

Colorado State Innovation Waiver
 Summary of Comments
 July 2019

Commenter	Summary of Comment	Departments' Response
Colorado Consumer Health Initiative	CCHI supports the creation of a reinsurance program, and supports the State of Colorado's application for a waiver under Section 1332 of the Affordable Care Act to implement such a program. CCHI believes the reinsurance program will allow more Coloradans to obtain insurance by making coverage more affordable and accessible for individuals making above 400% of the federal poverty level (FPL). In addition, CCHI believes reinsurance will help stabilize the individual market, which may encourage existing carriers to stay in the market and new carriers to enter the market.	We appreciate the support and have approved the waiver.
The American Cancer Society Cancer Action Network (ACS CAN)	ACS CAN supports approval of Colorado's waiver application. A well-designed reinsurance program can help to lower premiums, mitigate plan risk associated with high-cost enrollees, and maintain or increase plan competition. These premium savings could help cancer patients and survivors afford health insurance coverage and may allow some individuals to enroll who previously could not afford coverage. ACS CAN is pleased the waiver does not propose to alter any key patient protections.	We appreciate the support and have approved the waiver.
The Cystic Fibrosis Foundation	The Cystic Fibrosis Foundation supports approval of Colorado's waiver application. The Cystic Fibrosis Foundation appreciates Colorado's creation of a reinsurance program that will make coverage more affordable and expand plan choice by encouraging insurer participation in the marketplace.	We appreciate the support and have approved the waiver.
Colorado Hospital Association	CHA and Colorado's hospitals strongly support innovative efforts to improve health care affordability and reduce high insurance costs for consumers on the individual market. CHA notes that the funding mechanism for the reinsurance	Thank you for the comment. The Departments will monitor the waiver for compliance with the guardrails and implementation of the state's waiver plan.

	<p>program includes an assessment on hospitals. Further, CHA notes that the fees assessed against hospitals are significant and will have financial impacts on many hospitals' operations and their ability to provide quality care to their communities. CHA requests that CMS take note of the impacts to hospitals and their patients throughout the implementation and monitoring of Colorado's reinsurance program, ensure that the DOI hold payers accountable for the full amount of the rate reductions being subsidized through this legislation and require the state to comprehensively assess the positive and negative impacts of this program throughout its duration.</p>	<p>The Departments understand that Colorado intends to keep insurers accountable by ensuring that Coloradans receive the full benefit from the proposed Reinsurance program through Colorado's rate review authority. Additionally, the Departments understand that Colorado's authorizing legislation requires ongoing reporting about the program including a report summarizing the reinsurance program's operations for the benefit year and a report on the Reinsurance program's impact on specified consumers in Colorado as well as the impact the program has on health plan affordability in the State. As part of our oversight and monitoring of the waiver plan, the Departments will review these reports to assess the impacts of the program.</p> <p>Please see the Colorado's response to Federal public comments included in their section 1332 waiver application.</p>
<p>HealthOne</p>	<p>HealthOne raised questions regarding whether the financial impact on fee-paying hospitals could be indirectly mitigated by shifting utilization from the uninsured to insured populations. Additionally, HealthOne suggested changes that would strengthen Colorado's waiver plan, including:</p> <ul style="list-style-type: none"> - The Departments should require Colorado's insurance providers to reach enrollment goals to facilitate the objections of the waiver application. - The Departments should implement a mechanism to address the difference between 	<p>Thank you for your comment. The Departments will monitor the waiver for compliance with the guardrails (including the number of people enrolled in coverage) and implementation of the state's waiver plan.</p> <p>The Departments understand that Colorado is committed to getting more people in Colorado insured. Colorado believes this program will provide relief to people who currently purchase insurance in the individual market by making</p>

	<p>actuarial projections of premium costs and the actual results of this effort to increase enrollment.</p>	<p>coverage more affordable. Colorado has already shown the direct impact this program has had on premium reductions and Colorado believes this will drive increased enrollment.</p> <p>Please see the Colorado's response to Federal public comments included in their section 1332 waiver application.</p>
<p>Connect for Health Colorado, the state-based health insurance marketplace (SBM)</p>	<p>Connect for Health Colorado strongly supports Colorado's Section 1332 State Innovation Waiver Application to establish a reinsurance program.</p>	<p>We appreciate the support and have approved the waiver.</p>
<p>Coalition of organizations representing individuals facing serious, acute and chronic health conditions across the country</p>	<p>Organizations support Colorado's efforts to strengthen its marketplace by submitting this application to implement a reinsurance program, and urge the Departments to approve the application.</p>	<p>We appreciate the support and have approved the waiver.</p>
<p>Kaiser Permanente</p>	<p>Kaiser Permanente supports approval of Colorado's waiver application but requests modifications. Kaiser Permanente requests that Colorado account for the federal risk adjustment program in structuring its reinsurance program and avoid duplicating payments for the same high-risk membership beginning with the start of the program in 2020. Additionally, Kaiser Permanente requests that Colorado's reinsurance program should include incentives rewarding quality and utilization management.</p>	<p>We appreciate the support and have approved the waiver. In response to public comments on the waiver application, Colorado contracted the Lewis and Ellis actuarial firm to study the interplay between the State's proposed Reinsurance program and the Federal Risk Adjustment program. The analysis found that it was not necessary to make any adjustments to Colorado's reinsurance program to avoid the concerns raised by Kaiser. The Departments understand that Colorado plans to provide an extensive report on this issue.</p> <p>In addition, the Departments understand that Colorado's Commissioner has the authority to require carriers to file with</p>

		<p>the Division the care management protocols that the insurer will use in order to manage claims within the proposed reinsurance program payment parameters. Colorado believes that the Division's review of those standards put in place by insurers will lead to insurers maximizing efficiency and plans to take any necessary steps to correct insurers' inefficiencies.</p> <p>Please see the Colorado's response to Federal public comments included in their section 1332 waiver application.</p>
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