

April 18, 2018

Randy Pate
Director
Center for Consumer Information and Insurance Oversight
Centers for Medicare and Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

RE: Request for Modifications to Marketplace Application Process to Prevent Loss of Comprehensive Indian-Specific Cost-Sharing Protections for AI/ANs

Dear Director Pate:

I write on behalf of the Tribal Technical Advisory Group (TTAG) to the Centers for Medicare and Medicaid Services (CMS) to bring your attention to the significant number of American Indians and Alaska Natives (AI/ANs) who enroll in health plans through the Health Insurance Marketplace but do not receive the comprehensive Indian-specific cost-sharing protections guaranteed to them under the Affordable Care Act (ACA). This letter is a follow-up to a discussion we had at the most recent TTAG quarterly meeting and to a subsequent discussion between TTAG technical representatives and CMS staff on this topic.

Specifically, the TTAG has concerns that eligible AI/ANs who are in families with non-eligible individuals (e.g., non-AI/ANs) do not receive adequate notice about the need to enroll in a different plan than their non-Indian family members to secure these cost-sharing protections. This lack of notice likely has led to thousands of AI/ANs receiving only the partial cost-sharing reductions (CSRs) available to the general population (or no CSRs at all), rather than the comprehensive protections for which they would otherwise qualify.

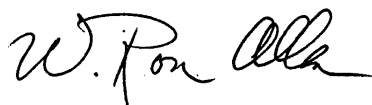
The TTAG advises CMS on Indian health policy issues involving Medicare, Medicaid, the Children's Health Insurance Program (CHIP), and any other health care programs funded (in whole or part) by CMS. In particular, the TTAG focuses on providing policy advice to CMS regarding improving the availability of health care services to AI/ANs under these federal health care programs, including through providers operating under the health programs of the Indian Health Service (IHS), Tribes, Tribal organizations, and urban Indian organizations (I/T/Us).

The TTAG recognizes and appreciates the past efforts of CMS to guarantee that eligible AI/ANs receive the comprehensive Indian-specific CSRs to which they are entitled under federal law, but we believe that the agency can take additional steps to protect AI/ANs. In the attached letter, the

IHS Tribal Self-Governance Advisory Committee (TSGAC) makes recommendations for modifications to the Marketplace (HealthCare.gov) application process to ensure that AI/ANs understand fully the implications of enrolling family members in the same or different plans with respect to their eligibility for cost-sharing protections. The TTAG fully supports and asks CMS to implement these recommendations.

Thank you for the opportunity to express our concerns about access to the comprehensive Indian-specific CSRs for eligible AI/ANs. As always, we appreciate the continuing efforts by CMS to ensure that eligible AI/ANs receive these cost-sharing protections. The TTAG remains willing to assist CMS in these endeavors in any way possible. The TTAG remains willing to assist CMS in these endeavors in any way possible. Please contact Melissa Gower, Chair of the TTAG ACA Policy Subcommittee, at Melissa.Gower@chickasaw.net if you have any questions on the issues addressed in these comments.

Sincerely,

A handwritten signature in black ink that reads "W. Ron Allen". The signature is written in a cursive, flowing style.

Ron Allen
Chair, Tribal Technical Advisory Group

Cc: Kitty Marx, Director, CMCS Division of Tribal Affairs, Centers for Medicare and Medicaid Services

Attachment: Letter from the IHS TSGAC to the TTAG, "Recommendations for Improved Communication on Special Rule for Family Policies to AI/AN Marketplace Applicants to Prevent Loss of Comprehensive Indian-Specific Cost-Sharing Protections," dated April 10, 2018.