

*State of Idaho*  
**DEPARTMENT OF INSURANCE**



**DEAN L. CAMERON**  
 Director

**BRAD LITTLE**  
 Governor

**DAVE JEPPESEN**  
 Director

700 West State Street, 3rd Floor  
 P.O. Box 83720  
 Boise, Idaho 83720-0043  
 Phone 208-334-4250  
 Fax 208-334-4398  
 Website: <https://doi.idaho.gov>

450 West State Street, 10th Floor  
 P.O. Box 83720  
 Boise, Idaho 83720-0036  
 PHONE 208-334-5500  
 FAX 208-334-6558

May 13, 2019

Dear Tribal Leaders and Representatives,

We are writing to inform you that Idaho intends to submit three waiver requests to the federal government and to request your input and collaboration on our waiver applications. These requests to waive provisions of federal laws for Idaho’s Medicaid and insurance exchange programs are expected to be submitted as soon as July 26<sup>th</sup>, 2019. We are requesting these waivers as required by changes to Idaho code in [Senate Bill 1204](#)\* recently passed by the legislature and signed into Idaho law by Governor Little.

Many of the new provisions in Idaho code and the waivers we will be requesting revolve around Medicaid expansion coverage for adults established through ballot initiative last November. The initiative established coverage for Idahoans age 19 through 64 with incomes up to 138% of the federal poverty limit who do not otherwise qualify for Medicaid. Coverage for this adult expansion group will start on January 1, 2020.

The waivers we intend to request are described in the table below:

<i><b>Waiver</b></i>	<i><b>Purpose</b></i>	<i><b>Anticipated Impact to Tribal Members</b></i>
1. <i>1332 Waiver: Coverage Choice Waiver</i>	To allow expansion group members with household incomes over 100% of the federal poverty limit to choose coverage supported by an Advanced Premium Tax Credit through Your Health Idaho instead of enrolling in Medicaid. Expansion group members may also decline their tax credit and choose to enroll in Medicaid coverage.	Tribal members may choose to keep their tax credit and cost share reductions to help pay for their Qualified Health Plan through Your Health Idaho rather than switching to Medicaid coverage. Those who choose exchange coverage will pay more for their insurance compared to Medicaid. Choice of coverage may have impacts on tribal healthcare systems and how they assist tribal members with their healthcare needs.

\* <https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2019/legislation/S1204E2.pdf>

<i>Waiver</i>	<i>Purpose</i>	<i>Anticipated Impact to Tribal Members</i>
2. <i>1115 Waiver: Coverage Choice, Community Engagement, and Primary Care Family Planning</i>	a. To limit coverage for expansion group members with incomes over 100% of poverty to exchange coverage or Medicaid, but not both.	Tribal members in the adult Medicaid expansion group who qualify and select exchange coverage will not have access to Medicaid coverage in addition to exchange coverage. The impacts are described above.
	b. To require the adult Medicaid expansion coverage group to participate in work, volunteering, job training, or education as a condition of their eligibility.	Tribal members will be exempt from this requirement and there is no impact anticipated. Tribal health programs who serve non-tribal members may be impacted because some of the population they serve may be ineligible for Medicaid benefits because of these requirements.
	c. To require all Medicaid participants served through Medicaid's Healthy Connections primary care program to obtain a referral for family planning services or supplies before receiving them from a provider other than their chosen primary care provider*.	Tribal members will need to work with their primary care provider to obtain a referral rather than accessing services directly without a referral today. This may increase the work that needs to be done by tribal primary care providers serving tribal members or others eligible for Medicaid.
3. <i>1115 Waiver: Institution for Mental Diseases Waiver</i>	To allow Medicaid to pay for services provided to adults over age 20 and under age 65 in an institution for mental diseases	This will allow tribal members eligible for Medicaid with needs for these services an additional treatment option. Tribal health programs who help to pay for these services today may see reductions in their costs as coverage shifts to Medicaid.

The 1332 waiver is intended to be submitted through the Idaho Department of Insurance and the 1115 waivers are intended to be submitted through the Department of Health and Welfare. If you are interested in commenting on these waivers, learning more, or discussing them with state government representatives, we ask that you respond by June 13<sup>th</sup>, 2019. We will be working with the federal Centers for Medicare and Medicaid Services (CMS) on these requests and will keep tribes updated on the progression of waiver work and any changes to the approach presented here.

---

\* Or an assigned primary care provider if they decline to choose one.

We will also be holding a meeting and conference call in Boise from 1:00 to 4:00 PM MDT on June 17<sup>th</sup> to discuss these waiver requests and their potential impact for tribes in Idaho:

East Conference Room  
Joe R. Williams Building, 700 West State Street, Boise, ID 83702  
Conference call: WEBEX 1-240-454-0879  
Meeting Access Code: 806 527 494 Meeting Password: Qjze3dxJ (Dial: 75933395)  
Meeting Link:  
<https://idhw.webex.com/idhw/j.php?MTID=m975f3d698bc1458e0db66aa820fcb160>

We invite your participation and input at this meeting and will also meet with tribal representatives in person at other times upon your request.

To make commenting or asking questions about these requests simpler, we have designated a single point of contact for your responses. Please send your written comments via mail to:

*Tribal Waiver Comments  
P.O. Box 83720  
Boise, ID 83720-0009*

Please send email comments to [tribalwaivercomments@dhw.idaho.gov](mailto:tribalwaivercomments@dhw.idaho.gov). You may also fax written comments to (208) 364-1811. You may also call Cindy Brock with the Division of Medicaid at (208) 364-1983 with questions or verbal comments on these waivers.

We apologize for the limited time frame for the requested response. We wish we had more time to work with tribes in Idaho on these waivers but have a restricted amount of time to prepare and submit them in time for expansion coverage commencement on January 1<sup>st</sup>, 2020. We thank you for your comments and input in advance and appreciate the government to government relationship we share with your tribes.

Sincerely,



Dean Cameron  
Director  
Idaho Department of Insurance



Dave Jeppesen  
Director  
Idaho Department of Health and Welfare