

Coverage4All and the Section 1332 Waiver February 17, 2023



Medicaid
Medicaid Matters New York
Matters



New York State's §1332 Waiver Application

What it is and how to get involved

February 17, 2023

What are Sections 1331 and 1332 of the Affordable Care Act?

Federal law allows states to file “Waivers” to improve health coverage

1

**Basic
Health
Program**

(Section 1331 of the ACA)

2

**State
Innovation
Waiver**

(Section 1332 of the ACA)

3

Medicaid

(Section 1115 of the
federal Medicaid Statute)

The Basic Health Program (§1331)

- Essential Plan launched in NY in 2015; now has 1 million enrollees
 - Aliessa immigrants' transition to BHP saves the state \$1 billion annually
- Income eligibility: 0-200% of Federal Poverty Level (FPL)
 - Must be ineligible for Medicaid (e.g., Aliessa immigrants)
- Age: 19-64
 - Up to 19, enroll in CHP; Over 65, enroll in Medicare or QHP
- Costs: No premiums, no deductible & low cost-sharing
- Coverage: 10 essential benefits, vision & dental
- Immigration rules: Lawfully present
- Financing: BHP Trust fund (95% of what state would get for APTC/CSRs) → \$9 billion surplus and increasing

**New York's
BHP is
called the
Essential Plan**



NY's State Innovation Waiver Proposal (§1332)

- Draft for comment issued on February 9, 2023
 - Comments **DUE MARCH 11, 2023**
- Income: Increases income eligibility up from 200% to 250% of the FPL
- Enrollment:
 - 20,000 currently uninsured
 - 70,000 QHP enrollees will move over to cheaper coverage
 - Little disruption: 300 Oscar enrollees would lose their QHP
- Premiums: \$15 per month, maximum out of pocket \$2,000
- Pregnant people stay in EP, newborns automatically enrolled into Medicaid (Newborns new MA limit 250% of FPL)
- **Omits ineligible immigrants—more later**

**The proposal
to expand
New York's
Essential Plan**

Financing NY's State Innovation §1332 Waiver Proposal

- Financing:
 - Suspension of the Section 1331 Basic Health Program for 5 years (up to 10)
 - Uses the Basic Health Program Trust fund's \$9.1 billion surplus
 - Establishes a “passthrough” funding (BHP Surplus funds + PTC for the new eligibles + on-going annual BHP funding, less employer responsibility fees) to fund the Section 1332 program for people 0-250% of FPL



Pros & Cons of the § 1332 Waiver Proposal

Pros



- Better affordability for people between 200-250% of FPL
 - This group will save \$7,400 a year!
- Medicaid for newborns up to 250% of FPL

Cons

- Leaves out immigrants who are currently ineligible
 - DACAs, residual PRUCOLs, undocumented
- People with higher incomes (over 600% of FPL) will experience higher premiums
 - .5%-2.2% premium increase
- Reduces choice (no Oscar!)
- Bad for state budget (slide 10)

Concerns with State's §1332 Waiver proposal

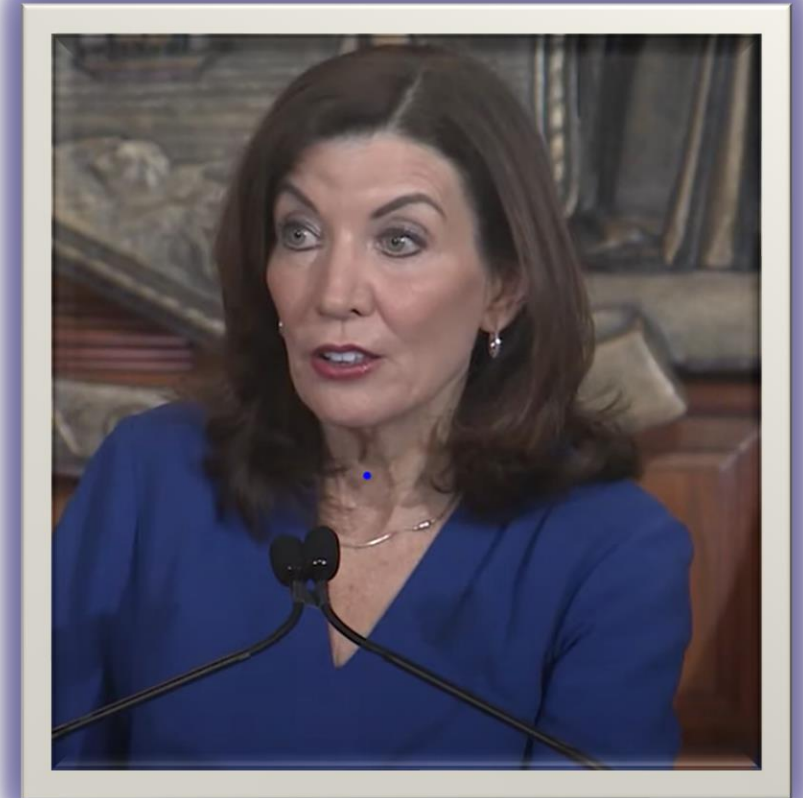
Hochul Administration commits to include immigrants in FY 23 Budget Deal – No backsies!

Governor Hochul Statement in April 7, 2022 budget briefing to the press said:

“We said we would reach out to the federal government and ask for a waiver...under the Essential Plan” for Coverage4All, noting that Emergency Medicaid is not “ideal” coverage.

State Department of Health Budget Slide Deck:

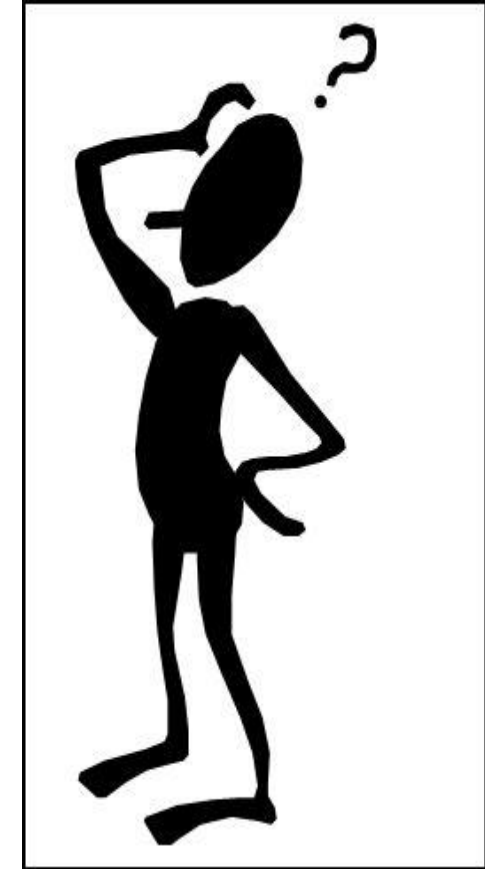
“Undocumented immigrants – Administrative. DOH will seek a federal waiver to expand EP to cover undocumented immigrants ages 19-64.”



Sources: Hochul Press briefing: <https://www.youtube.com/watch?v=Ysb38zrpx6Q&t=2066s>
NYSDOH “2022-23 Enacted Medicaid Budget Briefing and Questions & Answers (April 2022)”

Why omitting immigrants is inexplicable

- **Fiscal prudence**
- Covering immigrants would be FREE to NY – the feds pay for it!
- Covering immigrants would SAVE money for New York, NYC, and providers:
 1. State currently spends \$500 million a year on Emergency Medicaid program for immigrants 0-138% who cannot enroll in coverage. The State could use that money for other items.
 2. Providers spend \$1,174 per person per year on uncompensated care, \$293 million + better reimbursement rates for EP than ER Medicaid (or nothing if higher income)
 3. NYC spends \$100 million on NYC Care
 4. Immigrants have better risk, so the state would be better off if included in waiver, we would get more people in, generating more revenue to fund the program b/c financing is based on QHP
- **Other States cover immigrants:** Colorado, Washington (§1332), California & Illinois (Medicaid)
- **Providing health coverage is the right thing to do:** It improves individuals' mortality and morbidity rates; it increases their financial security; it improves their mental health; and it promotes health equity



How to make your voice heard

Comment by March 11, 2023

- The State is required to gather comments on its §1332 waiver proposal.

- Here are ways that you can comment:

1. Coverage4All Action Network site: 

<https://actionnetwork.org/letters/gov-hochul-use-9-billion-surplus-to-pay-for-health-coverage-for-all-new-yorkers?source=MRNY>

2. State survey link:

<https://deloitteurvey.deloitte.com/Community/se/3FC11B261AF2A434>

- Check the box “oppose”
- Add comments stating you oppose because the Waiver excludes immigrants

3. Email your comment to: nysoh.team@health.ny.gov



Sign up to testify by 2/20/23

Wednesday, February 22, 2023 at 1:00 PM

- Registration link:

<https://meetny.webex.com/weblink/register/r9b97d4c0bdb3d30931faaa9c44e913e1>

Thursday, February 23, 2023 at 12:00 PM

- Registration link

<https://meetny.webex.com/weblink/register/r3769e6dcad0c4d2f9f27fbeee83e2fe>

Note: Individuals who wish to provide comment will need to register with an "SP" in front of their name to indicate they want to speak (ex: SP Jane Doe) when registering for the WebEx meeting.

- Individuals will speak in the order of registration. All verbal comments will be limited to five minutes per presenter to ensure that all public comments may be heard.

Sign the Coverage4all Petition



Sign the Coverage4All petition to ensure that C4A is included in the final state budget:

<https://p2a.co/BIPK2wE>



Get involved in the Coverage4All Campaign

1. Bilingual Community phone banking, Tuesday, 2/21 @ 12pm via zoom.
 - Registration not required: <https://bit.ly/C4Aphonebank>
 - List of callers and script provided
 - Phone banking spreadsheet (updated Tuesdays): bit.ly/C4Aphonebankinglist
2. C4A Coalition meeting, Thursday, 2/23@ 4pm, email Arline to sign up for Coalition Calls & to receive email updates: arline.cruz@maketheroadny.org
1. March 1st: [Coverage4All Rally and Lobby day](#) - We will be mobilizing community members from NYC and other areas. Stay tuned, but mark your calendars!



**Join our fight for
#Coverage4All**

March 1, 2023

New York State Capitol

Want more information about this event, actions,
and ways to get involved?
Scan the QR code below!



For more information, visit www.coverage4all.info

**“The fight is never about grapes
or lettuce.
It is always about people.”**

— Cesar Chavez