

March 20, 2013

Marilyn Scott, Chair
American Indian Health Commission
P.O. Box 226
Port Angeles, WA 98362

Re: AIHC Letter to Dr. Onizuka & Commissioner Kreidler Regarding the "Guidance for Participation in the Washington Health Benefit Exchange"

Dear Chairwoman Scott,

I want to thank you for your January 9, 2013 letter regarding the Washington Health Benefit Exchange's (WHBE) "Guidance for Participation in the Washington Health Benefit Exchange" Section III (Special Guidance for Coverage of American Indians/Alaska Natives). We greatly appreciate the involvement of the Tribes and the American Indian Health Commission (AIHC) in developing Washington's Exchange.

Publishing the Guidance for Participation takes an initial step toward clarifying how that marketplace will operate. Exchange staff has coordinated with the Office of the Insurance Commissioner (OIC) on the language included in the Guidance for Participation. The OIC monitors these provisions through the regulatory review of health insurance plans. The Guidance will not be the last set of operating policies communicated to issuers or other *Healthplanfinder* stakeholders.

As you know, we have worked extensively with AIHC staff to incorporate language into the Guidance that captures the provisions of the Affordable Care Act (ACA) specific to American Indians and Alaska Natives. While I recognize that not all provisions are specifically called out, the Guidance does require that issuers comply with all state and federal laws and regulations.

In your letter, AIHC specifically requested three revisions to Section III:


- (1) Amend the language to accurately reflect the OIC's AI/AN contracting requirement (as stated at the December 20, 2012, All Plan Filer's meeting), and remove a reference to essential community providers.
 - The following sentence (taken directly from the OIC's presentation on December 20, 2012 and referenced in your letter) is now included: "The Office of the Insurance Commissioner requires issuers to offer contracts to all Indian Health Centers in their service area."
 - WHBE also removed the reference to essential community providers.

- (2) Revise the Guidance requirement for use of the Indian Addendum from “encourage to use” to “strongly recommended to use.”
- The Guidance now includes that: “WHBE Issuers are **strongly recommended to use** the Centers for Medicare and Medicaid Services Model QHP Addendum for Indian Health Centers when contracting with a specified Indian Health Center.”
- (3) AIHC requested the glossary include a definition for Indian Health Care Providers.
- As noted in your letter, Section III already incorporates by reference the definition of Indian Health Care Provider included in the ACA. Additional language from Section 2901(b) of the ACA was not included separately in the glossary.

I hope this updated language addresses the Commission’s central concerns. The final Guidance is available in our website (<http://wahbexchange.org/committees/plan-management-workgroup/>).

Thank you again for providing your comments about our Draft Final Guidance for Participation and your continued support of the Exchange.

Sincerely,


Richard Onizuka, Ph.D.
Chief Executive Officer, WHBE

cc: Insurance Commissioner Mike Kreidler
D. Brent Simcosky, Interim AIHC Executive Director
WHBE Board Members
Beth Berendt, OIC
Barbara Flye, OIC
John Hamje, OIC
Joe Finkbonner, NPAIHB
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