



Working with your DOI: Tips for Advocates

The Affordable Care Act (ACA) made sweeping changes to the health insurance market by providing consumers with robust protections and new opportunities to access coverage. Because health insurance has historically been regulated at the state level to enforce both state and federal laws, state Departments of Insurance (DOIs) play a pivotal role in both implementing and enforcing many provisions of the ACA, including those that significantly impact consumers. It is crucial for state advocates to build relationships with their DOIs to ensure consumer priorities and protections are taken into account as ACA implementation continues and evolves. This issue brief provides a basic overview of DOIs, as well as tips for engaging with and coordinating consumer-focused health insurance work with your DOI.

What do DOIs do?

The DOI has oversight for financial solvency (whether a plan has enough funds to pay out claims long-term), licensing (including of brokers), and review of plan information like benefits (policy forms) and premiums (rate review). Perhaps most relevant to advocates is the work DOIs do around review of consumer complaints and oversight of the insurance market. For example, DOIs may target investigations in response to consumer or provider complaints about network access, discrimination or other issues related to compliance with the legal contract of the insurance policy. DOIs also fully examine plan compliance with legal requirements, known as market conduct exams, on a regular basis (typically every three years).

DOIs have made significant adjustments to their work due to the ACA rules around plan changes and in response to the significant number of newly insured consumers. DOIs can be encouraged to use these new changes as an opportunity to expand their reach and further consumer protections.

The Commissioner and His/Her Staff

About half of DOI Insurance Commissioners (ICs)/Superintendents are elected; the other half are usually appointed by their Governor. Most state DOIs oversee multiple forms of insurance, including health, auto and life. Since health insurance is only one market that DOIs regulate, Commissioners may not be experts on health or have a deep background in health insurance. You can find more about your state's DOI and IC [here](#).

Most DOIs are comprised of multiple staffers, suggesting that influence comes from not just the Commissioner or Superintendent, but rather staff at various levels within the organization. For instance, the chief actuary at the DOI is not a public figure, but is someone who knows your state's insurance market better than just about anyone and is a key figure in implementing

insurance reforms. DOIs also have their own legislative staff, who are generally responsible for developing, coordinating and communicating legislative and budgetary priorities. Additionally, several consumer health advocates around the country serve as consumer representatives to the National Association of Insurance Commissioners (NAIC). These representatives can help identify consumer-friendly DOI staff from your state, or facilitate connections if you do not yet have a relationship. You can find a list of NAIC consumer representatives [here](#) and [here](#).

Strategies to Build a Relationship With Your DOI

Become a trusted resource for your DOI

Positioning yourself as a resource that offers helpful information and connections will help cultivate relationships with your DOI. DOI staffers have significant responsibilities and may be doing more work with fewer resources given the tough budgets most states are facing. Thus, consumer health advocates, enrollment specialists and their partners can offer their unique position and resources to serve as allies to support their DOI.

- **Ask how you can help DOI staff with their work:**
 - Can you highlight the work they have already done to benefit consumers and frame a current campaign as an opportunity to continue building upon this reputation?
 - Do they need examples of the impact of a certain provision?
 - Could you provide contact information for a person or family directly affected by a particular provision? Oftentimes, DOIs will request stories from consumers for press events and may ask for your help in identifying appropriate people.
 - Would your DOI like your help in identifying contacts in another state? For example, if your state and another state are facing a policy decision and are similarly situated, mention that you have contacts there and offer to do research on how that state is handling the issue. Likewise, if your organization has regional or county-by-county data, offer to provide it.
 - If you have a specific “ask” of your DOI (e.g. for the governor to file comments on a proposed rule), offer to provide them with a draft or bring draft text with you.
- **Alert the DOI to your value as their ‘eyes and ears in the field:’**
 - Offer to collect stories from consumers to help inform policy improvements. Remember that the DOI maintains coding relative to various complaints or situations, including those specific to essential health benefits (EHB). This

suggests the significance of consumer stories, and the role advocates can play in ensuring these stories come from coalition partners as well, including interest groups focused on disease, mental health, and non-discrimination.

- Highlight opportunities for the DOI to be a consumer hero, such as where they can better respond to consumer needs.
- Track the work you do with consumers in order to build up an ongoing record of stories, contacts, and consumer issues for regular reference.

Relationship building in challenging environments

Although DOIs may push consumer-friendly legislation or aim to prevent harmful bills from passing, sometimes you may find yourself on opposite sides of an issue. Here are some tips to navigate DOIs who may not be as open to consumer-friendly priorities.

- **Build relationships with other staff members** who may help strengthen your relationship with the DOI at large. Position yourself as an ally to their legislative affairs efforts by providing technical policy information to ensure their initiatives are aligned with consumer priorities.
- **Cultivate allies outside of the DOI**, such as your state Consumer Assistance Programs (CAP), Senior Health Insurance Programs (SHIP) or Health Insurance Ombudsman. These entities can provide a foot in the door with the DOI and enable you to reach consumers to understand their experience with health insurance.
- **Protecting the relationship.** If you need to collect particular information from your DOI and a Freedom of Information Act (FOIA) request is the only means of doing so, consider asking a partner organization to file the request instead. Using this approach will avoid damaging your growing relationship with the DOI. Alternatively, your regional Health and Human Services contacts can help gather DOI information.

Meeting and communication etiquette

Many of you are familiar with legislative and administrative meeting etiquette. Below are some additional tips and reminders when meeting with DOI staff.

- **Ask to set up regularly scheduled meetings to discuss developing issues.**
 - If you are working with other advocates, make sure to meet before each meeting to go over your agenda and each advocate's role so the meeting is efficient and productive.
 - Demonstrate that you recognize the demands on the official's time by canceling any regularly scheduled meeting during a slow time when there is no pressing business.

- When appropriate, include a range of constituencies – religious, business, labor, insurers, providers – to show that a broad range of populations are watching the issue.
- **Practice good communications skills.** Ask the official how they prefer to be contacted. If they welcome emails, send them email updates as appropriate. Don't badger, but establish yourself as a resource. And always give them notice if your organization is going to be doing anything public that is in any way relevant to them – issuing a press release or report, testifying, publishing an op-ed, hosting an event, etc.
- **Be patient.** Recognize that staffers have significant responsibilities and may be doing more work with less resources given the budget challenges most states are facing; don't be offended if they don't immediately respond to calls or emails. Gently follow up if emails go unanswered.
- **Write a thank you note.** Always write a follow up note to thank the staffer for his or her time (email is usually best), and use this note as an opportunity to review the issues you discussed and offer any follow up. If the meeting was particularly productive, you may want to write to the Insurance Commissioner to compliment the staffer.

Engage DOI staff outside of their office

Facilitating connections between your DOI and the communities they serve can help DOI staff foster relationships with members of your coalition while gaining a deeper understanding of the issues that most impact consumers.

- **Invite DOI office staff or Insurance Commissioner to speak to your organization.** You may want to schedule a tour to demonstrate the best practices of a community organization. Ask if DOI staff would like you to do a press release for local papers highlighting the visit. Be sure to include a “real person” who would be affected by reform.
- **Attend public forums where DOI staff may be participating.** Tell DOI staff in advance if you plan to attend – they will appreciate the courtesy and you might be able to get five minutes with them before or after the meeting.
- **Mobilize consumers to engage with their DOI.** Consumer health advocates are in a position to educate and remind consumers about the secure spaces to share their experiences. While someone enrolling in health insurance may be wary about sharing their story with a Navigator for fear of personally identifiable information being traced back to their family, they may be more likely to share their story with an official state entity such as the DOI. Consumers can share their stories or complaints by submitting an [online form](#) or [calling their DOI](#).

Promote accountability

When it comes to on-going health insurance reform processes such as network adequacy and EHB, consumer advocates can hold the DOI accountable to consumer priorities by establishing timelines and maintaining transparent communication.

- **Establish public and transparent mechanisms for accountability throughout reform implementation.** Develop timelines and share them with the administration. For example, “The consumer community will evaluate the quality of reform implementation by the following categories: a)... b)... c)... and we will publicly review this progress every quarter.”
- **Follow up on priority areas for discussion with the administration, and couple them with press opportunities.** For example: “As advocates, we think it is important that public hearing be held regarding the creation of ABC regulation, and we commit to turning out advocates and coordinating our support so the hearing is productive and gets strong media attention.”
- **You can request an investigation or a review of practices.** As mentioned earlier, DOIs typically have a regularly scheduled market conduct exam about once every three years, which involves a full audit for compliance with state requirements. However, many DOIs conduct investigations outside of these regular exams if complaints suggest there is a need for it. Requesting this type of investigation can be appropriate if advocates see a trend in violations or complaints.

Coordinate your work with your partners

If you are working as part of a coalition, make sure you coordinate with your coalition partners in order to streamline your approach in engaging with DOI staff and avoid duplicating efforts.

- **Assign advocates to different staff** so they can develop relationships over time. Make sure to update each other regularly to ensure coordination and prevent confusion.
- **Establish ground rules for your coalition.** In addition to coordinating contacts, it may also be helpful to establish ground rules with your coalition, such as: no side deals and consensus as the default decision-making method. This will help DOI staff feel confident that the coalition representative they are speaking with is working collaboratively with the larger coalition.

Conclusion

Working with the DOI is a critical avenue for implementing consumer-friendly health insurance, especially on issues such as network adequacy and EHB. Because every DOI is different, advocates must gauge the best strategy for building relationships and coordinating efforts with their Insurance Commissioners. In any case, advocates are uniquely positioned with a strategic

vantage point to offer their understanding of ACA policies and the on-the-ground experience of consumers and their health insurance.

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