

**Washington State Innovation Waiver**

**Section 1332 Waiver Application**

Summary of Public Comments Received during Federal Public Comment Period

Hosted from June 15, 2022 – July 14, 2022

<b>Comment Theme</b>	<b>Summary of Comments</b>	<b>Departments' Response</b>
Compliance with statutory guardrails	<p>Washington's section 1332 waiver meets the statutory guardrails by increasing affordable coverage with no impact to the federal deficit:</p> <ul style="list-style-type: none"><li>• <b>Affordability:</b> The waiver will lower premiums in the individual market.</li><li>• <b>Coverage:</b> The waiver will increase the number of Washington residents with individual market coverage. The waiver will reduce the utilization of uncompensated care, such that the overall cost of health insurance premiums will decrease due to new enrollees joining the market who tend to be younger, healthier, and use health care services at lower-than-average rates.</li><li>• <b>Comprehensiveness:</b> All Washington residents will have the same opportunity to purchase Qualified Health Plans and Qualified Dental Plans.</li><li>• <b>Deficit neutrality:</b> Washington will invest state funds toward affordable coverage for low-income residents without impacting the federal deficit.</li></ul>	<p>The Departments appreciate the support and have approved the waiver. The Departments have determined that Washington's section 1332 waiver meets the requirements outlined in sections 1332(b)(1)(A)-(D) of the ACA. That is, the waiver is projected to provide coverage that is at least as comprehensive as the coverage provided without the waiver; provide coverage and cost-sharing protections against excessive out-of-pocket spending that are at least as affordable as without the waiver; provide coverage to at least a comparable number of residents as without the waiver; and not increase the federal deficit.</p>
Improved health equity and reduced uncompensated care	<p>Washington's section 1332 waiver will improve health equity by addressing one of the root causes of disproportionate uninsurance rates and poorer health outcomes among communities of color, and in doing so,</p>	<p>The Departments appreciate the support and have approved the waiver. The Departments appreciate comments on the importance of achieving health equity, particularly in terms of addressing racial and</p>

	<p>improve health outcomes and public health.</p> <p>Currently over 100,000 Washington residents are uninsured and ineligible for Medicaid or Exchange coverage due to immigration status, and given high out-of-pocket medical costs, many forgo preventative care, specialty care, and critical health care until it becomes an emergency.</p> <p>While community health providers such as federally qualified health centers (FQHCs) provide care to the un- and under-insured, they are limited in resources and cannot cover all necessities, as people are still living with undiagnosed and untreated health conditions.</p> <p>Under the section 1332 waiver, newly covered Washington residents will be able to obtain affordable, comprehensive health care, and in turn, experience improved health outcomes.</p>	<p>ethnic health disparities. The Departments recognize that Washington’s section 1332 waiver is projected to improve health equity in multiple ways, including in terms of health insurance status, health care access, and health outcomes, especially for communities of color and immigrant communities.</p> <p>Further, the Departments recognize that Washington’s section 1332 waiver is in line with Executive Orders 13985 and 14070, <i>Advancing Racial Equity and Support for Underserved Communities Through the Federal Government</i> and <i>Continuing to Strengthen Americans’ Access to Affordable, Quality Health Coverage</i>, respectively.</p>
<p>Public interest and stronger economy</p>	<p>The waiver is in the public’s best interest as it will make communities healthier and the economy stronger. By expanding access to health care and improving health outcomes, Washington’s section 1332 waiver will support workers, families, and a stronger economy.</p> <p>Immigrant workers make significant contributions to the national and WA economy through serving as essential workers meeting the health, agricultural, food, safety, and other needs of Americans); paying local, state, and federal taxes; social security contributions; and spending on goods and services. To ensure that</p>	<p>The Departments appreciate the support and have approved the waiver.</p> <p>By increasing health care coverage among the currently uninsured in Washington, the section 1332 waiver will enable individuals and families—who already make significant contributions to the economy—to participate as consumers in the health insurance market. With more consumers shopping for health plans, issuers and providers will be encouraged to compete and improve consumer choice. Furthermore, with coverage gains, these Washington residents</p>

	immigrants and undocumented immigrants are able to continue contributing to the national and state economy, it is critical to provide them with basic access to affordable health care to care for themselves and their families.	will experience improved health outcomes that will enable them to further contribute to the local and national economy.
Improved consumer experience	Washington’s section 1332 waiver will allow all Washington residents the same opportunity to purchase Qualified Health Plans and Qualified Dental Plans, and also reduce application barriers that prevent families from applying for coverage together.	The Departments appreciate the support and have approved the waiver. The Departments appreciate comments on the importance of the consumer experience for individuals and families shopping for health care coverage, and expect that Washington’s section 1332 waiver will help streamline the application process for consumers, especially those from mixed status households.
Individual privacy assurances	Washington’s section 1332 waiver proposes to maintain state program integrity standards while safeguarding the privacy of individual Washington residents, such that individual information about applicants and enrollees covered via the waiver will not be shared with the federal government. Federal confirmation of individual privacy is important.	The Departments appreciate these comments and have approved the waiver. The Departments confirm that information shared with the Departments for the purposes of eligibility for coverage, including financial assistance for such coverage, that includes applicant and enrollee immigration status will remain protected under applicable data protection standards. Any additional information or data on persons newly eligible under the waiver will be provided to the Departments in aggregate and will be used <b>only</b> for the purposes of oversight of the waiver. None of this information or data will be used for immigration enforcement.
Expeditious review and approval of waiver	Expeditious federal review and approval of Washington’s 1332 waiver application is critical, as longstanding inequities have been exacerbated by	The Departments appreciate these comments and have approved the waiver. The Departments appreciate comments on the urgency of

	<p>the COVID-19 pandemic. Immigrants and communities of color are disproportionately contracting, hospitalized for, and dying from COVID-19.</p> <p>Additionally, stakeholders need sufficient time to prepare for activities leading up to Open Enrollment 2024, including community outreach and system updates.</p>	<p>approving a section 1332 waiver that has public health implications in light of the COVID-19 pandemic.</p> <p>The Departments reviewed Washington’s section 1332 waiver for compliance with the statutory guardrails, as set forth in sections 1332(b)(1)(A)-(D) of the ACA, and issued a decision of approval within 180 days of the preliminary determination of completeness, in accordance with 45 C.F.R. § 155.1316(c) and 31 C.F.R. § 33.116(c).</p>
<p>Alignment with ACA and Section 1332 principles, Administration priorities, and other federal health programs</p>	<p>Washington’s section 1332 waiver aligns with the stated goal of section 1332 of the ACA, “to pursue innovative strategies for providing residents with access to high quality, affordable health insurance while retaining the basic protections of the ACA.”</p> <p>President Biden has made important commitments to addressing racial disparities, including through Executive Order 13985, <i>Advancing Racial Equity and Support for Underserved Communities Through the Federal Government</i>, which committed to “recognize and work to redress inequities in their policies and programs that serve as barriers to equal opportunity.” Executive Order 14070, <i>Continuing to Strengthen Americans’ Access to Affordable, Quality Health Coverage</i> says that it is the policy of this Administration to “make high-quality healthcare accessible and affordable for every American.” This waiver sits at the intersection of those two priorities, addressing racial health disparities for a population disproportionately denied health insurance.</p>	<p>The Departments appreciate these comments and have approved the waiver. The Departments agree that Washington’s section 1332 waiver meets the intent of the ACA and section 1332 specifically, as it is an innovative state-led strategy to improve comprehensive health care coverage and access. The Departments also agree that Washington’s section 1332 waiver aligns with the priorities of the Administration, as reflected in Executive Orders 13985 and 14070. Finally, the Departments acknowledge the shared goals of Washington’s section 1332 waiver with that of multiple existing federal health programs—to make health care available to all.</p>

	<p>The country has recognized the importance of making health care available to all in other health programs. For example: 1) The federal government provides COVID-19 vaccines regardless of immigration status; 2) COVID-19 provider relief funds defrayed the cost of COVID-19 care regardless of status; 3) The Medicaid program covers treatment of an emergency condition regardless of status, sharing costs between the federal government and states; and 4) Safety net clinics and hospitals can care for immigrants regardless of status, and receive federal support. Washington's proposal builds on these past initiatives and is within the scope of federal administrative authority.</p>	
--	---	--