



COVERED CALIFORNIA POLICY AND ACTION ITEMS
August 18, 2016 Board Meeting

1332 WAIVER UPDATE

Brandon Ross, Assistant General Counsel

INTRODUCTION TO STATE INNOVATION WAIVERS (ACA § 1332)

- “ The “1332 Waiver” allows states to pursue innovative strategies for providing residents with access to quality, affordable insurance while retaining the basic protections of the Affordable Care Act
 - No specific deadline; proposals can start on or after 1/1/17
 - Proposals must not add to the U.S. Treasury’s 10 year deficit
 - Requires authorizing state legislation
 - Approved waiver is effective for 5 years
- “ Staff requests the Board to authorize the submission of a final 1332 Waiver at the end of the public comment period

CALIFORNIA'S PROPOSED WAIVER PROGRAM

- “ Senate Bill 10, by Senator Lara, passed and signed into law
 - Requires Covered California to apply for a Section 1332 Waiver
- “ Waiver parameters
 - Allow undocumented immigrants to purchase unsubsidized coverage through Covered California
 - Provide access to new California Qualified Health Plans for the undocumented immigrant population beginning plan year 2019

COVERED CALIFORNIA'S WAIVER APPROACH

- “ Since January 2016, Covered California has held numerous public meetings on the 1332 Waiver
 - February 23, 2016 forum that included two Covered California Board members, DHCS leadership, health care experts and the public
 - Agenda item at the Board meetings in January, April, June and August
- “ Retained independent experts to assist in the analysis and development of the draft 1332 Waiver
 - UC Berkeley Center for Labor Research and Education
 - UCLA Center for Health Policy Research
 - UCLA School of Public Affairs

HOW THE PROPOSED WAIVER MEETS REQUIREMENTS

- “ A waiver must meet the following four criterion:
- “ Protects coverage
 - An estimated 17,000 additional individuals will gain health insurance coverage under the waiver program
- “ Affordable
 - The cost of coverage will not change as a result of the waiver program
- “ Comprehensive
 - There will be no changes to benefits and services provided through existing programs as a result of the waiver program
- “ Deficit neutral
 - The waiver program will not result in additional costs to the federal government

TIMELINE

Milestone	Target Date
End of public comment period	September 6, 2016
Submit waiver application to HHS	Mid-September 2016
Application review by HHS and Treasury	November 2016 - April 2017
Waiver implementation period	May 2017 – June 2018
Open enrollment	November 2018 – January 2019
Coverage effective	January 1, 2019

PROCESS FOR PUBLIC INPUT AND SUBMISSION OF THE APPLICATION

- “ Covered California has posted the draft State Innovation Waiver application online on the [1332 Waiver webpage](#)
- “ The public commenting period will close on September 6, 2016 at 5 pm
- “ Comments can be submitted to Covered California by:
 - Email: 1332@covered.ca.gov, or
 - Mail: Mandy Garcia – 1601 Exposition Blvd. Sacramento, CA 95815
- “ The final application will be submitted to the Secretary of Health and Human Services in mid-September

REMOTE IDENTITY PROOFING REGULATIONS READOPTION

Tessa Hammer, Legal

REMOTE IDENTITY PROOFING REGULATIONS

- “ Section § 6464: Identity Verification Requirement
 - Applicants in the individual marketplace will be able to verify their identity via one of the following methods:
 - Paper application: Wet signature under the penalty of perjury
 - Visual Verification: Verification of identity through in-person review of proof of identity with Certified Representative which will be uploaded to CalHEERS **OR** mail or electronic transmission of proof of identity
 - Remote Identity Proofing: Experian generated questions through the Federal Data Services Hub.
- “ Program has expanded the list of acceptable documents that may be submitted as proof of identity for visual verification

REMOTE IDENTITY PROOFING REGULATIONS

- “ Proposed amendments to the identity verification regulations:
- “ § 6464 (c)(2)(A) Visual Verification
 - 1. An applicant shall mail, fax, present in person, or electronically transmit through CalHEERS to the Exchange or to a Certified Representative acceptable proof of identity as follows:
 - (i) A copy of a valid identification card issued by a federal, state, or local governmental entity that bears a recognizable photograph of the applicant or other identifying information of the individual such as name, age, sex, race, height, weight, eye color, or address, including U.S. passport, Driver’s license issued by state or territory, school identification card, voter registration card, Military Dependent’s identification card, Native American Tribal document, military identification card, U.S. military card or draft record, U.S. Coast Guard Merchant Mariner card, a Certificate of Naturalization (Form N-550 or N-570), Certificate of U.S. Citizenship (Form N-560 or N-561), Permanent Resident Card or Alien Registration Receipt Card (Form I-551), employment authorization document that includes a photograph (Form I-766), Foreign Passport or identification card issued by a foreign embassy or consulate that contains a photograph, or
 - (ii) Two of the following: a birth certificate, Social Security card, marriage certificate, divorce decree, employer identification card, high school or college diploma (including high school equivalency diplomas), property deed or title, an adoption decree for the adoptee, foreign school record that includes a photograph, notice from a public benefits agency, or a union or worker center identification card.

CERTIFIED APPLICATION COUNSELORS EMERGENCY REGULATIONS READOPTION

Drew Kyler, Branch Chief, Outreach and Sales Division

CERTIFIED APPLICATION COUNSELOR PROGRAM

- “ The U.S. Department of Health and Human Services amended the federal regulations implementing the Affordable Care Act that will take effect in 2017.
- “ Federally-facilitated Exchanges are required to implement all of the changes. Most of the changes are optional for State-based Exchanges such as Covered California.

CERTIFIED APPLICATION COUNSELOR PROGRAM

- “ Program proposes the following amendments to the Certified Application Counselor Program:
 - Counselors provide referrals to appropriate agency for enrollees with a grievance, complaint, or question regarding their health plan, coverage, or eligibility determination.
 - Counselors provide consumers with referrals to proper resources for tax advice and premium tax credit reconciliations.
 - Counselors inform consumers that they are not acting as tax advisors or attorneys and cannot provide tax or legal advice within their capacity as Certified Application Counselors.
 - The value of gifts provided to applicants and potential enrollees for purposes other than as an inducement for enrollment must not exceed nominal value, either individually or in the aggregate, when provided to that individual during a single encounter.

CERTIFIED APPLICATION COUNSELOR PROGRAM

- “ The Proposed Amendments to the CAC Regulations:
§6864 (a)(9) Roles and Responsibilities.
 - Provide referrals to any applicable office of health insurance Consumer Assistance or health insurance ombudsman established under Section 2793 of the Public Health Service Act, 42 U.S.C. § 300gg-93, or any other appropriate State agency or agencies, for any enrollee with a grievance, complaint, or question regarding their health plan, coverage, or a determination under such plan or coverage.

CERTIFIED APPLICATION COUNSELOR PROGRAM

- “ The Proposed Amendments to the CAC Regulations:
§6864 (a)(10) Roles and Responsibilities.
 - Provide referrals to licensed tax advisers, tax preparers, or other resources for assistance with tax preparation and tax advice related to consumer questions about the Exchange application and enrollment process, exemptions from the requirement to maintain minimum essential coverage and from the individual shared responsibility payment, and premium tax credit reconciliations.

CERTIFIED APPLICATION COUNSELOR PROGRAM

- “ The Proposed Amendments to the CAC Regulations:
§6864 (b)(3) Roles and Responsibilities.
 - Inform each consumer that Certified Application Counselors are not acting as tax advisers or attorneys when providing assistance as Certified Application Counselors and cannot provide tax or legal advice within their capacity as Certified Application Counselors.

CERTIFIED APPLICATION COUNSELOR PROGRAM

- “ The Proposed Amendments to the CAC Regulations:
§6864 (k)(5) Roles and Responsibilities.
 - The value of gifts provided to applicants and potential enrollees for purposes other than as an inducement for enrollment must not exceed nominal value, either individually or in the aggregate, when provided to that individual during a single encounter.

INDIVIDUAL ELIGIBILITY AND ENROLLMENT REGULATIONS EMERGENCY READOPTION

Bahara Hosseini, Legal

CHANGES TO THE SPECIAL ENROLLMENT PERIOD REGULATIONS

- “ A consumer may enroll in a QHP during special enrollment periods if:
 - A qualified individual gains a dependent or becomes a dependent through marriage or entry into domestic partnership, birth, adoption, placement for adoption, or placement in foster care, or through a child support order or other court order.
 - An enrollee loses a dependent or is no longer considered a dependent through divorce, legal separation, or dissolution of domestic partnership as defined by State law in the State in which the divorce, legal separation, or dissolution of domestic partnership occurs, or if the enrollee, or his or her dependent, dies.
 - A qualified individual, or his or her dependent, becomes newly eligible for enrollment in a QHP through the Exchange because he or she newly satisfies the citizenship/lawful presence or not incarcerated requirements specified in subdivisions (c) and (d) of Section 6472.

CHANGES TO THE SPECIAL ENROLLMENT PERIOD REGULATIONS

- “ All consumers applying during SEP using permanent move as a QLE are required to have had MEC for one or more days during the 60 days preceding the date of the permanent move to qualify.
 - Exceptions:
 - Newly income-eligible for APTC/CSR as a result of a permanent move to CA from a non-Medicaid expansion State;
 - Permanent move to CA from outside of the U.S. or from a U.S. territory

COVERED CALIFORNIA FOR SMALL BUSINESS ELIGIBILITY AND ENROLLMENT REGULATIONS EMERGENCY READOPTION

Kirk Whelan, Director, Outreach and Sales Division

REGULATIONS EMERGENCY READOPTION

- “ Covered California was granted authority by the Legislature to continue its emergency rulemaking authority through January 1, 2019 for the eligibility and enrollment (E&E) regulations for the Individual and Small Business Exchanges.
- “ CCSB seeks to make changes to the Small Business Health Options Program (SHOP) E&E regulation package to:
 - Clean up language
 - Simplify requirements
 - Align all elements with current state and federal law
- “ CCSB’s partners and stakeholders were provided the opportunity to review and comment on the proposed changes. CCSB responded directly to all partners and stakeholders who provided comments and questions regarding the proposed changes.

HIGHLIGHTS TO PRIMARY PROPOSED CHANGES

Section and Title	Proposed Changes
Section 6520 Employer and Employee Application Requirements	Simplifies certain elements and also clarifies additional requirements necessary for enrollment in CCSB.
Section 6522 Eligibility Requirements for Enrollment in the SHOP	Clarifying modifications and new language to align with federal requirements surrounding a change in an employer's principal business location during the plan year.
Section 6528 Initial and Annual Open Enrollment Periods for Qualified Employees	Simplifying the renewal process for employers that are affected by discontinuing health plans.
Section 6530 Special Enrollment Periods for Qualified Employees and Dependents	Revises elements to match current requirements in federal law for special enrollment periods.
Section 6532 Employer Payment of Premiums	Clarifies and makes specific payment threshold necessary for effectuation and to avoid delinquency, and establishes collection processes for overdue payments or those returned payments due to a dishonored check.
Section 6538 Disenrollment and Termination	Aligning language with federal notice requirements for termination.