

United States Senate
WASHINGTON, DC 20510

December 18, 2015

The Honorable Sylvia Mathews Burwell
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue SW
Washington, DC 20201

Re: COFA Enrollment on the Federally Facilitated Marketplace

Dear Secretary Burwell,

We are writing today to express our continuing concerns with the enrollment of Compact of Free Association (COFA) citizens in health insurance plans on Healthcare.gov, and to ask for your assistance in addressing barriers to their enrollment.

We have identified four primary challenges to enrolling COFA individuals in health care coverage and request your immediate attention and assistance to address these concerns. We have laid these concerns out sequentially based on when they arise in the enrollment process according to stakeholders.

The first challenge in the application is the identification proofing (ID proofing) process. Soon after applicants create a Healthcare.gov account they are asked a series of questions about the application filer. This information is shared with Experian, which tries to generate personal questions and answers about the application filer based on information from credit history. In cases where an individual has no credit history, or a limited credit history, this verification process is unable to generate a sufficient number of questions to verify identity. This is the case for many COFA citizens who are then told to call the Experian help desk where they are rarely able to be ID-proofed and are then routed back to the Federally Facilitated Marketplace (FFM) call center to complete the application over the telephone. We ask that you identify a way to allow COFA citizens to submit their applications online without facing the barriers created through the current ID proofing process.

The second challenge is language access. When a COFA applicant calls the FFM, there is a delay in accessing assistance because local interpreters must wait to be cleared by a FFM interpreter before they can assist the COFA applicant with enrollment. We ask that

you allow Navigators and Assistants certified by the federal government and states respectively to act as interpreters without the additional requirement of a verbal waiver by an FFM interpreter.

The third challenge is improper Medicaid eligibility determinations for COFA applicants. Currently, COFA citizens are not eligible for Medicaid coverage because they are not considered to have a "qualified" immigration status. However, they are eligible for the Advanced Premium Tax Credit and Cost Sharing Reduction in the Affordable Care Act (ACA). When a COFA applicant accesses the Marketplace, they are being incorrectly deemed as eligible for Medicaid. This erroneous determination on their Medicaid eligibility is leading to weeks-long delays in their applications for health insurance coverage. These delays are impacting the ability of COFA citizens to get health insurance and may lead to adverse health outcomes. We ask that you develop a workaround for the eligibility determination portion by which their immigration status would allow them to move past a Medicaid determination and straight to a determination of their eligibility status for subsidies through the Marketplace.

The final primary challenge facing COFA citizens' health care enrollment is difficulty with the data verification system. Even if a COFA applicant is able to move through the eligibility determination system, they still encounter challenges in proving their circumstances to the satisfaction of the FFM and risk losing subsidies and coverage altogether. While there is a path to verify income through documents submitted to Healthcare.gov, the documents required are not necessarily ones readily available to this unique population. Furthermore, it is unclear why so many of the COFA migrants cannot have their COFA status immediately verified during the application process. We ask HHS to work with the Department of Homeland Security to identify and address the root cause to this problem. In the meantime, since COFA citizens enter the United States on valid passports from their country of origin and fill out an I-94 at entry, these documents should be used to verify lawful status by the Marketplace and ineligibility for Medicaid (as needed in the event their income is below the poverty line). Additionally, these documents should be sufficient to clear the ID proofing requirement described earlier. We ask that the Marketplace find a way to allow COFA citizens to prove identity and immigration status without delay so that they complete the application process without having to go through the FFM call center.

As requested in this letter, we ask you to implement fixes to the ID proofing, the interpreter rules, and the Medicaid eligibility determination to ensure that enrollment goes smoothly and all COFA citizens eligible for coverage through the FFM are able to acquire coverage.

Given the difficulties facing the COFA citizens in applying for health insurance coverage through Healthcare.gov, we believe a special enrollment period extending the time COFA citizens have to sign up for coverage, beginning on January 1, 2016, is appropriate.

Additionally, we request consideration be given to making coverage retroactive to a January 1, 2016, coverage date for those COFA citizens who were unable to enroll by the December 17, 2015, end of open enrollment.

We appreciate the work that you and your staff have done to date to assist our states in serving this unique population and others with accessing health care coverage. We look forward to continuing to work with you to improve the enrollment process for COFA citizens on Healthcare.gov.

Sincerely,


MAZIE H. HIRONO
United States Senator


BRIAN SCHATZ
United States Senator


TULSI GABBARD
Member of Congress


MARK TAKAI
Member of Congress