



July 12, 2013

The Honorable Marilyn Scott, Chair  
American Indian Health Commission  
Upper Skagit Tribe  
255944 Community Plaza  
Sedro Wooley, Washington 98284

The Honorable Brent Simcosky, Interim Executive Director  
American Indian Health Commission  
Jamestown S'Klallam Family Health Clinic  
808 North 5<sup>th</sup> Avenue  
Sequim, Washington 98382

Dear Ms. Scott and Mr. Simcosky:

Thank you for your June 17, 2013, letter regarding the verification process for American Indians and Alaska Natives (AI/ANs). As you know, the Affordable Care Act (ACA) requires verification related to AI/AN status as part of the special eligibility standards and processes for American Indians and Alaska Natives that are included in the federal law. The Exchange is pleased that the American Indian Health Commission (AIHC) has worked with us to design a flexible verification process that allow Tribal Assisters, Tribes, and Urban Indian programs (with the permission of the Tribes) to verify membership.

Some examples of how the verification process will be completed are as follows:

- Using the Washington Healthplanfinder website, an individual indicates that s/he is an American Indian, and selects the Tribe s/he is a member of from a drop-down menu that includes all federally recognized Tribes (including Tribes outside of Washington).
- If a Tribal Assister is helping her/him, the Tribal Assister can verify her/his status online through the Healthplanfinder web portal.
- If s/he is applying on her/his own and has documentation of her/his tribal status, those documents can be uploaded directly into Healthplanfinder. Verification documents submitted through Healthplanfinder will be processed by HBE Tribal Specialist, Sheryl Lowe, with support from the Client Services Specialist team.
- If s/he is applying without the assistance of a Tribal Assister or without documentation, s/he can proceed with her/his enrollment. S/he will be conditionally eligible for all relevant AI/AN specific eligibility standards and processes. After submitting her/his enrollment, the unverified individual will receive a notice from the Exchange, stating that s/he has 90 days to verify her/his tribal membership through a Tribal Assister or by uploading/sending in documents. The Exchange will also send notification to the Tribe the individual selected, requesting verification of her/his

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status. The Tribe can verify status online through the Healthplanfinder web portal (if it is a Washington Tribe).

In your letter, you voice concern that the 90-day verification period set forth in the ACA may not always be sufficient, particularly when enrollment documentation must be obtained by members of Tribes outside of Washington State.

If within 90 days of receiving notice from the Exchange an individual is unable to have a Tribal Assister, or Tribe, or Urban Indian Program verify her/his tribal status, and is unable to submit the required documentation directly to the Exchange, the ACA allows the Exchange to extend the verification period.<sup>1</sup> As you note in your letter, this extension is limited to situations where the applicant demonstrates s/he has made a "good faith effort" to obtain the required documentation. The Exchange will consider any request received for this type of extension on a case-by-case basis. We appreciate your suggestions of how a "good faith effort" might be demonstrated, and will work with the Tribal Advisory Workgroup (TAW) to develop guidelines for AI/ANs who would like to request this extension.

Finally, if Tribal membership documentation does not exist or is not reasonably available and the Exchange is unable to otherwise resolve the inconsistency, the ACA requires that the Exchange provide an exception, on a case-by-case basis, to accept an applicant's attestation along with an explanation of circumstances as to why the applicant does not have documentation.

We hope this addresses your concerns about the verification options available and the 90-day verification period. Thank you for your continued support of the Exchange.

Sincerely,



Richard K. Onizuka, Ph.D.  
Chief Executive Officer

cc: AIHC Delegates  
NPAIHB Delegates  
Susan Johnson, DHHS  
Deb Sosa, CMS  
Joe Finkbonner, NPAIHB  
Jim Roberts, NPAIHB  
Vickie Lowe, AIHC  
Heather Erb, AIHC  
Roger Gantz, AIHC

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<sup>1</sup> The ACA regulations about the verification process related to eligibility for enrollment in a QHP through the Exchange are located in 45 CFR §155.315.