

Oregon State Innovation Waiver
 Summary of Public Comments
 October 2017

Commenter	Summary	Departments' Response
Governor Kate Brown	The 1332 waiver is essential to Oregon's ability to stabilize the individual market through the Oregon Reinsurance Program.	We appreciate the support and have approved the waiver.
Cambia Health Solutions	A stable individual market is a necessary component of a viable healthcare industry. The 1332 waiver program is an important tool for Oregonians to support affordability and diverse risk pools in their individual market while preserving federal funding levels.	We appreciate the support and have approved the waiver.
Providence Health Plans	The Oregon Reinsurance Program is an important factor in our decision to continue to offer plans in every county in Oregon and has already reduced individual market rates by six percent for 2018. We believe that this will help make insurance more affordable for all Oregonians who need to access the individual market - spreading the risk profile of this market and offering some needed stability to this market. Providence Health Plans urges the expedient approval of Oregon's 1332 Waiver Request in order to ensure the ready implementation of the Oregon Reinsurance Program on Jan. 1, 2018.	We appreciate the support and have approved the waiver.
Oregon health care advocates	The undersigned organizations support the Oregon Reinsurance Program and the state's effort to implement this important program through applying for a State Innovation Waiver under section 1332 of the Affordable Care Act. This proposal will help stabilize Oregon health insurance markets and protect consumers from large rate increases, and represents a win for both consumers and the health insurance industry—all at no	We appreciate the support and have approved the waiver.

	net cost to the federal government.	
AHIP	Support the 1332 waiver submitted by the State of Oregon.	We appreciate the support and have approved the waiver.
Rep. Julie Parrish and Rep. Cedric Hayden	Expressed concern about Oregon’s waiver. The commenters note that the taxes included in the authorizing legislation are the subject of a state referendum, and that the taxes in the bill are suspended from going into effect until voters cast ballots on Jan 23, 2018, and therefore believe that the state did not timely demonstrate that it had enacted legislation to facilitate a waiver request. The commenters raise an issue regarding Medicaid funding, state that the taxes funding the waiver are unfairly apportioned, and question the actuarial assumptions behind the waiver.	<p>HB 2391 meets the Federal requirement that a section 1332 waiver be authorized by state legislation. Section 18 of HB 2391 established the Oregon Reinsurance Program (ORP) in the Department of Consumer and Business Services “for the purposes of stabilizing the rates and premiums for individual health benefit plans and providing greater financial certainty to consumers of health insurance in [the] state.” Section 24 of HB 2391 states that the Department of Consumer and Business Services “shall apply for a waiver [under PPACA section 1332, codified at 42 U.S.C. 18052] to receive funding to implement the Oregon Reinsurance Program established in section 18 of this 2017 Act.” Section 1332(b)(2)(A) requires only that the authorizing legislation “provides for State actions under a waiver . . . , including the implementation of the State plan under subsection (a)(1)(B).” Thus, HB 2391 satisfies section 1332’s requirement for state legislation regardless of the state referendum. Even where the referendum ultimately affects available funds for the ORP, section 1332 contemplates that a state may terminate the legal authority for a 1332 waiver, just as the referendum may affect the state’s ability to support the waiver program. These things however do not affect the authority of the Departments to approve a waiver unless and until such action is actually taken by the state.</p> <p>Although the state is responsible for ensuring sufficient funds, on an annual or other appropriate basis, for the ORP to operate as described in the state’s waiver application, the comments regarding state funding and Medicaid are outside of the scope of the 1332 waiver program. Concerns regarding these issues should</p>

		<p>be taken up with the state as it is responsible for ensuring sufficient funds to operate the ORP and administering the state Medicaid program. The Departments have reviewed the state's actuarial assumptions, and have determined that implementation of this reinsurance program will lower individual market premiums in the state and the premium tax credits (PTC) to which Oregon residents would have been entitled absent the waiver. While the comment questions whether the ORP will reduce premiums as much as forecast, it provides no basis to conclude that the ORP would increase premiums or otherwise fail to meet the legal requirements for approval.</p>
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