

Tribal Technical Advisory Group

To the Centers for Medicare & Medicaid Services

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Transmitted via e-mail: Jeff.Wu@cms.hhs.gov

May 4, 2022

Mr. Jeff Wu
Deputy Director for Policy
Center for Consumer Information and Insurance Oversight
Department of Health and Human Services
200 Independence Ave, SW
Washington, DC 20201

Re: Tribal Technical Advisory Group Comments on American Indian and Alaska Native (AI/AN) Enrollment Data for Health Insurance Marketplaces (2021)

Dear Deputy Director Wu:

On behalf of the Tribal Technical Advisory Group (TTAG) to the Centers for Medicare and Medicaid Services (CMS), I write to provide our comments on the most recent report (dated January 2022) on American Indians and Alaska Natives (AI/ANs) enrolled in health insurance coverage through the Health Insurance Marketplaces established under the Patient Protection and Affordable Care Act (Affordable Care Act or ACA).

Since 2014, TTAG and CMS/CCIIO have worked together to ensure that eligible AI/ANs receive the comprehensive Indian-specific cost sharing reductions (CSRs) to which Tribal citizens are entitled. TTAG technical representatives had an opportunity to review the 2022 data and provide analysis and comparison to the data provided from previous years. An analysis of data from the CMS¹ indicates that:

- For Tribal members, enrollment in the Federally Facilitated Marketplace (FFM) increased by 13.5% from 2020 to 2021 –
 - Enrollment of other Indian Health Service (IHS)-eligible individuals rose by 5.3%.
 - When combining the two populations, FFM enrollment of AI/ANs increased by about 7,500, or 11.0%, from 2020 to 2021.
 - In contrast, among the general population, FFM enrollment rose by 5.2% from 2020 to 2021.
- Enrollment gains in the FFM varied by state, with six states (Arkansas, Kansas, Mississippi, South Dakota, Texas, and Wyoming) showing a 20% or greater increase in enrollment of Tribal members and other IHS-eligible individuals and other states

¹ For the CCIIO Marketplace data, enrollment counts are gathered in two ways: (1) the number of individuals enrolled on the report date for a given year (e.g., January 2, 2022, for 2021) and (2) the number of individuals enrolled at any time during that year.

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showing more modest gains, holding flat, or declining (measured by *enrollment levels on the report run date*).

- In 2021, the total number of Tribal members and other IHS-eligible individuals enrolled in (FFM and SBM) Marketplace coverage *at some point during the year* neared 106,000, a 3.5% increase from 2020.

Earlier this month during the TTAG meeting, recommendations were presented to CMS/CCIIO with the aim to further efforts to help AI/ANs secure comprehensive health insurance coverage through the Marketplace, as well as ensure that AI/ANs receive the most generous cost-sharing available. These specific recommendations include the following:

1. Request CMS continue to gather and report on annual Marketplace enrollment metrics and working with CMS to evaluate whether the change in report run dates is impacting the accuracy of the data;
2. Request CMS provide a one-time report to determine the extent to which Tribal member Marketplace enrollees not receiving the comprehensive Indian-specific cost-sharing protections are not receiving these protections because they are enrolling in plans with non-Tribal members;
3. Request CMS provide a one-time report to determine the extent to which “other IHS-eligible individuals” enrolled in Marketplace bronze plans would qualify for the general cost-sharing protections if enrolling in a silver plan; and
4. Sample T/TO programs, and request data from CMS, to determine the extent to which health plans are providing the comprehensive Indian-specific cost-sharing protections to Tribal members enrolled in zero or limited cost-sharing variation plans.

We ask that CCIIO continue to work with TTAG on the above recommendations. If you have any questions or would like further detailed information on our analysis, please do not hesitate to contact me at 206-369-6699 or via email at: rallen@jamestowntribe.org. Thank you for your time and consideration.

Sincerely,



W. Ron Allen
Chairman and CEO, Jamestown S’Klallam Tribe
Chairman, Tribal Technical Advisory Group

Cc: Kitty Marx, Director, CMS Division of Tribal Affairs