

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
Center for Consumer Information and Insurance Oversight
200 Independence Avenue SW
Washington, DC 20201



March 28, 2022

VIA ELECTRONIC MAIL: Eric.A.Cioppa@Maine.gov

Superintendent Eric A. Cioppa
Maine Bureau of Insurance
#34 State House Station
Augusta, ME 04333

Dear Superintendent Cioppa:

Thank you for your submission on February 10, 2022 of Maine's waiver amendment application, with an addendum submitted on March 23, 2022, for a State Innovation Waiver under section 1332 of the Patient Protection and Affordable Care Act (ACA). I am pleased to send this letter from the Center for Consumer Information and Insurance Oversight (CCIIO) within the Centers for Medicare and Medicaid Services (CMS) under the Department of Health and Human Services (HHS), as well as on behalf of the Department of the Treasury (collectively, the Departments).

Maine's currently approved waiver of the ACA requirement for the single risk pool contained in ACA section 1312(c)(1),¹ allows the state to operate a state-based reinsurance program called the Maine Guaranteed Access Reinsurance Association (MGARA) for the individual health insurance market from January 1, 2019 through December 31, 2023.² Maine's waiver amendment request seeks to waive ACA section 1312(c) to the extent necessary to allow an extension of its state-based reinsurance program, the MGARA, to a pooled individual and small group market for plan years 2023 through 2027. Consistent with 31 C.F.R. § 33.130 and 45 C.F.R. § 155.1330, the processes and procedures for amendment requests recently finalized in rulemaking,³ and the next steps outlined in the Departments' December 28, 2020 letter⁴ to Maine's waiver amendment letter of intent, the Departments have conducted a preliminary review of the waiver amendment application similar to the review process for new waiver applications outlined in 31 C.F.R. § 33.108(c) and 45 C.F.R. § 155.1308(c), and have made a preliminary determination that Maine's waiver amendment application, with the accompanying addendum, is complete.

As provided in the December 28, 2020 letter and similar to the Federal public notice and approval process for new section 1332 waiver applications outlined in 31 C.F.R. § 33.116 and 45 C.F.R. § 155.1316, the date of this letter marks the beginning of the 30-day Federal public notice and

¹ Maine's currently approved waiver waives the individual market single risk pool requirement to the extent it would otherwise require excluding total expected state reinsurance payments when establishing the market-wide index rate.

² <https://www.cms.gov/CCIIO/Programs-and-Initiatives/State-Innovation-Waivers/Downloads/1332-STC-ME-Signed.pdf>

³ See Patient Protection and Affordable Care Act; Updating Payment Parameters and Improving Health Insurance Markets for 2022 and Beyond; Final Rule, 86 FR 53412 at 53483 – 53486 (Sept. 27, 2021).

⁴ <https://www.cms.gov/CCIIO/Programs-and-Initiatives/State-Innovation-Waivers/Downloads/1332-ME-LOI-Amendment-Response-Letter.pdf>

comment process and 180-day Federal decision-making process. Public comments on Maine's waiver amendment application will be accepted by the Departments from March 28, 2022 through April 26, 2022. More information about the Federal public notice and comment process and section 1332 waivers generally can be found on the CCIIO website.⁵ The decision of the Departments regarding approval or denial of Maine's waiver amendment application will be issued within 180 days of this preliminary determination of completeness.

We look forward to working with you on your waiver amendment application and will be in touch if we need additional information. Please do not hesitate to contact us if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ellen Montz". The signature is fluid and cursive, with the first name "Ellen" and the last name "Montz" clearly distinguishable.

Ellen Montz, Ph.D.
Director
Center for Consumer Information & Insurance Oversight
Deputy Administrator, Centers for Medicare & Medicaid Services

Cc: Lily Batchelder, Assistant Secretary for Tax Policy, U.S. Department of the Treasury
The Honorable Janet Mills, Governor, State of Maine
Marti Hooper, Life and Health Actuary, Maine Bureau of Insurance
Benjamin Yardley, Senior Staff Attorney, Maine Bureau of Insurance

⁵ https://www.cms.gov/CCIIO/Programs-and-Initiatives/State-Innovation-Waivers/Section_1332_state_Innovation_Waivers-.html