



Comments to the Board - External

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August 18, 2016 Board Meeting

FOR PUBLIC DISTRIBUTION

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August 16, 2016

Diana S. Dooley
Chair, Board of Directors
Covered California
1601 Exposition Boulevard
Sacramento, CA 95815

**RE: Section 1332 State Innovation Waiver proposal for undocumented immigrants
REQUEST FOR APPROVAL**

Dear Chair Dooley:

Advancement Project thanks you for your leadership in increasing health care coverage for all Californians, and respectfully requests your approval of State Innovation Waiver under Section 1332 of the Affordable Care Act to allow individuals to purchase health plans from Covered California who are otherwise ineligible because of their immigration status.

This proposed 1332 State Innovation Waiver seeks to offer new health insurance options called California Qualified Health Plans (CQHPs) for undocumented individuals ineligible to purchase Qualified Health Plans (QHPs). These new health plans are comparable to QHPs and are not subsidized. The proposed waiver meets all of the Section 1332 State Innovation Parameters as well, which include: equivalent or greater scope of coverage, equivalent or greater affordability of coverage, equivalent comprehensiveness of coverage, deficit neutrality, no impact on federal administrative functions, and meaningful public input.

The proposed waiver intends to expand the health care market in California for undocumented residents, families in particular. Undocumented residents often live with children or other family members who are citizens or legal residents. Approximately 13 percent of school-aged children in California have an undocumented parent.¹ These families, known as mixed-status families, have members who are excluded from purchasing health insurance programs in California. Research has shown that when insured children have insured parents, the entire family's likelihood of appropriately using health care increases, especially with check-ups and other preventive care.² Also, to maximize the benefits of last year's investment and legislation, SB 4 (Lara – Chapter 709, Statutes of 2015), to expand health care coverage for undocumented children, there needs to be comparable expansions in coverage for undocumented adults as well.

Approximately 1.7 million people living in California are uninsured and ineligible for benefits from the Affordable Care Act due to their immigration status. While affordability is still a large factor in addressing the needs of the uninsured population, an estimated 17,000 Californians would gain coverage as a result of the waiver because they have the means and are willing to purchase coverage but are denied simply because of the citizenship requirement.³

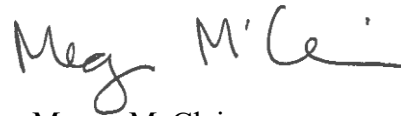
Advancement Project believes that health care is a basic human right to which everyone should have access, regardless of one's race, ethnicity, income, or immigration status. Families should not be further punished for their immigration status through lack of proper health care coverage. This waiver is a smart and economical approach to a public health problem, which would keep families healthier through accessible, preventive, and timely care. Though only a small fraction of undocumented residents will have the means to purchase insurance through Covered California, this is a meaningful and symbolic step toward California caring for ALL residents that contribute to the fabric of our state.

Advancement Project strongly supports this practical and reasonable waiver and respectfully requests your approval to send it to the feds. We acknowledge and appreciate the work of the Covered California staff and community partners with creating this waiver, and thank you for making California a trailblazer in offering an attainable solution for covering undocumented immigrants.

Sincerely,



John Kim
Executive Director



Megan McClaire
Director of Health Equity

cc: Members, Covered California Board of Directors

¹ Public Policy Institute of California. (June 2015). *Just the Facts: Undocumented Immigrants*. Available online at: <http://www.ppic.org>

² Center on Budget and Policy Priorities and the Georgetown University Center for Children and Families. 2013.

"Expanding Coverage for Parents Helps Children" <http://www.cbpp.org/sites/default/files/atoms/files/expanding-coverage-for-parents-helps-children7-13.pdf>

³ UCLA Center for Health Policy Research, and UC Berkeley Center for Labor Research and Education (2014). *California Simulation of Insurance Markets Statewide Data Book 2015-19*. Version 1.91. Data Book.

<http://healthpolicy.ucla.edu/publications/Documents/PDF/2014/calsimdatobook-may2014.pdf>

Comment Received via E-mail

Public Comment re 1332 Waiver

This is to encourage the Covered California Board to support the 1332 waiver on the agenda for August 18, Item V-A. Immigrants deserve health care!

Peggy Elwell
Low-Income Self-Help Center



August 17, 2016

The Honorable Diana Dooley, Chair, Board of Directors
 Peter Lee, Executive Director
 Covered California
 1601 Exposition Blvd.
 Sacramento, CA
 Via-email to: boardcomments@covered.ca.gov

Re: Draft Application for Section 1332 Waiver - Support

Dear Ms. Dooley and Mr. Lee,

Our organizations write in support of the draft application of Covered California for a Section 1332 waiver of the Affordable Care Act to permit undocumented Californians to purchase California Qualified Health Plans from Covered California. This waiver of the requirement that Covered California sell only Qualified Health Plans by allowing Covered California to sell mirrored products called “California Qualified Health Plans” will allow undocumented Californians and those eligible for Deferred Action for Childhood Arrivals (DACA) the opportunity to walk in the front door of Covered California and buy coverage in the same way as every other Californian.

California has been a national leader in not only implementing the Affordable Care Act but also improving on it. This state has implemented the active purchaser role of Covered California, expanded Medi-Cal to undocumented children and childless adult Newly Qualified Immigrants and made innumerable changes in insurance market rules beyond what was required by the Affordable Care Act. This waiver application, to waive a specific provision of the Affordable Care Act, if approved, can be another example of California's effort to improve on the provisions of federal law.

The legislation that authorized this waiver, SB 10 (Lara), was approved by bipartisan, two-thirds majorities of both houses of the California Legislature. Approval of the waiver would allow immigrant families and families with mixed immigration status to obtain coverage by purchasing it from Covered California.

Public Process

Prior to the development of the current waiver application, Covered California heard public testimony at numerous public board meetings about the importance of Section 1332 waivers and specifically about the importance of a waiver to allow those who are undocumented and those granted relief under the Deferred Action for Childhood Arrivals (DACA) to obtain coverage through the exchange.

Covered California also held several additional public meetings, including one that involved both the California Medicaid agency, the Department of Health Care Services, and the California Health and Human Services Agency, to hear from experts as well as public comment about a Section 1332 waiver.

We offer this letter as part of the public record for the August 18, 2016 Covered California public board meeting.

Deficit Neutrality, Affordability, Comprehensiveness and Scope of Coverage

Policy and legal experts among our organizations have reviewed the waiver application, including the appendices on deficit neutrality, affordability, comprehensiveness and scope of coverage. We concur with the conclusions of these experts that this waiver meets the criteria for a Section 1332 waiver.

Covered California, and the health policy community in California, has relied on the CalSIM model to provide California-specific modeling that meets national standards to project the possible impacts of health reform proposals as well as the projected impacts of the implementation of the Affordable Care Act. The application is further strengthened by consultation with academic experts on immigration impacts which are particularly germane to this application.

No Federal Funds: Californians Using Their Own Money

This waiver application requires no federal funds. Individual Californians who are ineligible for federal subsidies by reason of immigration status will be expected to use their own funds to purchase coverage, without advanced premium tax credits or cost sharing reduction assistance. We note that the waiver application reflects the reality that some undocumented Californians and DACA recipients already purchase individual coverage in the outside market using their own funds.

This waiver application does not seek federal funds but simply gives another group of Californians the opportunity to purchase coverage, using their own dollars. This is the same opportunity that other Californians over 400% Federal Poverty Level have today.

Marketing and Outreach to Diverse Communities

From its inception, Covered California has engaged in marketing and outreach to the diverse communities of California, which include immigrant families and families with mixed immigration status as well as targeted efforts to Latino, African American, Asian American, Native Hawaiian and Pacific Islander populations. Since 2013, Covered California has invested hundreds of millions of dollars communicating to Californians the importance of having health coverage and the availability of new coverage options. Many of our organizations have joined in these outreach and education efforts.

Covered California's efforts were further amplified by additional outreach to those who were potentially Medicaid eligible, which included mixed immigration status families.

California's Record of Immigrant Inclusiveness

This waiver application continues California's longstanding record of inclusiveness for our immigrant communities, in both health care and other policy areas.

In health care, California has:

- Provided full-scope Medicaid coverage to newly qualified immigrants, present in this country for less than five years and who meet other Medicaid eligibility requirements such as income and categorical eligibility;
- Provided full-scope Medicaid coverage for pregnancy to undocumented women who are income eligible; and
- Recently expanded full-scope Medicaid coverage to undocumented children who are income-eligible.

In other policy areas, California has:

- Since 2002, allowed undocumented students to pay in-state tuition at public institutions of higher learning;
- Provided state financial aid and scholarship opportunities to undocumented students since 2012;

- Restored access to driver’s licenses to all Californians, regardless of immigration status; and
- Provided state funding to support education, outreach and application programs for immigrants eligible for naturalization and deferred action (One California: Immigrant Integration Services).

This waiver builds on the long record of immigrant inclusion in California and within that tradition is a modest step forward.

Conclusion

Our organizations strongly support the application by Covered California for a Section 1332 waiver of the ACA provision requiring Covered California to sell only Qualified Health Plans. This will allow Covered California to sell California Qualified Health Plans so that all Californians, regardless of immigration status, are able to obtain health coverage through our state marketplace, Covered California. California has been a national leader in implementing, and improving on, the Affordable Care Act: this waiver application is another step forward.

Sincerely,

Alliance for Boys and Men of Color
 American Academy of Pediatrics
 Asian Americans Advancing Justice - Los Angeles
 Asian Law Alliance
 ASPIRE
 CaliforniaHealth+ Advocates
 California Black Health Network
 California Coverage and Health Initiatives
 Californians for Disability Rights, Inc.
 California Health Professional Student Alliance
 California Immigrant Policy Center
 California Latinas for Reproductive Justice
 California Pan-Ethnic Health Network
 California Partnership
 California Physicians Alliance (CaPA)
 California Primary Care Association
 California Rural Legal Assistance Foundation
 Centro Binacional Para El Desarrollo Indígena Oaxaqueño
 Children's Defense Fund-California
 Children Now
 Clinica Romero
 Coalition for Humane Immigrant Rights of Los Angeles
 Community Health Councils
 Community Health Initiative of Orange County

Community Health Partnership
Congress of California Seniors
Fathers & Families of San Joaquin
Filipino Youth Coalition
Fresno Center for New Americans
Having Our Say!
Health Access California
Healthier Kids Foundation
KRC Korean Resource Center
Latino Coalition for a Health California
Law Foundation of Silicon Valley
Long Beach Immigrant Rights Coalition
Los Angeles Immigrant Youth Coalition
Maternal and Child Health Access
Multi-faith ACTION Coalition
National Council of La Raza
National Health Law Program
National Immigration Law Center
NICO Chinese Health Coalition
One LA IAF
PICO CA
Pre-Health Dreamers
Public Citizen
Public Law Center
Redwood Community Health Coalition
Santa Clara Valley Health & Hospital System
Services, Immigrant Rights, and Education Network
SEIU
SEIU 521
SEIU-UHW
Silicon Valley Council of Nonprofits
Somos Mayfair
South Asian Network
Southeast Asia Resource Action Center
The Children's Partnership
The Wall Las Memorias
Tongan Community Service Center
United Farm Workers Foundation
United Ways of California
UPLIFT
Vision y Compromiso
Western Center on Law and Poverty
Working Partnerships USA
Young Invincibles



CHILDREN NOW



PICO California



August 16, 2016

Diana Dooley, Chair, Board of Directors
Peter Lee, Executive Director
Covered California
1601 Exposition Boulevard
Sacramento, CA 95815

Re: Draft Application for Section 1332 Waiver—SUPPORT

Dear Ms. Dooley and Mr. Lee:

Our organizations write in support of the draft application of Covered California for a Section 1332 waiver to permit undocumented Californians to purchase California Qualified Health Plans from Covered California. Put simply—this waiver proposal will help California kids.

As noted in the University of California Berkeley Labor Center’s analysis attached to the application, about 1,200 children will gain coverage through the proposed Covered California’s “California Qualified Health Plans” (or 6% of the estimated 17,000 individuals who will enroll in coverage as a result of this 1332 proposal). Furthermore, as also noted in the application, children already enrolled in coverage are more likely to get the preventive care they need once their parents also have coverage, contributing to a healthier population of California children.

This waiver proposal builds on the foundation of California’s ongoing commitment to cover the remaining uninsured. Just this year, California implemented a historic expansion of Medi-Cal coverage (SB 75). This expansion, coined Health4All Kids by community members and advocates, ensures that all low-income children in California, regardless of immigration status, qualify for comprehensive Medi-Cal coverage. After only three months into implementation, 133,000 children have already been enrolled into full coverage. This early success includes many of the children who would be newly eligible for coverage under this 1332 waiver opportunity.

Our organizations strongly support the application by Covered California for a Section 1332 waiver as another important step in creating a culture of inclusion and coverage for all California families. If we can be of any assistance to you in pursuing this federal waiver, please do not hesitate to ask.

Sincerely,

Ted Lempert
President
Children Now

Corey Timpson
Director
PICO California

Mark Diel
Executive Director
California Coverage & Health Initiatives

Mayra Alvarez
President
The Children’s Partnership

Peter Manzo
President & CEO
United Ways of California

Alex Johnson
Executive Director
Children’s Defense Fund–California