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TITLE 100 – DEPARTMENT OF STATE

CHAPTER 50 – PUBLIC RECORDS ADMINISTRATION

SUBCHAPTER 20 – STATE AGENCY RECORDS RETENTION SCHEDULES

PART 19 – HEALTHSOURCE RHODE ISLAND RECORDS (HSR)

19.1 Purpose, Authority, Severability, and Destruction

19.1.1 Purpose

To establish the official retention, maintenance, and disposal requirements for a public record based upon any administrative, legal, fiscal, and/or historical value related to that record created or received by an agency, department, division, board, commission, office, or quasi-public corporation under any branch of State or local government which performs functions relating to government, or acts on behalf of a governmental agency, pursuant to law or relating to the transaction of public business.

19.1.2 Authority

This Regulation is promulgated pursuant to the authority granted in R.I. Gen. Laws Title 38 (“Public Records”), including expressly but without limitation R.I. Gen. Laws §§ 38-3-1 et seq.

19.1.3 Severability

If any provision of these Regulations or the application thereof to any Person or circumstances is held invalid by a court of competent jurisdiction, the validity of the remainder of the regulations shall not be affected thereby.

19.1.4 Destruction Review Procedure

Government employees should also consult with their administration to determine if any records eligible for destruction may be involved in current, pending, or anticipated litigation, any government investigation or regulatory proceeding, or request under the Access to Public Records Act. (Part 10-2 of this Chapter (Legal Records) and R.I. Gen. Laws Chapter 38-2)

HSR **HealthSource Rhode Island**

In 2010, President Obama signed into federal law the Patient Protection and Affordable Care Act (ACA) (Pub. L. No. 111-148). The legislation aims to improve access to quality, affordable healthcare for all Americans, regardless of income level, or health status. HealthSource RI (HSRI) was created in 2011 by Exec. Order No. 11-9, signed by Governor Lincoln Chafee. It was established to implement certain provisions of the ACA concerning the creation of state health insurance exchanges. A division within "the Executive Department," HealthSource RI is the agency that serves as the state's health insurance marketplace, where eligible individuals and small businesses can shop for, and buy health insurance from insurance carriers offering plans that have been certified by HSRI as "qualified health plans" for sale through HSRI.

See Also: Certain other HealthSource RI records may require permanent retention under the General Records Schedules. For details, see especially the following: GRS1.1 (Executive, High-Level and Policy-Making Records); GRS1.2 (Program Establishment and Development Records); GRS1.3 (Policies and Procedures); GRS1.6 (Special Plans, Publications, Studies and Reports); GRS1.7 (Meeting Minutes); GRS2 (Legal Case files – Landmark Cases, Briefs, Draft legislation); and GRS5.7 (Public Relations Records).

HSR1 **Customer Account Files**

Prospective purchasers of health insurance through HSRI need not create accounts to explore various health insurance options available through the exchange or to determine approximate eligibility for affordability assistance. However, in order to obtain a formal eligibility determination and enroll in coverage, an account must be created with HSRI. Eligibility is determined by income level and household size. Thus, each account contains information on the primary applicant as well as on all other household members, whether or not they also intend to enroll through the exchange. This series contains records documenting applicant demographic information, including data on income, citizenship and immigration status, disability, current employment, and taxes. Customer files also include information documenting the type of health insurance coverage selected, level of affordability assistance being received, and any active authorized representative designations. Each file also contains plan selection, enrollment, and eligibility information. The records include documentation of enrollment status and determinations of eligibility to purchase on the insurance exchange as well as documentation related to eligibility for programs aimed at making insurance more affordable. Additionally, the records may include appeals

of these decisions, and also customer service complaints. Finally, the files may also contain individuals' applications to be exempt from the ACA's mandate to have health insurance.

Retention: Retain ten (10) years after the customer no longer has an account with HSRI, however, any customer account relating to or concerning litigation must be retained in accordance with GRS2.1 (Case Files).

HSR2 Customer Relationship Management Files

The Affordable Care Act (Pub. L. No. 111-148) emphasizes the importance of customer service. HealthSource RI has put in place a system that documents its contact history with various account holders, including health insurance enrollees (individuals, families, and small businesses) as well as Navigators who contact HSRI while working with customers to answer questions about coverage and enrolling them in coverage. The files contain information about the caller (for example, preferred method of communication and preferred language) as well as specific information about the substance of the call, including the specialist who took the call, date and time of call, and the outcome of the call.

Retention: Retain ten (10) years.

HSR3 Broker Account Files

In order to provide assistance to qualified small employers to enroll eligible employees in coverage through its Small Business Health Options Program (SHOP), HealthSource RI certifies insurance brokers to sell qualified health plans (QHPs – HSR5 (Health Insurance Plan Certification Files)) offered through the Exchange. HealthSource RI has established an application process to certify certain licensed brokers and agents as eligible to provide these services. Unlike Navigators (HSR4 (Navigator Account Files)) private insurance agents and brokers are allowed to offer suggestions about particular plans. Brokers must be licensed by the state of Rhode Island and complete a HealthSource RI training program to be certified by HSRI to sell health insurance through the Exchange. The initial certification period is two (2) years and ends on December 31, 2015. These account files document the certification process. Health insurance brokers who successfully complete HSRI's certification process are eligible to provide information about their employer/small business clients so that these accounts may be set up in the system. The documentation in these files contains contact information and insurance agency information, which includes insurance license numbers, and tax id numbers, as well as current carrier appointments. It also includes documentation related to the certification

of the broker by HSRI. Finally, this series includes materials related to HSRI's training program for brokers on its system and rules, the health plans it offers, and related Affordable Care Act information.

HSR3A Application Files

Retention: Retain ten (10) years after termination of account.

HSR3B Aggregate List of Eligible Brokers ("Full Folder")

Retention: Retain three (3) years after list is superseded.

HSR3C Training Materials

Retention: Retain one (1) copy as a permanent record. (GRS5.13C (Outreach and Training Records: All Other Records))

HSR4 Navigator Account Files

Under the Affordable Care Act (Pub. L. No. 111-148), exchanges are required to establish a Navigator and In-Person Assister program (collectively referred to in RI as "Navigators"). This program is intended to provide assistance to Rhode Islanders interested in enrolling in coverage through the exchange. HealthSource RI secures the services of Navigators through a contract with the Rhode Island Health Center Association (RIHCA), which sub-contracts for the services of Navigators who are located in community organizations across the state. Navigators are individuals working within these community organizations. The Navigators provide guidance to prospective purchasers of insurance. Assistance provided by Navigators includes information about the process of creating an account with HealthSource RI, explanations of health insurance options in an unbiased way, and also instruction on how to use the tools available for purchasing health insurance through the exchange. Navigators can also provide information to individuals already insured through the exchange. (Navigators are not permitted to recommend a specific plan.) Before being authorized to offer Navigator services to their respective communities, individuals must be certified by HealthSource RI. The establishment of Navigator accounts provides limited personal and professional contact information. Navigator account files include training and other documentation required for certification, certification numbers, the name and address of the employer, and any particular language(s) spoken by the Navigator.

Retention: Retain ten (10) years following the termination of the employee who has been serving as a Navigator, or ten

(10) years following the termination of the agency's subcontract with RICHA or HSRI's termination of the contract, whichever is later.

HSR5 Health Insurance Plan Certification Files

Health insurance carriers possessing a valid license from the Department of Business Regulations, and who obtain approved rates and forms from the Office of the Health Insurance Commissioner (OHIC) may seek to have certain health plans certified as QHPs through the exchange. By request of a health insurance carrier, HSRI will review OHIC-certified plans and, if the plan meets certain requirements set by HSRI, will certify it for offer on the exchange. This series consists of records documenting HSRI's review and certification of health insurers' plans as eligible for offer on the exchange. Insurance carriers' QHPs must be re-certified by HSRI annually, and they may be de-certified in the absence of documentation from insurance issuers demonstrating continuing compliance with HSRI requirements. This series also includes Issuer Agreements between the Health Benefits Exchange and health insurance carriers who offer QHPs.

Retention: Retain ten (10) years.

Note: The Office of the Health Insurance Commissioner makes determinations as to the affordability of the rates filed for certification. (Office of the Health Insurance Commissioner Regulation 2.)

HSR6 Certificates of Records Destruction [LEGACY – DUPLICATE]

Certification of Records Destruction forms signed by the authorized agency official and submitted to, and signed by, the State Archivist/Public Records Administrator. Certificates authorize the disposal of records listed in this and other applicable schedules. (R.I. Gen. Laws §§ 38-1-10, 38-3-6, and 42-8.1-10)

Retention: Permanent.

See Also: This record series is for information only, see GRS6.8B (Certificates of Records Destruction).