

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
Center for Consumer Information & Insurance Oversight
200 Independence Avenue SW
Washington, DC 20201



September 7, 2021

VIA ELECTRONIC MAIL: michael.conway@state.co.us

Michael Conway
Commissioner of Insurance
Colorado Division of Insurance
1560 Broadway, Suite 850
Denver, CO 80202

Dear Commissioner Conway:

This letter is to notify you that, in part due to the American Rescue Plan (ARP) Act of 2021, Colorado will receive a total of \$182,680,879 in pass-through funding to implement its State Innovation Waiver under the Affordable Care Act (ACA) for calendar year 2021.

As you are aware, on July 31, 2019, the Department of Health & Human Services and the Department of the Treasury (the Departments) approved Colorado's State Innovation Waiver under section 1332 of the ACA. Colorado's approved application waives the ACA's requirement for the single risk pool to the extent necessary to implement a state reinsurance program called the Colorado Reinsurance Program for plan years 2020 through 2021. More recently, on August 13, 2021, the Departments approved Colorado's request to extend its section 1332 waiver through 2026. On April 21, 2021, the Departments notified Colorado that they had determined that Colorado's pass-through funding amount for calendar year 2021 was \$132,788,381. This determination reflected federal law as of March 10, 2021, prior to the passage of the ARP. Among other changes, the ARP temporarily expanded the ACA's premium tax credit (PTC), increasing the generosity of the PTC for those who were already eligible under the ACA and making PTCs available to individuals with incomes above 400 percent of the federal poverty level for the first time.

The Departments have now completed their analysis of the effects of the ARP on pass-through funding. The Department of the Treasury's final administrative determination for Colorado's total pass-through funding for calendar year 2021, after accounting for the ARP, is \$182,680,879. As a result, Colorado will receive \$49,892,498 more in pass-through funding than the amount specified in the Departments' April letter.

We look forward to continuing to work with you and your staff. If you have any questions regarding program matters or official correspondence concerning the waiver, please contact Lina Rashid at Lina.Rashid@cms.hhs.gov or stateinnovationwaivers@cms.hhs.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Ellen Montz". The signature is written in a cursive style with a large, sweeping flourish at the end.

Ellen Montz

Director

Center for Consumer Information and Insurance Oversight (CCIIO)

Cc:

Mark Mazur, Deputy Assistant Secretary for Tax Policy, U.S. Department of the Treasury

The Honorable Jared Polis, Governor, State of Colorado

Kate Harris, Chief Deputy Commissioner, Colorado Division of Insurance

Laura Mortimer, Reinsurance Program Director, Colorado Division of Insurance

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
Center for Consumer Information & Insurance Oversight
200 Independence Avenue SW
Washington, DC 20201



April 21, 2021

VIA ELECTRONIC MAIL: michael.conway@state.co.us

Michael Conway
Commissioner of Insurance
Colorado Division of Insurance
1560 Broadway, Suite 850
Denver, CO 80202

Dear Commissioner Conway:

On July 31, 2019, the Department of Health & Human Services and the Department of the Treasury approved Colorado's State Innovation Waiver under section 1332 of the Affordable Care Act (ACA). Colorado's approved application waives the ACA's requirement for the single risk pool to implement a state reinsurance program called the Colorado Reinsurance Program for plan years 2020 through 2021. It is the Department of the Treasury's final administrative determination that Colorado's pass-through funding amount for calendar year 2021 is \$132,788,381. This determination reflects federal law as of March 10, 2021. For information on how the American Rescue Plan Act of 2021 may impact pass-through funding, please see here.¹

If you have any questions regarding program matters or official correspondence concerning the waiver, please contact Lina Rashid at Lina.Rashid@cms.hhs.gov or stateinnovationwaivers@cms.hhs.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey Grant', is written over a light blue horizontal line.

Jeffrey Grant
Acting Director, Center for Consumer Information and Insurance Oversight (CCIIO)
Centers for Medicare & Medicaid Services (CMS)

Cc:

Mark Mazur, Deputy Assistant Secretary for Tax Policy, U.S. Department of the Treasury
The Honorable Jared Polis, Governor, State of Colorado
Kate Harris, Chief Deputy Commissioner, Colorado Division of Insurance
Laura Mortimer, Reinsurance Program Director, Colorado Division of Insurance

¹ https://www.cms.gov/CCIIO/Programs-and-Initiatives/State-Innovation-Waivers/Section_1332_State_Innovation_Waivers-#pass-through

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
Center for Consumer Information & Insurance Oversight
200 Independence Avenue SW
Washington, DC 20201



February 25, 2021

VIA ELECTRONIC MAIL: michael.conway@state.co.us

Michael Conway
Commissioner of Insurance
Colorado Division of Insurance
1560 Broadway, Suite 850
Denver, CO 80202

Dear Commissioner Conway:

On July 31, 2019, the Department of Health & Human Services and the Department of the Treasury approved Colorado's State Innovation Waiver under section 1332 of the Patient Protection and Affordable Care Act (PPACA). Colorado's application sought to waive PPACA's requirement for the single risk pool to implement a state reinsurance program for plan years 2020 through 2021. The pass-through funding associated with this waiver for calendar year 2021 is estimated to be \$132,788,381. This amount will be subject to a final administrative determination by the Department of the Treasury prior to payment.

If you have any questions regarding program matters or official correspondence concerning the waiver, please contact Lina Rashid at Lina.Rashid@cms.hhs.gov, or stateinnovationwaivers@cms.hhs.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey Grant", is located below the word "Sincerely,".

Jeffrey Grant
Acting Director, Center for Consumer Information and Insurance Oversight

Cc:

Mark Mazur, Deputy Assistant Secretary for Tax Policy, U.S. Department of the Treasury
The Honorable Jared Polis, Governor, State of Colorado
Kate Harris, Chief Deputy Commissioner, Colorado Division of Insurance
Laura Mortimer, Reinsurance Program Director, Colorado Division of Insurance