

NAIC Health Innovations (B) Working Group

State Flexibility White Paper

1. Introduction

- A. State and federal roles in regulating insurance
- B. Affordable Care Act establishes greater federal regulation with mechanisms for state flexibility

2. Section 1331 Basic Health Programs

- A. Background
 - 1. Population eligible
 - 2. Summary of federal statute, regulations, and guidance
- B. State experiences and evaluations
 - 1. Adaptation of existing state programs
 - a. Minnesota
 - b. New York
 - 2. Oregon
- C. Considerations for consumers, states, and insurance markets
 - 1. Consumer coverage impacts
 - 2. State considerations
 - a. Budget
 - b. Medicaid's role in implementation
 - c. Individual market effects

3. Section 1332 State Innovations Waivers

- A. Background
 - 1. Summary of statute, regulations, and guidance
 - 2. Guardrails and the limitations they introduce

- B. State experiences and evaluations
 - 1. Reinsurance waivers and related state choices
 - 2. Other approved waivers
 - 3. Waivers not approved
- C. Considerations for consumers, states, and insurance markets
 - 1. Reinsurance
 - a. Consumer coverage impacts
 - b. State considerations
 - i. Budget
 - ii. Marketplace Type – FFM vs. SBM
 - 2. Other waiver types

4. Section 1333 Health Care Choice Compacts

- A. Background
 - 1. Summary of statute and 2019 request for information
 - a. Requirement for NAIC consultation
 - b. Previous NAIC input
 - 2. Comparison with other multi-state compact authority
- B. Considerations for consumers, states, and insurance markets
 - 1. Potential areas of regulation impacted by HCC compact
 - 2. Pros and cons for states

5. Discussion, including combining waiver authorities

6. Conclusion