



The Legislative Work Group asked for a comparison of ACA requirements for Exchange governing board structure to that of the NM HIA under its statute.

In Title 45: Public Welfare, of the Code of Federal Regulations:

45 CFR 155.110 – Entities eligible to carry out Exchange functions.

...

(c) *Governing board structure.* If the Exchange is an independent State agency or a non-profit entity established by the State, the State must ensure that the Exchange has in place a clearly-defined governing board that:

(1) Is administered under a formal, publicly-adopted operating charter or by-laws;

(2) Holds regular public governing board meetings that are announced in advance;

(3) Represents consumer interests by ensuring that overall governing board membership:

(i) Includes at least one voting member who is a consumer representative;

(ii) Is not made up of a majority of voting representatives with a conflict of interest, including representatives of health insurance issuers or agents or brokers, or any other individual licensed to sell health insurance; and

(4) Ensures that a majority of the voting members on its governing board have relevant experience in health benefits administration, health care finance, health plan purchasing, health care delivery system administration, public health, or health policy issues related to the small group and individual markets and the uninsured.

The New Mexico Health Insurance Alliance's enabling statute states:

59A-56-4 NMSA, Alliance created; board created.

D. The alliance shall operate subject to the supervision and approval of the board. The board shall consist of:

(1) five directors, elected by the members, who shall be officers or employees of members and shall consist of two representatives of health maintenance organizations and three representatives of other types of members;

(2) five directors, appointed by the governor, who shall be officers, general partners or proprietors of small employers, one director of which shall represent nonprofit corporations;

(3) four directors, appointed by the governor, who shall be employees of small employers; and

(4) the superintendent or the superintendent's designee, who shall be a nonvoting member, except when the superintendent's vote is necessary to break a tie.

E. The superintendent shall serve as chairman of the board unless the superintendent declines, in which event the superintendent shall appoint the chairman.

NM HIA's website states:

The Board consists of fourteen Directors. Nine Directors are appointed by the Governor; four directors represent small business employers, four represent small business employees and one director represents non-profits. Five Directors are elected by carrier members, see carrier associations below. The Superintendent or his designee is the Board Chairman.

Current Board members listed on the NM HIA website are:

Superintendent of Insurance

John Franchini

Employer Directors, Governor appointed:

Celia Ameline, Albuquerque

J. R. Damron, MD, Santa Fe

Larry Jehle, Albuquerque

Employee Directors, Governor appointed:

Diana Hobbs, Farmington

Non-profit Director, Governor appointed:

Richard Anklam, Albuquerque

Carrier Elected Directors:

Kurt Shipley, Blue Cross/Blue Shield of NM

Carole Henry, Lovelace

Bruce Butler, Presbyterian

Reese Edwards, UnitedHealthcare