September 2, 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,

Access Women’s Health Justice
Alliance for Boys and Men of Color
American Academy of Pediatrics – California
Asian & Pacific Islander American Health Forum
Asian Americans Advancing Justice - Los Angeles
Asian Law Alliance
Asian Pacific Policy & Planning Council (A3PCON)
ASPIRE
Association of Asian Pacific Community Health Organizations
California Black Health Network
California Coverage and Health Initiatives
California Health Professional Student Alliance
California Immigrant Policy Center
California Latinas for Reproductive Justice
California National Organization for Women
California Pan-Ethnic Health Network
California Partnership
California Physicians Alliance (CaPA)
California Rural Legal Assistance Foundation
CaliforniaHealth+ Advocates
Californians for Disability Rights, Inc.
Campaign for a Healthy California (CHC)
Centro Binacional Para El Desarrollo Indígena Oaxaqueño
Children Now
Children's Defense Fund-California
Clergy and Laity United for Economic Justice: Creating a Just and Sacred Society (CLUE)
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
Consumer Federation of California (CFC)
Consumers Union
Doctors for America – California
Dolores Huerta Foundation
Dream Team Los Angeles
Ensuring Opportunity Campaign to End Poverty in Contra Costa
Esperanza Community Housing Corporation
Fathers & Families of San Joaquin
Filipino Youth Coalition
Fresno Center for New Americans
Having Our Say!
Health Access California
Healthier Kids Foundation
Healthy Richmond
Inland Empire Immigrant Youth Coalition (IEIYC)
Kheir Clinic
Korean Community Center of the East Bay
Korean Community Services
KRC Korean Resource Center
La Clinica de La Raza
Latino Coalition for a Health California
Latino Health Access
Law Foundation of Silicon Valley
Little Tokyo Service Center Sent a Logo, but unable to view/download it
Long Beach Immigrant Rights Coalition
Los Angeles Immigrant Youth Coalition
LULAC
Maternal and Child Health Access
Merced Lao Family Community, Inc.
Multi-faith ACTION Coalition
National Council of La Raza
National Health Law Program
National Immigration Law Center
NICOS 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
SEIU
SEIU 521
SEIU 721
SEIU-UHW
Services, Immigrant Rights, and Education Network
Silicon Valley Council of Nonprofits
Single Payer San Joaquin
Somos Mayfair
South Asian Network
Southeast Asia Resource Action Center
Thai Community Development Center
The Cambodian Family Community Center
The Children's Partnership
The Council Of Mexican Federations
The Greenlining Institute
The New You Center, Inc.
The Wall Las Memorias
Tongan Community Service Center
United Farm Workers Foundation
United Ways of California
UPLIFT
USW Local 675
Vision y Compromiso
Western Center on Law and Poverty
Women's Health Specialists of California
Working Partnerships USA
YNOT Community Services
Young Invincibles