



Consumer & Small Employer Advisory Committee

August 23, 2016

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Section 1332 Waiver

- **Intent:** Permits states to seek federal approval to waive certain key requirements of the ACA.
- **“Innovation” waiver**
- **Potential waiver areas include requirements that:**
 - Individuals maintain health insurance coverage;
 - Exchanges perform certain functions;
 - Benefits of plans offered on exchange meet certain standards.

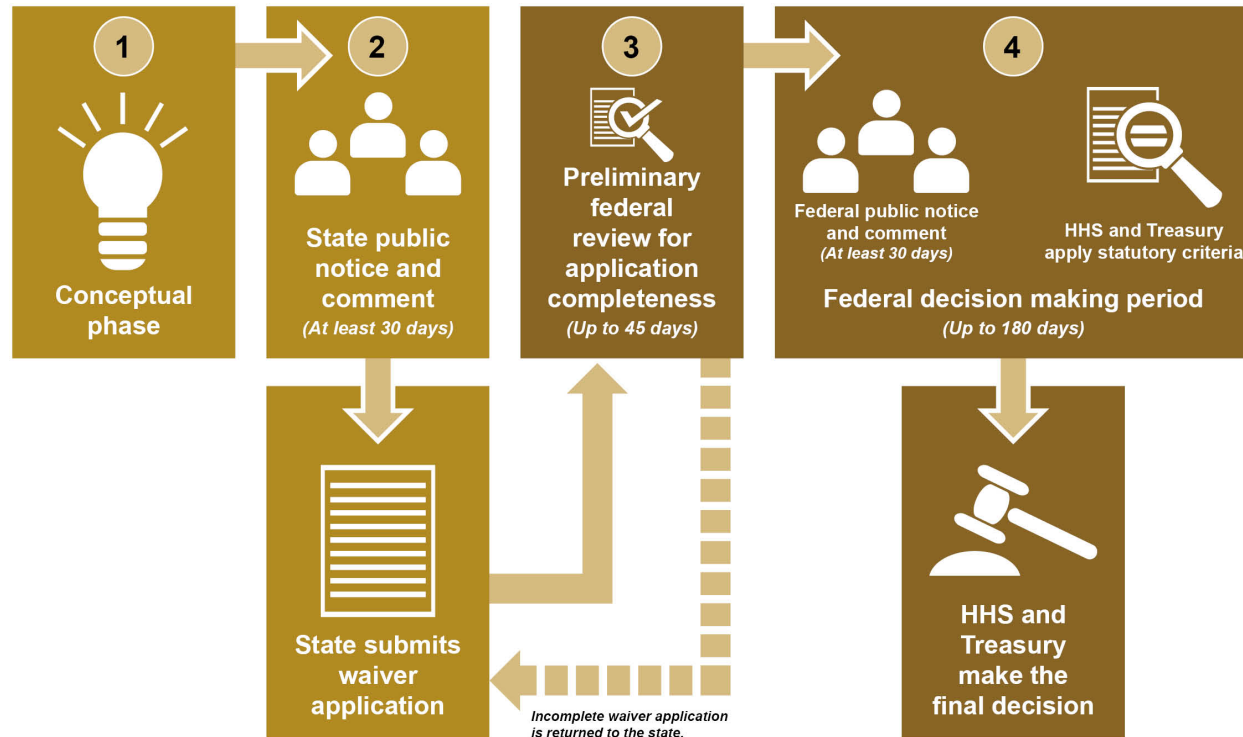
1332 Waiver Criteria

- Demonstrate that waiver will result in coverage that is:
 - At least as available without the waiver;
 - Comprehensive;
 - As affordable as would be without the waiver;
 - Will not increase the federal deficit
- Approved waivers could begin January 2017
 - None approved as of August 2016

Type of Requirements to Waive

- Individual mandate
- Employer penalties
- Exchanges
- Covered benefits
- Premium tax credits
- Cost-sharing reductions

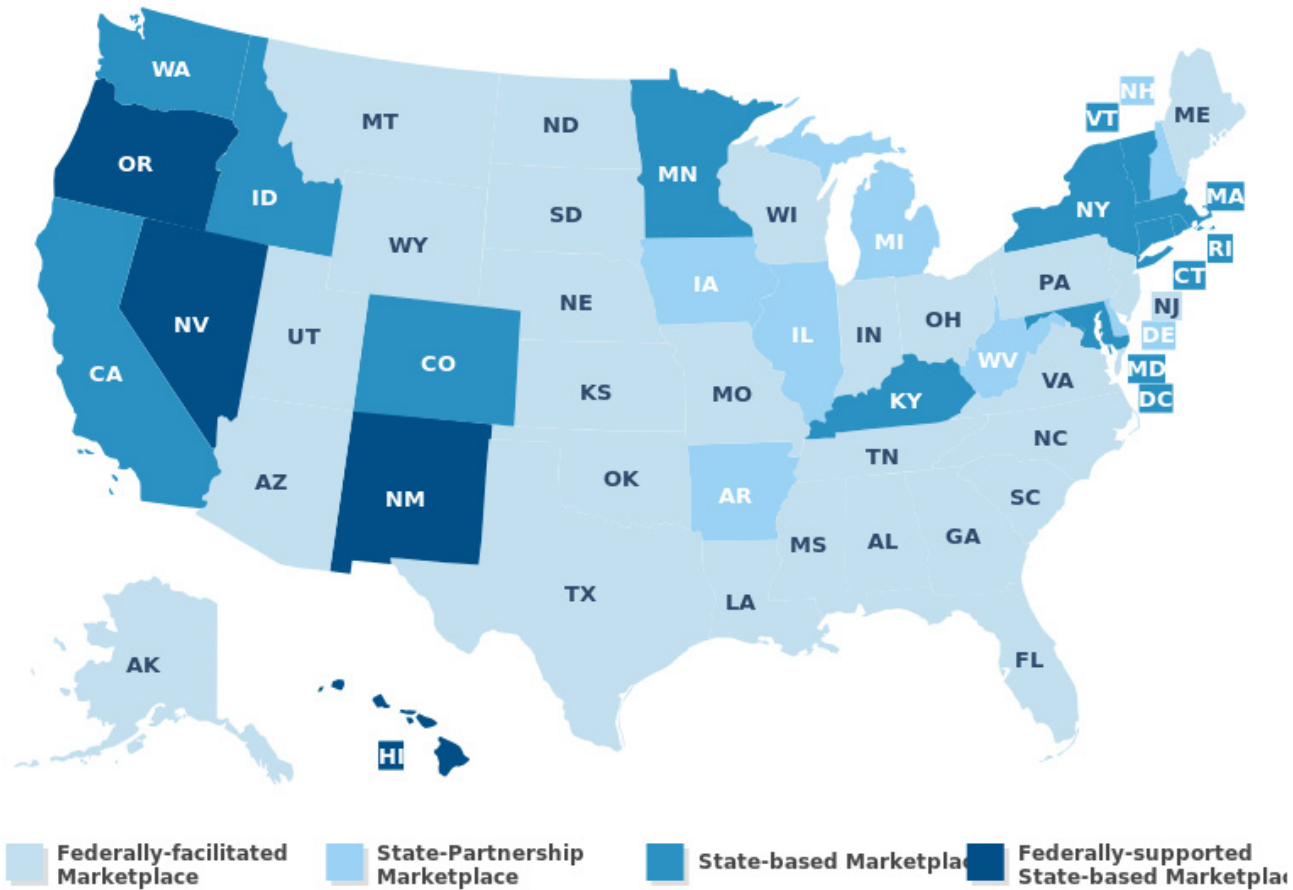
Section 1332 Waiver Approval Process



- 1 The states are encouraged to contact HHS and Treasury to discuss specific waiver proposals and to establish a reasonable timeframe for the submission of an application and the effective date of an approved proposal.
- 2 The state must provide a public notice and comment period that is sufficient to ensure a meaningful level of public input. The state must make an application description available to the public, as well as information about how to comment and when the state has scheduled public hearings. States must hold public hearings to provide interested parties the opportunity to learn about and comment on the application.
- 3 HHS and Treasury make a preliminary determination about whether the application is complete. If not complete, HHS sends the state a written notice of the elements missing from the application.
- 4 Upon determining that an application is complete, HHS makes the waiver application and supplemental materials available to the public, and provides information about how to submit comments. Concurrently, HHS and Treasury assess the state's waiver proposal, applying the four approval criteria. The Departments also determine the amount of federal funds that would be available to states to implement the waiver. PPACA requires that the Departments make a decision about whether to approve the state's waiver proposal within 180 days of receiving a complete application.

Source: GAO. | GAO-16-637R

State of the State Exchanges



2016 Legislative Session

- Some “innovation” waiver exploration included...
 - Small business access to tax credits off-exchange
 - Public option and/or increase of MNCRE
 - Expansion of SEGIP to non-state employees
 - Reduction of geographic rating areas
 - Alternate OEPs



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