

Health Insurance Exchanges - Approaches by States

(Data from the National Conference of State Legislatures as of 5/24/2011 and various other sources. District of Columbia not listed.)

By Executive Order/Activity	<i>Delaware</i> - Proposal for executive order to be requested of governor by Delaware Health Care Commission
	<i>Idaho</i> (governor) - bars state agencies from helping federal government implement PPACA, but allows Depts of Insurance and Health and Welfare to develop health insurance exchange
	<i>Indiana</i> (governor) - Nonprofit corporation set up by Family/Social Services Admin & Dept of Insurance.
	<i>Wisconsin</i> (governor) - Office of Free Market Health care created to design/implement state exchange.
By Statute	<i>California</i> - Independent state agency to operate exchange, headed by a governor/legislator-appointed board.
	<i>Colorado</i> (bill to governor) - Nonprofit, unincorporated public entity that is instrumentality not agent of state.
	<i>Hawaii</i> (bill to governor) - Creates Hawaii Health Connector as nonprofit corporation, not an agent of state.
	<i>Maryland</i> - Enacted - as independent unit of state government
	<i>Massachusetts</i> - Enacted in 2006, run by independent, quasi-governmental agency.
	<i>North Dakota</i> - Commissioner of Ins & Dept of Human Services to plan for exchange, ensure 1/14 operations.
	<i>Oregon</i> - Assigns to Oregon Health Policy Board the functions of an exchange. Received IT Innovation grant.
	<i>Utah</i> - Enacted exchange in 2008-2009, managed through governor's Office of Consumer Health Services.
	<i>Vermont</i> - Enacted single-payer unified health system with health benefit exchange component.
	<i>Virginia</i> - Intent-to-create bill, with governor to provide specific recommendation in 2012 session
	<i>Washington</i> - Establishes a health benefit development board to implement state-administered exchange.
	<i>West Virginia</i> - Establishes a health exchange in Insurance Commissioner's office under a board.

Legislation or Study Pending	<i>Arizona</i> - 2 bills pending but not acted on after February.
	<i>Connecticut</i> - 2 bills of which one says exchange would not be a state agency.Planning grant re regional exch.
	<i>Georgia</i> - Bill includes automatic repeal under certain conditions
	<i>Illinois</i> - At least 4 bills pending, plus appropriation bills for \$40 million to implement exchange
	<i>Iowa</i> - 4 bills none acted on after March 2011
	<i>Maine</i> - 2 bills pending. State health plan considering regional exchange. Has legislative select committee.
	<i>Minnesota</i> - 3 bills pending on creating an exchange, 2 bills prohibiting creation/operation. Former gov issued executive order prohibiting participation unless law passes but new gov moving forward with planning.
	<i>Mississippi</i> - Study bill passed; bills creating exchange failed
	<i>Missouri</i> - 1 bill pending
	<i>Montana</i> - Study bill passed; bills creating exchange failed; prohibition bill vetoed
	<i>Nebraska</i> - 1 bill pending to create an exchange. No action since January 2011.
	<i>Nevada</i> - 1 bill pending.
	<i>New Hampshire</i> - 1 bill to create exchange as a public corporation. Bill passed earlier to authorize Insurance Commissioner to implement insurance reforms required under federal law.
	<i>New Jersey</i> - 3 bills pending but none acted on after January 2011.
	<i>North Carolina</i> -3 bills pending
<i>Oklahoma</i> - 1 bill pending. No action since 2/7/11. Bill enacted to ban exchange plans from covering abortion	
<i>Pennsylvania</i> - 2 bills pending; last action in April.	

Legislation or Study Pending continued	<i>Rhode Island</i> - 2 bills pending; last action in March
	<i>South Carolina</i> - 1 bill pending-last action February.
	<i>Texas</i> - 5 bills pending; last action in March.
	<i>Wyoming</i> - Study enacted on state or regional exchange. Looking at partnership with U. of Wyoming.
Just Saying "No"	<i>Florida</i> - Had planning grant but rejected federal funding after district court ruling against PPACA.
	<i>Louisiana</i> - No state exchange. NCSL says the Insurance Commissioner to release plan details in late 2011.
	<i>New Mexico</i> - Gov. vetoed bill creating exchange
Status Unclear	<i>Alabama</i> - Proposed within Dept of Public Health
	<i>Alaska</i> - Proposed public corporation. State did not apply for planning/implementation grant.
	<i>Arkansas</i> - Legislation failed. Had planning grant through Insurance Department.
	<i>Kansas</i> - Moving forward through stakeholder meetings under direction of the insurance commissioner.
	<i>Kentucky</i> - Legislation failed. Cabinet for Health and Family Service had planning grant.
	<i>Michigan</i> - Planning is occurring through the Department of Community Health.
	<i>New York</i> - Early Innovator grant recipient. State website Q&A says state will develop exchange plan.
	<i>Ohio</i> - Task Force studying exchange.
	<i>South Dakota</i> - Governor's Office received planning grant.
	<i>Tennessee</i> - State's benefits administrator and Dept. of Finance planning, with technical assistance groups.

Other options include using an innovation waiver, allowed under PPACA in 2017, with Congress considering a 2014 start date. An innovation waiver would have to provide coverage at least as comprehensive and affordable as that offered through a health insurance exchange (and be competitive and use private health insurance but not increase the federal deficit). Options include use of tax credits.