



March 13, 2024

The Honorable Janet Yellen  
Secretary  
Department of the Treasury  
1500 Pennsylvania Avenue, NW  
Washington, DC 20220

The Honorable Xavier Becerra  
Secretary  
Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, DC 20201

**Re: Nevada Section 1332 Waiver Application**

Dear Secretary Yellen and Secretary Becerra:

Thank you for the opportunity to provide feedback on Nevada's Section 1332 Waiver Application.

The undersigned organizations represent millions of individuals facing serious, acute and chronic health conditions. We have a unique perspective on what individuals and families need to prevent disease, cure illness and manage chronic health conditions. The diversity of our organizations and the populations we serve enable us to draw upon a wealth of knowledge and expertise that is an invaluable resource regarding any decisions affecting the Affordable Care Act and the people that it serves. We urge the Department of the Treasury and the Department of Health and Human Services (Departments) to make the best use of the recommendations, knowledge and experience our organizations offer here.

Our organizations are committed to ensuring that Nevada's healthcare programs provide quality and affordable healthcare coverage. To that end, we support implementation of a new coverage program to improve access to affordable coverage, as required by Senate Bill 420.

The state's waiver application seeks pass-through funding primarily to support an individual market reinsurance program. Though we agree that reinsurance can play a role in addressing affordability, the benefits of such a program flow primarily to individuals at higher incomes who are not eligible for federal premium tax credits. It does not make coverage cheaper for people — generally at lower incomes — who already qualify for federal subsidies.<sup>1</sup> For this reason, many of our organizations urged the state to use pass-through dollars to fund a premium subsidy program for low-income Nevadans during the state comment period. In the absence of an accompanying premium subsidy program, we believe it is particularly important that the new Battle Born State Plans (BBSP), as well as the non-reinsurance elements of the state's waiver proposal, are implemented in ways that will safeguard access to care for low-income residents and that are likely to produce demonstrable reductions in health disparities.

We appreciate the additional detail that the state has added to its waiver application regarding its intended approach to BBSP contracting, its proposed incentive program for providers to practice in Nevada, and its quality incentive payment initiative for carriers. We note, for example, that the state has signaled it will use these policy levers to ensure BBSP plans have adequate networks and to promote continuity of care. Uninterrupted access to a robust network of providers is essential for the patients we represent to get the primary and specialty care that they need to manage their health conditions. If well designed, the BBSP contracting process and these programs could help to increase access to providers. The state's application also emphasizes that it will use these initiatives to improve health equity, including for rural and historically marginalized communities. It is critical for the state to follow through with and expand upon these commitments. Our organizations encourage the Departments to work with the state to do this, and to ensure that the non-reinsurance policy tools necessary to realize these gains are sufficiently funded.

Thank you for the opportunity to provide comments.

Sincerely,

ALS Association  
American Lung Association  
Asthma and Allergy Foundation of America  
CancerCare  
Child Neurology Foundation  
Chronic Disease Coalition  
Cystic Fibrosis Foundation  
Epilepsy Foundation  
Hemophilia Federation of America  
National Kidney Foundation  
National Multiple Sclerosis Society  
National Patient Advocate Foundation  
Susan G. Komen  
The AIDS Institute  
The Leukemia & Lymphoma Society

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<sup>1</sup> This is because of how ACA premium tax credits are calculated. In practice, from a consumer standpoint, reinsurance functions as a premium subsidy for people who are otherwise unsubsidized: in general, it lowers premiums for those who earn too much to qualify for a federal premium tax credit but does not improve affordability for those who, because they are at lower incomes, receive the premium tax credit.