

Appendix G: **Tribal Consultation Communications**



Janet T. Mills
Governor

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
BUREAU OF INSURANCE
34 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0034

Eric A. Cioppa
Superintendent

March 12, 2021

Via Email

Chief Clarissa Sabattis
Houlton Band of Maliseet Indians
csabattis@maliseets.com

Dear Chief Sabattis:

On behalf of the State of Maine's Bureau of Insurance, I am writing to inform you of a proposed amendment to the State's Section 1332 Waiver under the federal Affordable Care Act (ACA). Federal regulations require a state to consult with its federally recognized tribes regarding a proposed waiver.¹

Under Section 1332 of the ACA, a state may request a waiver ("1332 waiver") to pursue innovative strategies for providing its residents with access to high quality, affordable health insurance while retaining the basic protections of the ACA.

The proposed 1332 waiver amendment does not affect the provision of tribal health care services or the benefits of any health insurance policies that tribal members may be enrolled in. There is no impact to Indian Health Service, the Federal Health Program for American Indians and Alaska Natives. The proposed 1332 waiver amendment does, however, seek to lower health insurance premiums for individual and small group health insurance coverage in Maine with the support of federal funding.

In 2018, Maine received federal approval for its current 1332 waiver in order to allow the Maine Guaranteed Access Reinsurance Association (MGARA) to operate a reinsurance program for the individual health insurance market in Maine with the support of federal pass-through funding beginning January 1, 2019. The goal of the reinsurance program was to bring increased certainty and stability to Maine's individual health insurance

¹ See Federal Code of Regulations, 31 CFR 33.112(a)(2) and 45 CFR 155.1312(a)(2).



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market through a positive impact on premium levels. Since the waiver became effective, average premium rates for the individual market have moderated each year: 1.1% in 2019, -0.5% in 2020, and -12.5% in 2021.

In recent years, the small group market in Maine has experienced significant declines in membership, due in part to high medical cost trends and associated premium increases. On its current trajectory, the small group market may continue to see membership decline, and only those that truly need health care services may stay enrolled in the market, which will lead to a continued escalation in premiums. Because of this trend, Maine has been considering ways to help stabilize and lower premiums for the small group market.

In 2020, the Maine Legislature enacted a law that allows the State's Superintendent of Insurance to pool the individual and small group health insurance markets into a single risk pool and to seek federal approval of an amendment to Maine's 1332 waiver that would allow extension of the MGARA reinsurance program to the pooled market and transition of the reinsurance program from a prospective model to a retrospective model. The change is contingent upon federal approval of the proposed waiver amendment.

Under the proposed 1332 waiver amendment, Maine would continue to receive federal pass-through funding to support the reinsurance program in the amount of the savings that would be generated from the resulting reduction in premium tax credits. Extending the MGARA reinsurance program to a pooled individual and small group health insurance market would bring increased certainty and stability to small group health insurance in Maine through a positive effect on premium levels. This proposed waiver amendment, if approved, would be effective as of January 1, 2022, for a period of five years.

More detailed information about the proposed 1332 waiver amendment, including a draft of the waiver amendment application, is available on the Bureau of Insurance website at the following link: <https://www.maine.gov/pfr/insurance/mgara/index.html>.

We would be happy to respond to any questions you may have about this proposed waiver amendment. If you would like to arrange a virtual meeting to discuss the proposal, please contact me at your earliest convenience. We would appreciate any written comments you may have by April 12, 2021, which may be sent to holly.doherty@maine.gov.

Thank you for your time.

Sincerely,

A handwritten signature in black ink, appearing to read "Holly Doherty", with a stylized, cursive script.

Holly Doherty
Attorney

From: [Doherty, Holly](#)
To: csabattis@maliseets.com
Subject: Tribal Consultation for Maine Bureau of Insurance Proposal
Date: Friday, March 12, 2021 1:44:00 PM
Attachments: [BOI Letter to Houlton Band of Maliseet Indians 03.12.21.pdf](#)

Chief Sabattis,

As you may recall, my colleague Tom Record contacted you in 2018 regarding the State's application to the federal government for a waiver under the Affordable Care Act to pursue innovative strategies for providing its residents with access to quality, affordable health insurance. That waiver was granted, and the State is now seeking an amendment to this waiver. The same waiver application process applies, which requires the State to consult with its federally-recognized tribes regarding the proposed waiver. **Attached please find a letter providing more detailed information about the proposal, including a link to related materials.**

Notably, the proposed waiver would not affect the provision of tribal health care services or the benefits of any health insurance policies that tribal members may be enrolled in. There is no impact to Indian Health Service, the Federal Health Program for American Indians and Alaska Natives. The proposed waiver does, however, seek to lower health insurance premiums for both individual and small group health insurance coverage sold in Maine with the support of federal funding.

We would be happy to answer any questions you have about this proposal. If a virtual meeting to discuss the proposal would be helpful, please let me know. We would appreciate any written comments you may have by **April 12th**.

Thank you for your time and consideration.

Sincerely,

Holly Doherty

Attorney, Consumer Health Care Division

Maine Bureau of Insurance

Phone: (207) 624-8463



Janet T. Mills
Governor

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
BUREAU OF INSURANCE
34 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0034

Eric A. Cioppa
Superintendent

March 12, 2021

Via Email

Teresitia Hamel
Aroostook Band of Micmacs
thamel@micmac-nsn.gov

Dear Teresitia:

On behalf of the State of Maine's Bureau of Insurance, I am writing to inform you of a proposed amendment to the State's Section 1332 Waiver under the federal Affordable Care Act (ACA). Federal regulations require a state to consult with its federally recognized tribes regarding a proposed waiver.¹

Under Section 1332 of the ACA, a state may request a waiver ("1332 waiver") to pursue innovative strategies for providing its residents with access to high quality, affordable health insurance while retaining the basic protections of the ACA.

The proposed 1332 waiver amendment does not affect the provision of tribal health care services or the benefits of any health insurance policies that tribal members may be enrolled in. There is no impact to Indian Health Service, the Federal Health Program for American Indians and Alaska Natives. The proposed 1332 waiver amendment does, however, seek to lower health insurance premiums for individual and small group health insurance coverage in Maine with the support of federal funding.

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¹ See Federal Code of Regulations, 31 CFR 33.112(a)(2) and 45 CFR 155.1312(a)(2).



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market through a positive impact on premium levels. Since the waiver became effective, average premium rates for the individual market have moderated each year: 1.1% in 2019, -0.5% in 2020, and -12.5% in 2021.

In recent years, the small group market in Maine has experienced significant declines in membership, due in part to high medical cost trends and associated premium increases. On its current trajectory, the small group market may continue to see membership decline, and only those that truly need health care services may stay enrolled in the market, which will lead to a continued escalation in premiums. Because of this trend, Maine has been considering ways to help stabilize and lower premiums for the small group market.

In 2020, the Maine Legislature enacted a law that allows the State's Superintendent of Insurance to pool the individual and small group health insurance markets into a single risk pool and to seek federal approval of an amendment to Maine's 1332 waiver that would allow extension of the MGARA reinsurance program to the pooled market and transition of the reinsurance program from a prospective model to a retrospective model. The change is contingent upon federal approval of the proposed waiver amendment.

Under the proposed 1332 waiver amendment, Maine would continue to receive federal pass-through funding to support the reinsurance program in the amount of the savings that would be generated from the resulting reduction in premium tax credits. Extending the MGARA reinsurance program to a pooled individual and small group health insurance market would bring increased certainty and stability to small group health insurance in Maine through a positive effect on premium levels. This proposed waiver amendment, if approved, would be effective as of January 1, 2022, for a period of five years.

More detailed information about the proposed 1332 waiver amendment, including a draft of the waiver amendment application, is available on the Bureau of Insurance website at the following link: <https://www.maine.gov/pfr/insurance/mgara/index.html>.

We would be happy to respond to any questions you may have about this proposed waiver amendment. If you would like to arrange a virtual meeting to discuss the proposal, please contact me at your earliest convenience. We would appreciate any written comments you may have by April 12, 2021, which may be sent to holly.doherty@maine.gov.

Thank you for your time.

Sincerely,

A handwritten signature in cursive script, appearing to read "Holly Doherty".

Holly Doherty
Attorney

From: [Doherty, Holly](#)
To: thamel@micmac-nsn.gov
Subject: Tribal Consultation for Maine Bureau of Insurance Proposal
Date: Friday, March 12, 2021 1:45:00 PM
Attachments: [BOI Letter to Aroostook Band of Micmacs 03.12.21.pdf](#)

Teresitia,

I recently contacted you regarding the State of Maine's proposed application to the federal government for a waiver under the Affordable Care Act to pursue innovative strategies for providing its residents with access to quality, affordable health insurance. In accordance with federal requirements for a state to consult with its federally-recognized tribes regarding a proposed waiver, **attached please find a letter providing more detailed information about the proposal, including a link to related materials.**

As I mentioned in my last email, the proposed waiver would not affect the provision of tribal health care services or the benefits of any health insurance policies that tribal members may be enrolled in. There is no impact to Indian Health Service, the Federal Health Program for American Indians and Alaska Natives. The proposed waiver does, however, seek to lower health insurance premiums for both individual and small group health insurance coverage sold in Maine with the support of federal funding.

We would be happy to answer any questions you have about this proposal. If a virtual meeting to discuss the proposal would be helpful, please let me know. We would appreciate any written comments you may have by **April 12th**.

Thank you for your time.

Sincerely,

Holly Doherty

Attorney, Consumer Health Care Division

Maine Bureau of Insurance

Phone: (207) 624-8463

From: [Doherty, Holly](#)
To: thamel@micmac-nsn.gov
Subject: Tribal Contact for Maine Bureau of Insurance Proposal
Date: Friday, February 26, 2021 2:20:00 PM

Teresitia,

I'm hoping you are the appropriate contact for this question, or could direct me to the right person. I work for the State of Maine's Bureau of Insurance, and the State is working on an application to the federal government for a waiver under the Affordable Care Act to pursue innovative strategies for providing its residents with access to quality, affordable health insurance. The federal government's waiver application process requires the State to consult with its federally-recognized tribes regarding its proposed waiver. We therefore intend to submit a formal letter and more detailed information about the State's proposed waiver to the Aroostook Band of Micmacs. Is this something we could send to you, or is there another tribal representative we should send this to? If there is another representative we should contact, an email address would be most helpful so that we may send the necessary documents.

Notably, the proposed waiver would not affect the provision of tribal health care services or the benefits of any health insurance policies that tribal members may be enrolled in. There is no impact to Indian Health Service, the Federal Health Program for American Indians and Alaska Natives. The proposed waiver does, however, seek to lower health insurance premiums for individual and small group health insurance coverage sold in Maine with the support of federal funding.

I appreciate any assistance you can provide.

Thank you,

Holly Doherty

*Attorney, Consumer Health Care Division
Maine Bureau of Insurance
Phone: (207) 624-8463*



Janet T. Mills
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AUGUSTA, MAINE
04333-0034

Eric A. Cioppa
Superintendent

March 12, 2021

Via Email

Representative Rena Newell
Passamaquoddy Tribe
rena.newell@legislature.maine.gov

Dear Representative Newell:

On behalf of the State of Maine's Bureau of Insurance, I am writing to inform you of a proposed amendment to the State's Section 1332 Waiver under the federal Affordable Care Act (ACA). Federal regulations require a state to consult with its federally recognized tribes regarding a proposed waiver.¹

Under Section 1332 of the ACA, a state may request a waiver ("1332 waiver") to pursue innovative strategies for providing its residents with access to high quality, affordable health insurance while retaining the basic protections of the ACA.

The proposed 1332 waiver amendment does not affect the provision of tribal health care services or the benefits of any health insurance policies that tribal members may be enrolled in. There is no impact to Indian Health Service, the Federal Health Program for American Indians and Alaska Natives. The proposed 1332 waiver amendment does, however, seek to lower health insurance premiums for individual and small group health insurance coverage in Maine with the support of federal funding.

In 2018, Maine received federal approval for its current 1332 waiver in order to allow the Maine Guaranteed Access Reinsurance Association (MGARA) to operate a reinsurance program for the individual health insurance market in Maine with the support of federal pass-through funding beginning January 1, 2019. The goal of the reinsurance program was to bring increased certainty and stability to Maine's individual health insurance

¹ See Federal Code of Regulations, 31 CFR 33.112(a)(2) and 45 CFR 155.1312(a)(2).



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In recent years, the small group market in Maine has experienced significant declines in membership, due in part to high medical cost trends and associated premium increases. On its current trajectory, the small group market may continue to see membership decline, and only those that truly need health care services may stay enrolled in the market, which will lead to a continued escalation in premiums. Because of this trend, Maine has been considering ways to help stabilize and lower premiums for the small group market.

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We would be happy to respond to any questions you may have about this proposed waiver amendment. If you would like to arrange a virtual meeting to discuss the proposal, please contact me at your earliest convenience. We would appreciate any written comments you may have by April 12, 2021, which may be sent to holly.doherty@maine.gov.

Thank you for your time.

Sincerely,

A handwritten signature in black ink, appearing to read "Holly Doherty", written in a cursive style.

Holly Doherty
Attorney

From: [Doherty, Holly](#)
To: [Newell, Rena](#)
Subject: Tribal Consultation for Maine Bureau of Insurance Proposal
Date: Friday, March 12, 2021 1:45:00 PM
Attachments: [BOI Letter to Passamaquoddy Tribe 03.12.21.pdf](#)

Representative Newell,

I recently contacted you regarding the State of Maine's proposed application to the federal government for a waiver under the Affordable Care Act to pursue innovative strategies for providing its residents with access to quality, affordable health insurance. In accordance with federal requirements for a state to consult with its federally-recognized tribes regarding a proposed waiver, **attached please find a letter providing more detailed information about the proposal, including a link to related materials.**

As I mentioned in my last email, the proposed waiver would not affect the provision of tribal health care services or the benefits of any health insurance policies that tribal members may be enrolled in. There is no impact to Indian Health Service, the Federal Health Program for American Indians and Alaska Natives. The proposed waiver does, however, seek to lower health insurance premiums for both individual and small group health insurance coverage sold in Maine with the support of federal funding.

We would be happy to answer any questions you have about this proposal. If a virtual meeting to discuss the proposal would be helpful, please let me know. We would appreciate any written comments you may have by **April 12th.**

Thank you for your time.

Sincerely,

Holly Doherty

Attorney, Consumer Health Care Division

Maine Bureau of Insurance

Phone: (207) 624-8463

From: [Newell, Rena](#)
To: [Doherty, Holly](#)
Subject: Re: Tribal Consultation for Maine Bureau of Insurance Proposal
Date: Friday, March 12, 2021 5:00:48 PM

Good Afternoon Ms. Doherty,
Please excuse the delay in responding.
I will forward your email to our Indian Township Health Director and Pleasant Point Health Director for their input as well.
Thank you.
-Rep. Newell

From: Doherty, Holly <Holly.Doherty@maine.gov>
Sent: Friday, March 12, 2021 1:45:48 PM
To: Newell, Rena
Subject: Tribal Consultation for Maine Bureau of Insurance Proposal

This message originates from outside the Maine Legislature.

Representative Newell,

I recently contacted you regarding the State of Maine's proposed application to the federal government for a waiver under the Affordable Care Act to pursue innovative strategies for providing its residents with access to quality, affordable health insurance. In accordance with federal requirements for a state to consult with its federally-recognized tribes regarding a proposed waiver, **attached please find a letter providing more detailed information about the proposal, including a link to related materials.**

As I mentioned in my last email, the proposed waiver would not affect the provision of tribal health care services or the benefits of any health insurance policies that tribal members may be enrolled in. There is no impact to Indian Health Service, the Federal Health Program for American Indians and Alaska Natives. The proposed waiver does, however, seek to lower health insurance premiums for both individual and small group health insurance coverage sold in Maine with the support of federal funding.

We would be happy to answer any questions you have about this proposal. If a virtual meeting to discuss the proposal would be helpful, please let me know. We would appreciate any written comments you may have by **April 12th.**

Thank you for your time.

Sincerely,

Holly Doherty
Attorney, Consumer Health Care Division
Maine Bureau of Insurance

Phone: (207) 624-8463

From: [Doherty, Holly](#)
To: [Newell, Rena](#)
Subject: Tribal Contact for Maine Bureau of Insurance Proposal
Date: Friday, February 26, 2021 2:18:00 PM

Dear Representative Newell,

I am hoping you are the appropriate contact for this question, or could direct me to the right person. I work for the State of Maine's Bureau of Insurance, and we are working on an application to the federal government for a waiver under the Affordable Care Act to pursue innovative strategies for providing its residents with access to quality, affordable health insurance. The federal government's waiver application process requires the State to consult with its federally-recognized tribes regarding its proposed waiver. Accordingly, we intend to submit a formal letter and more detailed information about the State's proposed waiver to the Passamaquoddy Tribe. Is this something we could send to you, or is there another tribal representative we should send this to? If there is another representative we should contact, an email address would be most helpful so that we may send the necessary documents.

Notably, the proposed waiver would not affect the provision of tribal health care services or the benefits of any health insurance policies that tribal members may be enrolled in. There is no impact to Indian Health Service, the Federal Health Program for American Indians and Alaska Natives. The proposed waiver does, however, seek to lower health insurance premiums for individual and small group health insurance coverage sold in Maine with the support of federal funding.

I appreciate any assistance you can provide.

Thank you,

Holly Doherty

*Attorney, Consumer Health Care Division
Maine Bureau of Insurance
Phone: (207) 624-8463*



Janet T. Mills
Governor

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AND FINANCIAL REGULATION
BUREAU OF INSURANCE
34 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0034

Eric A. Cioppa
Superintendent

March 12, 2021

Via Email

Mary Settles
Penobscot Nation
mary.settles@penobscotnation.org

Dear Mary:

On behalf of the State of Maine's Bureau of Insurance, I am writing to inform you of a proposed amendment to the State's Section 1332 Waiver under the federal Affordable Care Act (ACA). Federal regulations require a state to consult with its federally recognized tribes regarding a proposed waiver.¹

Under Section 1332 of the ACA, a state may request a waiver ("1332 waiver") to pursue innovative strategies for providing its residents with access to high quality, affordable health insurance while retaining the basic protections of the ACA.

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Thank you for your time.

Sincerely,

A handwritten signature in black ink, appearing to read "Holly Doherty", with a stylized, cursive script.

Holly Doherty
Attorney

From: [Doherty, Holly](#)
To: ["mary.settles@penobscotnation.org"](mailto:mary.settles@penobscotnation.org)
Subject: Tribal Consultation for Maine Bureau of Insurance Proposal
Date: Friday, March 12, 2021 1:45:00 PM
Attachments: [BOI Letter to Penobscot Nation 03.12.21.pdf](#)

Mary,

As you may recall, my colleague Tom Record contacted you in 2018 regarding the State of Maine's application to the federal government for a waiver under the Affordable Care Act to pursue innovative strategies for providing its residents with access to quality, affordable health insurance. That waiver was granted, and the State is now seeking an amendment to this waiver. The same waiver application process applies, which requires the State to consult with its federally-recognized tribes regarding the proposed waiver. **Attached please find a letter providing more detailed information about the proposal, including a link to related materials.**

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Thank you for your time.

Sincerely,

Holly Doherty

Attorney, Consumer Health Care Division

Maine Bureau of Insurance

Phone: (207) 624-8463