

Q & A | CALIFORNIA

Online California Arbitration Management System (CAMS)



To make it easier for us to comply with state requirements, Kaiser Permanente has updated our process for collecting signatures on arbitration notices. In September 2013, we launched a Web application to electronically capture them at the point of enrollment – the California Arbitration Management System (CAMS). The following questions and answers will help you respond to client inquiries about this process.

Q: Is collecting binding arbitration signatures new?

A: No. Requiring members to sign a notice about arbitration isn't a new requirement, or one that's unique to Kaiser Permanente. California Health and Safety Code Section 1363.1 requires that any health plan using binding arbitration to settle disputes must disclose information about the agreement to the subscriber/enrollee at the point of enrollment. The language must be prominently displayed, and the signature of the subscriber/enrollee must be directly below the disclosure. The arbitration notice embedded in the group contract, while also required by the statute, doesn't fulfill the requirement of notice to the subscriber/enrollee at the point of enrollment.

Q: What does binding arbitration mean?

A: Binding arbitration settles member disputes in a less formal proceeding than a civil lawsuit in state or federal court. With arbitration, an impartial decision-maker, called an arbitrator, is selected by the parties themselves or through an independent organization. After the parties engage in pre-arbitration discovery of documents and other information, they then participate in an arbitration hearing at which both sides can present evidence and testimony. The arbitrator's decision is usually final. The majority of health plans use binding arbitration, and we've used it to resolve member disputes since 1971.



If you have questions about this information, please contact your Kaiser Permanente account manager.

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Q: Have my clients seen the binding arbitration notice before?

A: Yes. Kaiser Permanente's binding arbitration notice is in their group agreement above the group's signature line, and we have a process for collecting signed arbitration notices from subscribers/enrollees who enroll manually. Your clients and third-party administrators (TPAs) who use Kaiser Permanente paper enrollment forms are already compliant with the state's enrollment notice requirement, since those forms include our arbitration notice.

Q: Who is involved in the agreement to arbitrate?

A: The agreement to arbitrate is between Kaiser Permanente and the subscriber/enrollee who chooses Kaiser Permanente coverage for himself or herself and eligible dependents. Employers, brokers, and TPAs are not parties to this arbitration agreement. The group agreement by itself isn't sufficient to meet legal requirements concerning the arbitration notice.

Q: Can administrators who process enrollments through Customer Account Services (CAS) agree to Kaiser Permanente's arbitration notice for the subscriber/enrollee?

A: No. Administrators processing enrollments through CAS can only select "agree" if they already have the subscriber/enrollee's signed arbitration notice on a Kaiser Permanente paper enrollment form, approved universal enrollment form, or through an enrollment website that displays the arbitration notice and requires the subscriber/enrollee's signature to comply with the state requirements.

Q: When must a subscriber/enrollee agree to binding arbitration?

A: If a health plan uses binding arbitration, regulations require that the subscriber/enrollee receive written notice at the point of enrollment. Your clients' employees must provide a signature or electronic signature immediately beneath the notice to confirm that they have read and agree to arbitration.

Q: If a subscriber/enrollee doesn't agree to arbitration, will Kaiser Permanente decline enrollment?

A: Yes. If a subscriber/enrollee does not agree to arbitration, they (and their dependents) will not be able to enroll in a Kaiser Permanente plan.

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Q: If a subscriber/enrollee enrolls without signing the arbitration notice (for example, the language isn't on the document or online enrollment site), can Kaiser Permanente go back to the subscriber/enrollee to get their signed agreement to arbitrate?

A: No. If a subscriber/enrollee enrolls in a Kaiser Permanente plan without signing our arbitration notice, we can't go back to the subscriber to collect their agreement after the fact.

Q: What does Kaiser Permanente's arbitration agreement say?

A: Kaiser Permanente's arbitration agreement is in the group agreement and members' *Evidence of Coverage* that's part of your client's group contract. It's listed as "Binding Arbitration" in the "Dispute Resolution" section in the table of contents of the group agreement.

Q: When will the CAMS process be integrated into my clients' enrollment websites and accessible by my clients?

A: CAMS is a web based application which requires individual implementation. Throughout the rest of 2015 and beyond, we'll continue our outreach to groups and TPAs that collect enrollments online to provide them with an overview of CAMS. We'll ensure this transition is as easy as possible for your clients.

Q: Is Kaiser Permanente changing its process for collecting signatures under arbitration notices on paper enrollment forms/administrators' universal forms?

A: No. Paper processes are not impacted.

Q: Will CAMS impact EDI files and/or reporting?

A: No. Reporting processes are not impacted. It is business as usual.

Q: How will the new online arbitration management system integrate with third-party online enrollment sites?

A: Our technical and business team will work with administrators (brokers, employer groups, TPAs) to collect system requirements to ensure compatibility.

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Q: Where should the CAMS functionality be added within the enrollment site?

A: The CAMS functionality may be added at any point within their enrollment site as long as it appears before the subscriber/enrollee completes the enrollment process.

Q: Instead of using CAMS, can a group or TPA host Kaiser Permanente's arbitration notice within their enrollment website?

A: Yes. The following requirements will need to be met:

- Maintain the arbitration language (including certifying, then recertifying the language annually).
- Capture and archive, indefinitely, the arbitration notice as signed by the subscriber/enrollee.
- Prevent any subscriber/enrollee who declines arbitration from being enrolled in a Kaiser Permanente plan.

Q: Will I get additional information about CAMS before my clients are notified?

A: Yes. The account manager assigned to your client will keep you updated about CAMS and any communications we have with employers.

Q: What are the advantages of CAMS?

A: CAMS will always display the current arbitration language (English, Spanish and Chinese) and capture subscriber/enrollee signed arbitration notices.

- Kaiser Permanente will be responsible for updating arbitration language.
- Kaiser Permanente will archive, indefinitely, the signed arbitration notices.
- Kaiser Permanente will automatically route enrollees according to whether the subscriber/enrollee accepted arbitration.
- The system only requires a one-time integration.

Q: How can I get more information on CAMS?

A: Contact your Kaiser Permanente representative or visit account.kp.org.