with the procedures established in Section 6, the office shall
18 withdraw certification from an individual application counselor or from all application
19 counselors associated with a particular organization if it finds noncompliance with the
20 terms and conditions of the application counselor agreement or an administrative
21 regulation of the office.

22 Section 4. In-Person Assistor Program.

23 (1) In accordance with 45 C.F.R. 155.205(d) and (e), the office shall establish an

1 IPA program to authorize eligible public or private entities described in subsection (4) of
2 this section to carry out consumer assistance functions as described in this section.

3 (2) An entity wishing to participate as an IPA kynector with the KHBE shall:

4 (a) Be awarded a contract by the office pursuant to policies and procedures
5 established by the Finance and Administration Cabinet and KRS Chapter 45A;

6 (b) Designate an individual as the participating entity representative who shall:

7 1. Register with KHBE through the Kentucky Online Gateway as the individual
8 authorized by the agency;

9 2. Serve as a primary contact for the office;

10 3. Sign an IPA kynector entity participation agreement with the office;

11 4. Be responsible for ensuring that only office certified kynector employees of the
12 entity are provided access to the KHBE through the Kentucky Online Gateway;

13 5. Comply with 45 C.F.R 155.210(d) regarding a conflict of interest; and

14 6. As an individual IPA employee, comply with Section 4(2).

15 (c) Designate the individual employees who shall participate on the KHBE through
16 the IPA kynector entity and who shall:

17 1. Complete the KHBE kynector training provided by the office or an approved
18 vendor.

19 2. Sign a kynector participation agreement;

20 3. Comply with the privacy and security standards of 45 C.F.R. 155.260; and

21 4. Register with the KHBE through the Kentucky Online Gateway;

22 (d) Submit to the office a written plan to remain free of conflicts of interest while
23 carrying out consumer assistance functions under 45 CFR 155.205(d) and (e); and

- 1 (e) Provide monthly reports of activities to the office.
- 2 (3) An employee designated as an IPA by the kynector entity shall:
- 3 (a) Be eighteen (18) years of age or older;
- 4 (b) Provide an authorization to the IPA entity to conduct a state background check
- 5 for evidence of good character; and
- 6 (c) Travel, when necessary, to assist applicants with enrollment.
- 7 (4) An IPA kynector entity and its employees shall:
- 8 (a) Inform applicants of the functions and responsibilities of all kynectors and
- 9 participating agents;
- 10 (b) Obtain authorization for the disclosure of applicant information prior to assisting
- 11 the applicant with prescreening for participation with the KHBE and completion of the
- 12 application process; and
- 13 (c) Provide technical support to other kynectors, kynector entities, or the office upon
- 14 request.
- 15 (5) Upon authorization by the office, an IPA Kynector employee may assist:
- 16 (a) A qualified individual with enrollment in any QHP offered though the KHBE in the
- 17 individual market;
- 18 (b) A qualified employer with selecting a QHP and enroll a qualified employee in a
- 19 QHP offered through the KHBE in the small group market;
- 20 (c) An individual with applying for advance payments of the premium tax credit and
- 21 cost-sharing reductions; and
- 22 (d) An individual with applying for insurance affordability programs, including
- 23 Medicaid or KCHIP.

1 (6) An IPA entity and its employees shall:

2 (a) Maintain expertise in eligibility, enrollment, and program specifications and
3 conduct public education activities to raise awareness about the office and KHBE; and

4 (b) Provide information and services in a fair, accurate, and impartial manner and
5 provide information regarding other health programs.

6 (7) An issuer shall not be responsible for the activities and conduct of an IPA
7 kynector entity or its IPA kynector employees.

8 (8) An IPA kynector entity and its employee shall not:

9 (a) Impose any charge or fee on an applicant for their assistance;

10 (b) Receive compensation or a referral fee from an agent; or

11 (c) Enter into an exclusive referral agreement with an agent.

12 (9) An IPA entity and its employees shall provide information in a manner that is
13 culturally and linguistically appropriate to the needs of the population being served by
14 the Exchange, including individuals with limited English proficiency, and ensure
15 accessibility and usability of navigator tools and functions for individuals with disabilities
16 in accordance with the Americans with Disabilities Act, 42 U.S.C. 12101, section 504 of
17 the Rehabilitation Act, and 29 U.S.C. 794.

18 (10) An IPA entity or its employees shall provide referrals to the DOI, the CHFS
19 Ombudsman, or any other appropriate state agency or agencies for any enrollee or
20 qualified individual with a grievance, complaint, or question regarding their health plan,
21 coverage, or a determination under the plan or coverage.

22 (11) An IPA entity or its employees shall demonstrate to the office that the entity has
23 existing relationships, or could readily establish relationships, with employers and

1 employees, consumers, including uninsured and underinsured consumers, or self-
2 employed individuals eligible for a QHP or other insurance affordability programs.

3 (12)(a) In accordance with Section 6, the office shall withdraw certification from
4 individual In-Person Assistors or from all In-Person Assistors associated with a
5 particular entity if it finds noncompliance with the terms and conditions of the
6 participation agreement or an administrative regulation of the office; and

7 (b) In addition to withdrawal of certification, the office may enforce any penalty as
8 specified in the contract.

9 Section 5. Navigator Program.

10 (1) In accordance with 45 C.F.R. 155.210(d) and 45 C.F.R. 210, the office shall
11 establish a navigator program to authorize an eligible public or private entity to carry out
12 consumer assistance functions described in 45 C.F.R 205 and 45 C.F.R. 210.

13 (2) An entity wishing to participate as a navigator shall:

14 (a) Be awarded a contract by the office pursuant to policies and procedures
15 established by the Finance and Administration Cabinet and KRS Chapter 45A;

16 (b) Sign an agreement with the office that includes the following requirements:

17 1. Assurance that an employee designated as a navigator by the entity shall:

18 a. Be eighteen (18) years of age or older;

19 b. Provide an authorization to the entity to conduct a state background check for
20 evidence of good character; and

21 c. Travel, when necessary, to assist applicants with enrollment;

22 2. A navigator entity and its employees shall:

23 a. Maintain expertise in eligibility, enrollment, and program specifications and

- 1 conduct public education activities to raise awareness about the office and KHBE;
- 2 b. Provide information and services in a fair, accurate, and impartial manner and
- 3 provide information regarding other health programs;
- 4 c. Disclose to an applicant the functions and responsibilities of all kynectors and
- 5 participating agents;
- 6 d. Obtain authorization for the disclosure of applicant information prior to assisting
- 7 the applicant with prescreening for participation with the KHBE and completion of the
- 8 application process; and
- 9 e. Provide technical support to other kynectors, kynector entities, or the office upon
- 10 request;
- 11 3. Upon authorization by the office, a navigator employee may assist:
- 12 a. A qualified individual with enrollment in any QHP offered through the KHBE in the
- 13 individual market;
- 14 b. A qualified employer and a qualified employee with selecting a QHP;
- 15 c. An individual with applying for advance payments of the premium tax credit and
- 16 cost-sharing reductions; and
- 17 d. An individual with applying for insurance affordability programs, including
- 18 Medicaid or KCHIP; and
- 19 4. A navigator entity and its navigator employee shall not:
- 20 a. Impose any charge or fee on an applicant for their assistance;
- 21 b. Receive compensation or a referral fee from an agent; or
- 22 c. Enter into an exclusive referral agreement with an agent;
- 23 (c) Submit to the office a written plan to remain free of conflicts of interest while

- 1 carrying out consumer assistance functions under 45 CFR 155.205(d) and (e);
- 2 (d) Register with KHBE through the Kentucky Online Gateway;
- 3 (e) Designate an individual as the participating entity representative who shall:
- 4 1. Serve as a primary contact for the office;
- 5 2. Be responsible for ensuring that only office certified employees of the entity are
- 6 provided access to the KHBE through the Kentucky Online Gateway and ensure that
- 7 the certified employee:
- 8 a. Completes the KHBE kynector training provided by the office or an approved
- 9 vendor.
- 10 b. Signs a participation agreement;
- 11 c. Complies with the privacy and security standards of 45 C.F.R. 155.260; and
- 12 d. Registers with the KHBE through the Kentucky Online Gateway;
- 13 (f) Comply with 45 C.F.R 155.210(d) regarding a conflict of interest; and
- 14 (g) Provide monthly reports of activities to the office.
- 15 (3) An issuer shall not be responsible for the activities and conduct of a navigator
- 16 entity or its navigator entity employees.
- 17 (4) A navigator entity shall provide information in a manner that is culturally and
- 18 linguistically appropriate to the needs of the population being served by the Exchange,
- 19 including individuals with limited English proficiency, and ensure accessibility and
- 20 usability of navigator tools and functions for individuals with disabilities in accordance
- 21 with the Americans with Disabilities Act, 42 U.S.C. 12101, section 504 of the
- 22 Rehabilitation Act, and 29 U.S.C. 794.
- 23 (5) A navigator entity shall provide referrals to the DOI, the CHFS Ombudsman, or

1 any other appropriate state agency or agencies for any enrollee or qualified individual
2 with a grievance, complaint, or question regarding their health plan, coverage, or a
3 determination under the plan or coverage.

4 (6) A navigator entity shall demonstrate to the office that the entity has existing
5 relationships, or could readily establish relationships, with employers and employees,
6 consumers, including uninsured and underinsured consumers, or self-employed
7 individuals eligible for a QHP or other insurance affordability programs.

8 (7) Funding for any contract awarded under the navigator program shall not be from
9 federal funds received by the Commonwealth to establish its exchange.

10 (8)(a) In accordance with Section 6, the office shall withdraw certification from a
11 navigator or from all navigators associated with a particular entity if it finds
12 noncompliance with the terms and conditions of the participation agreement or an
13 administrative regulation of the office; and

14 (b) In addition to withdrawal of certification, the office may enforce any penalty as
15 specified in the contract.

16 Section 6. Withdrawal of Certification and Appeals.

17 (1) If the office finds noncompliance with the terms and conditions of a participating
18 agreement or an administrative regulation of the office, the office shall:

19 (a) Provide the kynector entity or kynector employee with notice that the applicable
20 certification shall be withdrawn as of the date on the notice;

21 (b) Allow the kynector entity or kynector employee an opportunity to submit
22 evidence of compliance or additional information within ten (10) business days;

23 (c) Review any information submitted by the kynector entity or kynector employee;

1 and

2 (d) Based on a review of the information provided, issue a final decision to withdraw
3 or reinstate the applicable certification of the kynector entity or individual employee.

4 (2) A kynector entity or kynector employee may appeal a final decision to withdraw
5 the applicable certification by submitting a written request to the office within ten (10)
6 business days of the final decision.

7 (3) After one (1) year following a decision to withdraw certification of a kynector
8 entity or kynector employee, the individual or entity may reapply in accordance with this
9 administrative regulation.

900 KAR 10:040

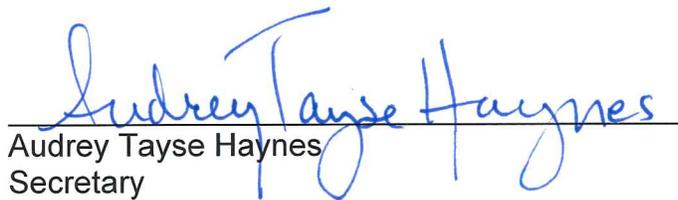
APPROVED:



Carrie Banahan
Executive Director
Office of the Kentucky Health Benefit Exchange

3/20/15
Date

APPROVED:



Audrey Tayse Haynes
Secretary
Cabinet for Health and Family Services

4/9/15
Date

PUBLIC HEARING AND COMMENTS:

A public hearing on this administrative regulation shall, if requested, be held on May 22, 2015, at 9:00 a.m. in the Public Health Auditorium located on the First Floor, 275 East Main Street, Frankfort, Kentucky 40621. Individuals interested in attending this hearing shall notify this agency in writing by May 15, 2015, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. You may submit written comments regarding this proposed administrative regulation until close of business June 1, 2015. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Tricia Orme, Office of Legal Services, 275 East Main Street 5 W-B, Frankfort, KY 40621, (502) 564-7905, Fax: (502) 564-7573.

REGULATORY IMPACT ANALYSIS AND TEIRING STATEMENT

Administrative Regulation Number: 900 KAR 10:040

Contact Person: Carrie Banahan (502) 564-7940

1. Provide a brief summary of:
 - (a) What this administrative regulation does: This administrative regulation establishes the consumer assistance program of the Office of the Kentucky Health Benefit Exchange and the policies and procedures relating to the certification of kynectors including a Certified Application Counselor, In-Person Assister, or Navigator in accordance with 42 U.S.C. 18031 and 45 C.F.R. Part 155.
 - (b) The necessity of this administrative regulation: This administrative regulation is necessary to certify certified application counselors, in-person assisters, or navigators so they may provide information about insurance affordability programs and coverage options, assist individual and employees to apply for coverage, and help facilitate enrollment of eligible individuals in QHPs offered on the Health Benefit Exchange.
 - (c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation is necessary so that individuals or entities seeking to become a certified application counselor, in-person assister, or navigator are aware of the requirements for certification so they may provide information about insurance affordability programs and coverage options, assist individual and employees to apply for coverage, and help facilitate enrollment of eligible individuals in QHPs offered on the Health Benefit Exchange.
 - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides detailed requirements for individuals or entities seeking to become a certified application counselor, in-person assister, or navigator so they may provide information about insurance affordability programs and coverage options, assist individual and employees to apply for coverage, and help facilitate enrollment of eligible individuals in QHPs offered on the Health Benefit Exchange to comply with the statute.
2. If this is an amendment to an existing administrative regulation, provide a brief summary of:
 - (a) How the amendment will change this existing administrative regulation: This is a new administrative regulation.
 - (b) The necessity of the amendment to this administrative regulation: This is

- a new administrative regulation.
- (c) How the amendment conforms to the content of the authorizing statutes: This is a new administrative regulation.
 - (d) How the amendment will assist in the effective administration of the statutes: This is a new administrative regulation.
3. List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect approximately 1,200 individual that may request to become certified application counselors, in-person assisters, or navigators.
4. Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
- (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Each individual will complete training, register through the Kentucky Online Gateway, respond to a request for proposal (if appropriate), and help to facilitate enrollment of eligible individuals in QHPs and insurance affordability programs.
 - (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to entities.
 - (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This administrative regulation will benefit each individual that may request to participate in the consumer assistance program by providing detailed instructions regarding certification.
5. Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
- (a) Initially: No additional costs will be incurred to implement this administrative regulation.
 - (b) On a continuing basis: No additional costs will be incurred.
6. What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding to be used for the implementation and enforcement of this administrative regulation will be from Kentucky Office of Health Benefit Exchange existing budget. No new

funding will be needed to implement the provisions of this regulation.

7. Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding is necessary.
8. State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish any fees and does not increase any fees either directly or indirectly.
9. TIERING: Is tiering applied? (Explain why or why not)
Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 900 KAR 10:040

Contact Person: Carrie Banahan

Phone number: 502-564-7940

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This administrative regulation affects the Office of the Kentucky Health Benefit Exchange within the Cabinet for Health and Family Services.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194A.050(1), 42 U.S.C. 18031, and 45 C.F.R. Part 155.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate any revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate any revenue.

(c) How much will it cost to administer this program for the first year? No additional costs will be incurred to implement this administrative regulation.

(d) How much will it cost to administer this program for subsequent years? No additional costs will be incurred to implement this administrative regulation on a continuing basis.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

FEDERAL MANDATE ANALYSIS COMPARISON

Administrative Regulation #: 900 KAR 10:040

Contact Person: Carrie Banahan, 564-7940

1. Federal statute or regulation constituting the federal mandate. 42 U.S.C. Section 18031 and 45 C.F.R. Parts 155 and 156.
2. State compliance standards. KRS 194A.050(1) requires the secretary of the cabinet to promulgate administrative regulations necessary to protect, develop, and maintain the health, personal dignity, integrity, and sufficiency of the individual citizens of the Commonwealth; to operate the programs and fulfill the responsibilities vested in the cabinet, and to implement programs mandated by federal law or to qualify for the receipt of federal funds. This administrative regulation establishes the consumer assistance program of the Office of the Kentucky Health Benefit Exchange and the policies and procedures relating to the certification of kynectors, including a Certified Application Counselor, In-Person Assistor, or Navigator in accordance with 42 U.S.C. 18031 and 45 C.F.R. Part 155.
3. Minimum or uniform standards contained in the federal mandate. The Affordable Care Act establishes the creation of the American Health Benefit Exchange as identified in Section 1311(a) of the Affordable Care Act. The "Kentucky Health Benefit Exchange" (KHBE) is the Kentucky state-based exchange conditionally approved by HHS established by 45 C.F.R. 155.105 to offer a QHP in Kentucky beginning January 1, 2014. An Exchange must make qualified health plans available to qualified individuals and qualified employers.

The Exchange must establish a Consumer Assistance Program. The Consumer Assistance Program will include the Certified Application Counselors Program, the In-Person Assistor Program, and the Navigator Program. These programs allow individuals and entities to provide information about insurance affordability programs and coverage options, assist individual and employees to apply for coverage, and help facilitate enrollment of eligible individuals in QHPs offered on the Health Benefit Exchange pursuant to 26 U.S.C. 45R.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No.
5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose stricter requirements than those required by the federal mandate.