

State of Nevada  
Independent External Audit:  
Plan Year 2019 Audit Findings Report

Silver State Health Insurance Exchange

# FINAL REPORT



# **INDEPENDENT EXTERNAL AUDIT:** **PLAN YEAR 2019 FINDINGS REPORT**

**TO:** CCIIO STATE EXCHANGE GROUP

**FROM:** MILLIMAN, INC.

**DATE:** MARCH 27, 2020

**SUBJECT:** AUDIT FINDINGS REPORT FOR SILVER STATE HEALTH INSURANCE EXCHANGE (NEVADA) (45 CFR PART 155 SUBPARTS C AND K)

## **I. EXECUTIVE SUMMARY**

### **PURPOSE**

The purpose of this independent external audit is to ensure that the Silver State Health Insurance Exchange (SSHIX) in the State of Nevada was in compliance with the programmatic requirements set forth in Section 45 Part 155, Subparts C and K of the Code of Federal Regulations (CFR) during the 2019 plan year (PY19). This audit report is limited to this scope. SSHIX's compliance with financial requirements and other programmatic requirements are not within the scope of this audit.

**Name of State-Based Marketplace:** Silver State Health Insurance Exchange

**State of State-Based Marketplace:** Nevada

**Name of Auditing Firm:** Milliman, Inc., Seattle, Washington.

The Program Integrity Rule Part II (PI Reg II) authorizes the U.S. Department of Health and Human Services (HHS) to require every State-based Marketplace (SBM) to perform an annual financial and programmatic independent external audit and provide an intended corrective action plan, if necessary, based on the results of the audit. PI Reg II also states that "The State Marketplace must engage an independent qualified auditing entity which follows generally accepted governmental auditing standards (GAGAS) to perform an annual independent external financial and programmatic audit and must make such information available to the U.S. Department of Health and Human Services for review."

Milliman's responsibility was to perform a programmatic audit to report on SSHIX's compliance with 45 CFR Part 155, Subparts C and K as described in the Department of Health and Human Services, CMS memo dated March 5, 2014 and updated on June 18, 2014, 'Frequently Asked Questions about the Annual Independent External Audit of State-based Marketplaces (SBMs).' In conducting the audit and preparing this report,

Milliman also relied on CMS guidance in the document, “State-based Marketplace Independent External Audit Technical Assistance” dated October 29, 2014.

## SCOPE

The scope of this audit was to determine the SSHIX’s compliance with the requirements described in 45 CFR 155, Subparts C and K, which are summarized below. As described in the Auditors Notes in Section II. Audit Findings, SSHIX transitioned from a “State Based Marketplace” to a “Federally Supported State-Based Marketplace” (also referred to as a “State-Based Marketplace on the Federal Platform” (SBM-FP) in 2015. This move shifted responsibility from SSHIX to Healthcare.gov for certain exchange functions, including enrollment functions.

### **Subpart C - General Functions of the Exchange**

- Processes and procedures for privacy and security of navigators.
- Processes and procedures for addressing complaints.
- Consumer assistance tools and programs for providing assistance, including requirements to provide services in culturally and linguistic appropriate manner.
- Navigator program standards.
- Certified Application Counselor standards.
- Agent and Broker program standards.
- Training standards for consumer assistance entities.
- Processes to establish or revoke an authorized consumer representative.
- Breaches of Security or Privacy procedures for navigator grantee.
- Standards designed to prevent and mitigate any conflicts of interest, financial or otherwise.
- Confirmation that funding for navigator grants does not come from federal funds.
- Privacy and security safeguard requirements for protecting information.
- Call center information expectations to provide information in plain language and in a manner that is accessible to individuals with disabilities and individuals with limited English proficiency.

### **Subpart K - Exchange Functions: Certification of Qualified Health Plans:**

- Standards and processes for certification of Qualified Health Plans (QHP).
- Processes for recertification, decertification, and reconsideration of QHP.
- Standards for QHP rate increases and transparency in coverage.
- Policies and timeline for accreditation of health plans.
- Standards for network adequacy and the QHP service area.
- Standards for Stand Alone Dental Plans

Milliman conducted this audit in accordance with GAGAS as described in the publication *Generally Accepted Government Auditing Standards*, also referred to as the “*Yellow Book*,” issued by the Comptroller General of the United States through the U.S. Government Accountability Office (GAO).

Milliman performed inquiries, made observations, completed research, and conducted staff interviews to determine whether SSHIX was in compliance with 45 CFR Part 155, Subparts C and K for the plan year ending December 31, 2019. We also reviewed process and procedure documentation related to the pertinent general functions of the SSHIX and to the certification, decertification, and recertification of Qualified Health Plans in Nevada, including available oversight and monitoring policies and procedures.

SSHIX separately obtained audit services for other CMS-required audits of eligibility, financial transactions, and internal controls (e.g., 45 CFR Part 155, Subparts B, D, E, F, G, H, M, N, and O). Milliman did not audit, nor is Milliman providing attestation regarding, SSHIX's performance against, or compliance with, these other requirements. In addition, Milliman did not evaluate SSHIX's compliance with requirements for which Healthcare.gov has assumed responsibility under the SBM-FP operating agreement. Milliman relied on SSHIX to identify these "not applicable" requirements.

## **METHODOLOGY**

### **Audit Firm Background**

Milliman, Inc. is one of the world's largest independent professional services firms. Founded in Seattle in 1947 as Milliman & Robertson, the company currently employs over 3,000 people in key locations worldwide. The firm's consulting practices in healthcare, employee benefits, property & casualty insurance, and life insurance and financial services conduct thousands of client engagements annually. Milliman has broad experience with audits, including CMS audits, following the standards applicable to programmatic audits in accordance with GAGAS.

### **Audit Period**

Milliman audited SSHIX's compliance with the applicable requirements described in 45 CFR Part 155 Subparts C and K for the period January 1, 2019 through December 31, 2019.

### **Management's Responsibility**

SSHIX management is responsible for compliance with the laws, regulations, contracts, and grants applicable to 45 CFR Part 155 Subparts C and K.

### **Auditor's Responsibility**

Milliman conducted an audit of compliance with 45 CFR Part 155 Subparts C and K in accordance with GAGAS auditing standards. GAGAS standards require the auditor to plan and perform the audit to obtain reasonable assurance whether noncompliance which could have a direct and material effect on the program occurred. The audit includes examining evidence about SSHIX's compliance with those requirements and performing such other procedures as we considered necessary.

Milliman believes that this audit provides a reasonable basis for our opinion on compliance with 45 CFR Part 155 Subparts C and K. This audit does not however, provide a legal determination of SSHIX's compliance with these two subparts.

### **Summary of Programmatic Procedures**

This audit consisted of specific procedures and objectives to evaluate SSHIX's compliance (or lack thereof) with applicable sections of 45 CFR Part 155, Subparts C and K. In conducting this audit, Milliman reviewed documentation and web links provided by SSHIX, including:

- Description of division of responsibilities between SSHIX and Healthcare.gov
- Memorandum of Understanding coordinating responsibilities between SSHIX, and the Nevada Department of Business and Industry, Division of Insurance
- CCIO and CMS Letter to Issuers in the Federally-facilitated Marketplaces
- Nevada Legislatively Approved Budget 2017-2019
- CMS, CCIO, and Nevada Health Link Internet Websites
- SSHIX Accessibility Policy
- Outreach and Education Plans and Reports
- Consumer Assistance Materials
- Navigator Program Descriptions
- Navigator Grant Applications
- Navigator and Non-Navigator Entity Training Materials
- Broker Training Materials
- Training Logs for Exchange Enrollment Facilitators
- Exchange Enrollment Facilitator Licensure Policy
- Consumer Assistance Forms
- Consumer Consent Forms
- Call Center Policies and Plans
- Operator Agreements
- Plan Management and Certification Process Policies
- Criteria for Qualified Health Plan
- Criteria for Qualified Dental Plan
- Network Adequacy Standards and Reports
- Information Technology Security Policies and Plans
- Sample Communications and Notices
- Privacy Policies
- Subcontractor contract for Dignity Health – St. Rose Dominican
- Subcontractor contract for State of Nevada Office of Consumer Health Assistance
- Educational and Informational Materials and Advertisements
- Conflict of Interest Policies
- Navigator, Producers, Outreach Specialists and Certified Application Consultant Policies
- Authorized Enrollment Forms and Policies

In addition to the documentation and samples listed above, Milliman selected one QHP and one Stand Alone Dental Plan (SADP) to test compliance with 45 CFR 155, Subpart K, Certification of Health Plans.

Milliman conducted interviews with staff from SSHIX, the Nevada Department of Insurance, the SSHIX Exchange Consumer Assistance Center (ECAC) call center, SSHIX's navigator and certified application counselor subcontractors, and selected Nevada brokers. Individuals interviewed were:

### **SSHIX Staff**

- Executive Director
- Chief Operations Officer
- Compliance Officer
- Plan Management Coordinator
- Navigator Program Manager
- Information Technology Officer
- Broker Liaison

### **Other Relevant Interviews**

- Brokers, Protect Health
- Broker, Carothers Insurance Company
- Insurance Actuarial Analyst and Assistant Chief Examiner, Nevada Department of Insurance
- Call Center Manager, Nevada Primary Care Association
- Navigator, St. Rose Dominican Hospital
- Certified Application Counselor, Community Health Alliance

Milliman conducted video conferences with most interviewees in the SSHIX office. Some interviews were conducted by teleconference based on availability to attend the video conference at the SSHIX office. The interviews discussed management and staff responsibilities and knowledge of practices as they relate to compliance with 45 CFR 155 Subparts C and K.

## **CONFIDENTIAL INFORMATION OMITTED**

Not Applicable

## **II. CAVEATS**

*The information provided in this letter is subject to the terms and conditions of Contract #13849 between Silver State Health Insurance Exchange (SSHIX) and Milliman, Inc. effective November 13, 2012. Milliman's work includes the preparation of the Independent External Audit: 2019 Audit Findings Report. Milliman consents to the release of this document*

to the applicable agency. Any additional release of this document by SSHIX requires prior written consent by Milliman.

Milliman's work is prepared solely for the internal business use of SSHIX. Milliman's work may not be provided to third parties without Milliman's prior written consent. Milliman does not intend to benefit any third party recipient of its work product, even if Milliman consents to the release of its work product to such a third party.

In performing this work, we relied on data and other information provided by SSHIX. We did not audit the source of any data or information we received, nor did we perform independent verification. If the underlying data or information is inaccurate or incomplete, the results of our assessment and recommendations may likewise be inaccurate or incomplete and this may have a significant impact on the applicability of the results.

Milliman recommends that the user of this information possess or be advised by professionals with expertise in health insurance operations so as not to misinterpret the information contained herein.

### III. AUDIT FINDINGS

#### **Auditors Notes**

SSHIX transitioned from a "State Based Marketplace" to a "Federally Supported State-Based Marketplace" – also referred to as a "State-Based Marketplace on the Federal Platform" (SBM-FP) – in 2015. This change remained in effect for plan year 2019, and impacted the audit parameters because SSHIX was no longer responsible for selected operational functions such as the exchange enrollment platform.

Per the Kaiser Family Foundation,<sup>1</sup> this type of marketplace is considered to be a state-based marketplace and is responsible for all functions with the exception that the state will rely on the federally-facilitated marketplace IT platform referred to as "healthcare.gov." Consumers in these states apply for and enroll in coverage through healthcare.gov.

As part of this change, SSHIX migrated from a state contracted and managed business operations solution provided by an externally contracted vendor to the healthcare.gov platform. In addition to moving to healthcare.gov for member enrollment functions, SSHIX elected to develop internally managed capabilities to support selected business functions previously provided by a vendor, e.g. customer service. SSHIX also transitioned responsibility for premium billing and collection to the individual QHPs.

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<sup>1</sup> State Health Insurance Marketplace Types, 2018. *The Henry J. Kaiser Family Foundation*. Retrieved March 18, 2019, from <http://kff.org/health-reform/state-indicator/state-health-insurance-marketplace-types/>.

**KEY FINDINGS**

Milliman's audit of SSHIX's compliance with 45 CFR 155, Subparts C and K resulted in no adverse findings.

**AUDITOR'S OPINION**

Based on the Key Findings above, it is Milliman, Inc.'s opinion that the programmatic standards reviewed during the 2019 independent external audit are:

QUALIFIED       UNQUALIFIED       ADVERSE       DISCLAIMER

**ADDITIONAL COMMENTS**

Milliman's audit of 45 CFR Part 155 Subparts C and K is a programmatic audit, not a financial audit. The selection of "Disclaimer" indicates that the auditor does not express an opinion on the SSHIX financial statements.

**IV. RECOMMENDATIONS**

Not applicable.

**V. CONCLUSION**

We confirm to the best of our knowledge that the information included in this Audit Findings Report is accurate and based on a thorough review of the documentation required for this report.

**SIGNATURE OF AUDIT FIRM:**



**COMPLETION DATE OF AUDIT FINDINGS  
REPORT:**

March 27, 2020

## **APPENDIX A: TYPES OF AUDITOR'S OPINIONS**

An audit opinion is expressed on audited financial statements. An auditor must state in his or her opinion that generally accepted accounting principles (GAAP) have been followed and that they have been applied on a basis consistent with that used the previous year. The four common types of auditor's opinions as defined by the American Institute of Certified Public Accountants (Reports on Audited Financial Statements, AU §508.10) are outlined below.

Unqualified opinion: States that the financial statements present fairly, in all material respects, the financial position, results of operations, and cash flows of the entity in conformity with generally accepted accounting principles.

Explanatory language added to the auditor's standard report: Certain circumstances, while not affecting the auditor's unqualified opinion on the financial statements, may require that the auditor add an explanatory paragraph (or other explanatory language) to his or her report.

Qualified opinion: States that, except for the effects of the matter(s) to which the qualification relates, the financial statements present fairly, in all material respects, the financial position, results of operations, and cash flows of the entity in conformity with generally accepted accounting principles.

Adverse opinion: States that the financial statements do not present fairly the financial position, results of operations, or cash flows of the entity in conformity with generally accepted accounting principles.

Disclaimer of opinion: States that the auditor does not express an opinion on the financial statements.