



American Heart Association.



EPILEPSY FOUNDATION



LEUKEMIA & LYMPHOMA SOCIETY®



Arthritis Foundation®



Asthma and Allergy Foundation of America



National Patient Advocate Foundation



Help Us Solve The Cruel Mystery LUPUS® FOUNDATION OF AMERICA



NATIONAL BLEEDING DISORDERS FOUNDATION Formerly NHF



NORD® National Organization for Rare Disorders



THE AIDS INSTITUTE

August 23, 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: New York Section 1332 State Innovation Waiver: Amendment Application

Dear Secretary Yellen and Secretary Becerra:

Thank you for the opportunity to provide feedback on the New York 1332 State Innovation Waiver Amendment 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 (the Departments) to make the best use of the recommendations, knowledge and experience our organizations offer here.

Our organizations are committed to ensuring that New York’s healthcare programs provide quality and affordable healthcare coverage. We believe the state’s proposal to enhance cost-sharing subsidies for Marketplace consumers will advance these objectives and we urge the Departments to approve this proposal. Once implemented, New York’s waiver should increase coverage affordability for tens of thousands Marketplace enrollees and improve health equity while satisfying the federal guardrail protections governing waivers. Our organizations applaud the state’s work to improve equitable access to care in New York and offer the following comments:

New York’s proposed cost-sharing subsidies will lower healthcare costs for individuals above 250% of the federal poverty level. For example, the waiver projects that 79,000 individuals will save an additional average of \$3,450 annually as a result of the cost-sharing subsidies. The state anticipates that a total of 118,000 enrollees will experience improved affordability of coverage as a result of this proposal. Research consistently

shows that higher cost-sharing is associated with decreased use of preventive services and medical care among low-income populations.¹ For patients with chronic disease, delaying or deferring necessary medications and treatments due to cost can lead to worse health outcomes. The amendment further estimates that this waiver will improve access to care in New York by producing an enrollment increase of approximately 3,000 consumers per year. Our organizations support the proposed cost-sharing subsidies as a method to improve both affordability and accessibility of coverage in New York.

At the same time, the state's analysis demonstrates that the waiver satisfies four statutory guardrails. While affordability and enrollment will improve, the comprehensiveness of coverage will not be affected. The amendment also states that additional costs will be fully covered by the pass-through surplus from New York's existing 1332 waiver.

Finally, our organizations support the positive effect that this waiver is expected to have on health equity in New York. Adult Black and Hispanic New Yorkers experience lower levels of health insurance coverage and higher incidences of preventable hospitalizations.² Increased affordability of coverage and enrollment can help to address these disparities.

Our organizations support this proposal as a method to improve affordability of healthcare for lower income individuals in New York, as well as equitable access to care, while complying with the 1332 waiver statutory guardrails. We urge the Departments to approve this amendment application.

Thank you for the opportunity to provide comments.

Sincerely,

Alpha-1 Foundation
American Cancer Society Cancer Action Network
American Heart Association
American Lung Association
Arthritis Foundation
Asthma and Allergy Foundation of America
CancerCare
Child Neurology Foundation
Epilepsy Foundation
Hemophilia Federation of America
Lupus Foundation of America
National Bleeding Disorders Foundation
National Multiple Sclerosis Society
National Organization for Rare Disorders
National Patient Advocate Foundation
The AIDS Institute
The Leukemia & Lymphoma Society

¹Samantha Artiga, Petry Ubri, and Julia Zur, "The Effects of Premiums and Cost Sharing on Low-Income Populations: Updated Review of Research Findings," Kaiser Family Foundation, June 2017. Available at: <https://www.kff.org/medicaid/issue-brief/the-effects-of-premiums-and-cost-sharing-on-low-income-populations-updated-review-of-research-findings/>.

² Department of Health, New York State. New York State Prevention Agenda Dashboard-State Level, 2023. Available at: https://webbi1.health.ny.gov/SASStoredProcess/guest?_program=/EBI/PHIG/apps/dashboard/pa_dashboard&p=sh