



March 15, 2022

Dear Tribal Leader:

SUBJECT: Tribal Consultation and Public Comment Period for Section 1332 State Innovation Waiver Application

This correspondence is to notify you of the Washington Health Benefit Exchange's pursuit of a federal Section 1332 State Innovation waiver, as authorized by the Washington State Legislature, and the tribal consultation and public comment period required with this effort. The purpose of the waiver is to gain approval for policy innovations that will increase access to health insurance coverage opportunities for state residents who are low income and do not currently qualify for existing federal and state affordability programs.

[About Washington Health Benefit Exchange](#)

The Washington Health Benefit Exchange operates *Washington Healthplanfinder* – an online portal, and WAPlanfinder mobile app; from which one in four Washington residents get their health coverage. *Washington Healthplanfinder* is a single portal for Individuals to access multiple health care affordability services: Washington Apple Health (Medicaid), federal premium tax credits and cost-sharing subsidies for individual market health plans, known as Qualified Health Plans, and dental plans.

The Washington Health Benefit Exchange's primary focus is connecting individuals to high-quality and affordable health coverage. As of March 1, 2022, 44,336 tribal members, and 27,781 members of the 29 Federally Recognized Tribes with boundaries within the state get coverage from *Washington Healthplanfinder*.

[State Innovation Waivers](#)

Section 1332 of the Patient Protection and Affordable Care Act (ACA) allows states to pursue waiver of certain health reform provisions in order to implement policy innovations that increase coverage access and reduce federal expenditures. Washington State enacted Engrossed Substitute Senate Bill 5092 (Ch. 334, 2021), which directs the Exchange to increase coverage access for residents that do not qualify for non-emergency Medicaid or federal affordability programs no later than January 1, 2024. The legislation provides authority for the Exchange to develop and submit a Section 1332 State Innovation Waiver.

[Washington's 1332 Waiver Application](#)

Washington is seeking a waiver of Section 1312(f)(3) of the Patient Protection and Affordable Care Act (42 USC §18032 (f)(3)). This section prohibits persons that are not United States citizens, United States nationals, or aliens lawfully present in the United State from purchasing a qualified health plan with *Washington Healthplanfinder*. If approved, the 1332 Waiver will newly allow individuals without a federally recognized immigration status to purchase qualified health plans in the individual health insurance market at Washington State's online insurance marketplace *Washington Healthplanfinder*.

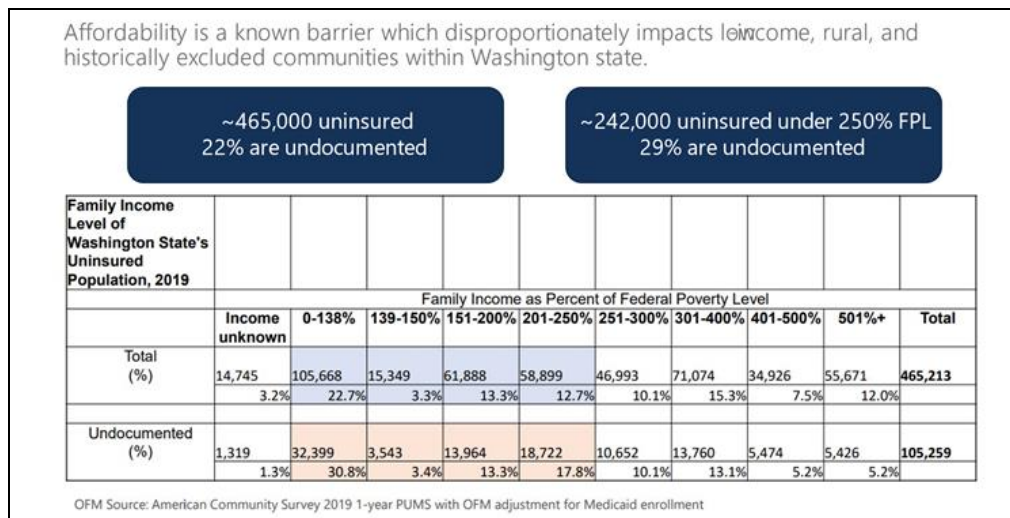
P.O. Box 657 | Olympia, Washington 98507
Direct: 360.688.7700

Low Income Affordability and Access for Uninsured

Affordability continues to be a primary barrier to health care access. To address affordability for low income residents ineligible for Medicaid, Washington State Engrossed Second Substitute Senate Bill 5377 (Ch. 246, 2021), directs the Exchange to implement a state-based health insurance premium subsidy in 2023 for individuals up to 250% of the federal poverty level.

Complementary to the efforts that address affordability, the 1332 Waiver seeks to newly allow individuals without a federal immigration status to purchase a qualified health plan; and if low income, to receive the state-based health insurance premium subsidy. The 1332 Waiver closes the barrier to access the federal rules on Exchange participation for certain immigration statuses, as this policy adversely impacts coverage options for these vulnerable and under-represented residents.

Figure A: Individuals impacted by the state-based health insurance premium subsidies and 1332 Waiver



Tribal Implications

The 1332 Waiver, if approved, will not change the federal funding appropriation or health care services delivered to tribal members in Washington State. The waiver approval will not impact state Medicaid services to tribal members, nor the tribal member coverage protections and provisions under the ACA.

The fifteen Federally Recognized Tribes that currently purchase qualified health plans for their members with Washington Healthplanfinder will not see premium costs rise as a result of the 1332 Waiver application.

Tribal Consultation

Federal rules require Tribal Consultation by states for State Innovation Waiver applications¹. This letter is to provide Tribal Leaders notice of the development of the 1332 waiver application and upcoming opportunity for Tribal Leaders to provide comment or ask questions. The Tribal Consultation will be held virtually, due to the on-going public health emergency.

¹ Federal Code of Regulations, 31 CFR 33.112(a)(2) and 45 CFR 155.1312(a)(2)

Dear Tribal Leaders – Section 1332 State Innovation Waiver Application
March 15, 2022

Date: April 11, 2022

Time: 1 pm – 2:30 pm

Location: Virtually – To receive the link and dial-in information for this meeting please RSVP by sending the name and email of those who will be attending to James Manuel, Exchange Tribal Liaison at james.manuel@wahbexchange.org

**RSVP requested by April 4*

For those unable to attend, this meeting will be recorded, and will be made available afterwards to interested Tribal Leaders. Written feedback on the 1332 waiver application can also be provided at any time during the 30-day state public comment period, and subsequent 30-day federal comment period, on Washington's 1332 waiver application.

To submit written comments, RSVP to request a consultation meeting, and for questions, please contact James Manuel, Tribal Liaison for the Washington Health Benefit Exchange, at James.Manuel@wahbexchange.org

Sincerely,



Pam MacEwan
Chief Executive Officer

cc: Sue Birch, Director – Health Care Authority
Jessie Dean, Tribal Administrator – Health Care Authority
American Indian Health Commission
Northwest Portland Area Indian Health Board
NATIVE Project
Seattle Indian Health Board
Leah Hole-Marshall, General Counsel and Chief Strategist
Michael Marchand, Chief Marketing Officer
Joan Altman, Director of Government Affairs
James Manuel, Tribal Liaison