

# Health Insurance Marketplace Protections for American Indians and Alaska Natives



## Marketplace Protections:

The Marketplace provides special benefits for AI/ANs, but some are limited to members of federally recognized tribes and Alaska Native Claims Settlement Act (ANCSA) corporation shareholders.

- **Special Enrollment Periods (SEP):** Tribal members and ANCSA shareholders can enroll in the Health Insurance Marketplace throughout the year, not just during the yearly Open Enrollment period. In Federally Facilitated Marketplace (FFM) states, non-tribal members applying on the same application as a tribal member can take advantage of the SEP.
- **Tribal members and ANCSA shareholders with income at or below 300% of FPL:**
  - ◇ May be able to enroll in a **zero cost sharing plan**, which means no copays, deductibles, or coinsurance when receiving care from Indian health care providers or when receiving Essential Health Benefits (EHBs) through a QHP.
  - ◇ There is no need for a referral from an Indian health care provider when receiving EHBs through the QHP.
- **Tribal members and ANCSA shareholders with incomes above 300% FPL:**
  - ◇ Can enroll in a **limited cost sharing plan**, which means no copays, deductibles, or coinsurance when receiving care from Indian health care providers.
  - ◇ Will need a referral from an Indian health care provider to avoid cost sharing when receiving EHBs through a provider outside the Indian health system.
- **Tribal members and ANCSA shareholders can enroll in a zero cost sharing or limited cost sharing plan at any metal level, including less expensive bronze plans.**

Tribal members and ANCSA shareholders who qualify for cost sharing reductions are not exempt from premiums. However, they may qualify for Advance Premium Tax Credits depending on income. All AI/ANs can apply for an exemption from the shared responsibility payment (tax penalty/fee) that others must pay when they file their taxes if they don't have health insurance.

## Medicaid and CHIP Protections:

All AI/ANs have the following Medicaid and CHIP protections:

- Do not have to pay premiums or enrollment fees.
- If they receive care from an Indian health care provider or through referral to a non-Indian provider, they do not have to pay any cost sharing, such as deductibles or copayments.

## Did you know?

The Health Insurance Marketplace benefits American Indians and Alaska Natives (AI/ANs) by providing increased opportunities for affordable health coverage through a Qualified Health Plan (QHP) bought in the Marketplace, through Medicaid, or the Children's Health Insurance Program (CHIP).



Health Insurance Marketplace

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- Local Indian health care providers may be able to provide a letter to their beneficiaries to verify eligibility for these protections.
- Certain types of Indian income and resources are not counted when determining Medicaid or CHIP eligibility. For example:
  - ◇ Per capita payments from a tribe that come from natural resources, usage rights, leases, or royalties
  - ◇ Payments from natural resources, farming, ranching, fishing, leases, or profits from Indian trust land (including reservations and former reservations)
  - ◇ Money from selling items that have tribal cultural significance, such as Indian jewelry or beadwork

**NOTE:** Per capita income from Indian gaming is not excluded and should be reported.

## Indian Exemption:

Due to a policy change, all AI/ANs, including individuals who are otherwise eligible for services through an Indian health care provider, can now apply for an exemption from the shared responsibility payment (tax penalty/fee) in two ways.

1. Apply when filing a federal income tax return through self-attestation or by providing an Exemption Certificate Number (ECN).

- Self-attestation
  - ◇ Do not need to submit documentation because an individual can self-attest that they or a member of their tax household are eligible for an exemption
  - ◇ Should retain the same documentation as if filing for an exemption through the Marketplace (see Step 5 of the exemption application)
  - ◇ Must be able to produce this documentation if audited by IRS
- Provide an ECN (the number received from the Marketplace contractor)
  - ◇ Keep this number, because it will need to be provided every year when filing taxes
  - ◇ Because an individual has proven eligibility for an ECN, he or she will not need to produce tribal or eligibility documentation in case of an IRS audit

2. Apply through the Marketplace by completing an exemption application and mailing it with supporting documentation.

- Must submit documentation of membership in a federally recognized tribe/ANCSA corporation, or eligibility for services through an Indian health care provider (see Step 5 of the exemption application)
- Will receive an ECN.

The ECN is valid for a lifetime, but it must be reported if required to file an income tax return to avoid a shared responsibility payment (tax penalty/fee). If an individual does not have an ECN, he or she must file for the Indian exemption when completing his or her federal income tax return every year to avoid the shared responsibility payment (tax penalty/fee). Even if an individual applies for an exemption from the fee, he or she can also apply for QHPs on the Marketplace, or for Medicaid and CHIP programs, and still receive services from an Indian health care provider.



Forms to apply for the Indian exemption on the Marketplace are available for downloading at:

<http://marketplace.cms.gov/getofficialresources/publications-and-articles/tribal-exemption.pdf>

For more information, visit: [www.healthcare.gov/tribal](http://www.healthcare.gov/tribal)

## Contact Info: