

Appendix A – MNSure/MN.IT SLA

MNSure is a Minnesota state agency established by Minnesota Statutes, chapter 62V as a state health benefit exchange as described in section 1311 of the federal Patient Protection and Affordable Care Act, Public Law 111-148 (“ACA”), and further defined through amendments to the ACA and regulations issued under the ACA. The following clarifications are in addition to the SLA between MNSure and the Office of MN.IT Services (“MN.IT”) and are hereby attached to and incorporated into the SLA. To the extent that provisions of the SLA are in conflict with this Appendix A, the terms of this Appendix control.

Since MNSure’s creation, MNSure and MN.IT have worked collaboratively to implement the MNSure Health Care Exchange IT project and systems. The relationship is collaborative in nature and includes a robust governance structure; MNSure, the Department of Human Services (“DHS”) and MN.IT together created a shared governance structure to oversee the MNSure project.

State statutory exemptions included in chapter 16E

MNSure is considered a state agency pursuant to Minnesota Statutes chapter 16E and is therefore subject to chapter 16E’s requirements. However, pursuant to Minnesota Statutes, section 62V.03, subdivision (g), MNSure is statutorily exempt from the following sections of chapter 16E: 16E.01, subdivision 3, paragraph (b); 16E.03, subdivisions 3 and 4; 16E.04, subdivision 1, subdivision 2, paragraph (c), and subdivision 3, paragraph (b); 16E.0465; 16E.055; 16E.145; 16E.15; 16E.16; 16E.17; 16E.18; and 16E.22.

Each statutory exemption is outlined below to ensure a continued and shared understanding of MNSure’s unique authority as part of the statewide IT consolidation. The exemptions are outlined with the understanding that both parties intend to continue working collaboratively to ensure best value for the state. However, for the avoidance of doubt, both parties also agree that MNSure’s choice to follow MN.IT policies and practices it would otherwise be exempt from does not waive that exemption generally and MNSure may choose to rely upon the exemptions as outlined in law as needed.

Chapter 16E exemptions:

- **16E.01, subdivision 3, paragraph (b);** MNSure is exempt from MN.IT determinations which require state agencies generally to use shared information and telecommunications systems and services, reimbursement rates or billings referenced in paragraph b. Therefore, if it is determined by MNSure governance that shared information and telecommunications technology systems and services for the delivery of electronic government services are unable to meet the needs of MNSure, the MN.IT CIO may not require MNSure’s use, nor establish reimbursement rates as further outlined in this section.
- **16E.03, subdivision 3;** MNSure is exempt from written approval by the MN.IT CIO for an information and telecommunications technology project which may be undertaken by MNSure. Therefore, no unencumbered balances of any appropriation allotted for a project may be cancelled by any entity other than MNSure.
- **16E.03, subdivision 4;** MNSure is exempt from the evaluation procedures as described in this section.

- **16E.04, subdivision 1;** MNSure is exempt from MN.IT policies and their enforcement related to the development and purchase of information and telecommunications technology systems, services and training appropriate persons in their use.
- **16E.04, subdivision 2, paragraph (c);** MNSure is exempt from MN.IT approval on requests for grant funding with an information and technology component. MNSure is committed to continued work with MN.IT on any and all grant applications and proposals of this nature moving forward, but MN.IT approval is not required prior to a request for grant funding being submitted.
- **16E.04, subdivision 3, paragraph (b);** MNSure is exempt from the requirement that all applicable risk assessment and mitigation plans be reported to and approved by the chief information officer prior to more than 10% of the proposed budget being spent on the project.
- **16E.0465;** MNSure's appropriation of state or federal funds is not required to divide all technology projects into phases, and is exempt from MN.IT review and affirmative determinations that the project satisfies statutory requirements.
- **16E.055;** MNSure is exempt from the requirement to use the single entry site created by MN.IT for all agencies to use for electronic government services.
- **16E.145;** MNSure is exempt from the requirement that all appropriations for state agency information and telecommunications technology projects be made to the MN.IT CIO.
- **16E.15;** MN.IT is not authorized to sell or license computer software products or services developed by MNSure, or custom developed by a vendor on behalf of MNSure without MNSure's written approval.
- **16E.16;** MNSure is exempt from MN.IT's general statutory authority to require a state agency to adjust its operating management procedures as described and under the circumstance included in this section.
- **16E.17;** MNSure is exempt from MN.IT supervision and control related to MNSure telecommunication facilities and services.
- **16E.18;** MNSure is exempt from these statutory requirements generally as described within this section. Therefore, MNSure reserves the ability to perform the duties outlined within this section and may perform the following duties otherwise reserved for the MN.IT CIO:
 - o arrange for IT and telecommunications services
 - o manage vendor relationships, network function and capacity planning
 - o set rates and fees for services
 - o approve contracts for services, facilities or equipment relating to the system
 - o develop a system plan and annual program and fiscal plans for system
- **16E.22;** MNSure is exempt from the requirements included in the Statewide Electronic Licensing System.

Interagency Agreement with the Minnesota Department of Human Services

Pursuant to Minnesota Statutes, section 62V.05, subdivision 7, MNSure is required to establish and maintain an agreement with DHS as the designated state Medicaid agency responsible for administering the State’s Medicaid Program, a/k/a Medical Assistance (“MA”) program, including MinnesotaCare (“MCRE”) for cost allocation and services regarding eligibility determinations and enrollment for public health care programs using a modified adjusted gross income standard to determine program eligibility. In addition, MNSure is provided the discretion to establish and maintain an agreement with DHS for additional, other services.

MNSure and DHS have entered into interagency agreements pursuant to Minnesota Statutes, section 471.59, subdivision 10, as needed to facilitate the development, implementation, maintenance, and oversight responsibilities of the Minnesota health care exchange. Additional services MNSure has secured through interagency agreements with DHS include centralized and administrative tasks (i.e. Information Technology support services, accounts payable, purchasing and procurement, Human Resources).

Agency-based Chief Information Officer

Throughout the SLA, the “agency-based Chief Information Officer (CIO)” is referred to as having various and significant roles regarding the relationship between MNSure and MN.IT. Given that MNSure and DHS have chosen to enter into an interagency agreement that allows for joint development, maintenance, and operation of certain IT applications, and for use of certain IT support services, MNSure and MN.IT agree that DHS’s agency-based CIO shall also serve as MNSure’s agency-based CIO. However, both parties agree that MNSure reserves the right to request that a separate agency-based CIO be appointed and that MN.IT will proceed with such a request subject to appropriate input from MNSure.

Federal Compliance

The parties agree that all final decision making authority resides with MNSure regarding how ACA statutes, rules and publications are to be interpreted for purposes of development, implementation, maintenance, and oversight responsibilities of the state health benefit exchange unless otherwise delegated to another party.

In Witness Whereof, the undersigned government entities have caused the Service Level Agreement and all it appendices to be executed by duly authorized officers.

1. The Office of MN.IT Services

By: *Morse*
(With delegated authority)

Title: CIO

Date: 2-6-2015

2. MNSure

By: *Scott Lutz*
(With delegated authority)

Title: CEO

Date: 2-6-2015