

# **New Jersey 1332 Waiver Extension Application**

July 6, 2023  
Revised – July 11, 2023

*Justin Zimmerman, Acting Commissioner  
New Jersey Department of Banking and Insurance  
20 West State Street  
P.O. Box 325  
Trenton, NJ 08625  
[www.nj.gov/dobi](http://www.nj.gov/dobi)*

*in consultation with*

*The Board of Directors of the Individual Health Coverage Program  
20 West State Street  
P.O. Box 325  
Trenton, NJ 08625  
[www.dobi.nj.gov/ihc](http://www.dobi.nj.gov/ihc)*

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## Executive Overview

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### Request

The State of New Jersey, through its Department of Banking and Insurance (Department), submits this 1332 State Innovation Waiver Extension request to the Centers for Medicare and Medicaid Services (CMS), a division of the United States Department of Health and Human Services (HHS), and the Department of the Treasury. New Jersey's currently approved waiver of the Affordable Care Act (ACA) ACA requirement for the single risk pool contained in ACA section 1312(c)(1) allows the state to operate a state-based reinsurance program for the individual health insurance market from January 1, 2019 through December 31, 2023. New Jersey seeks to waive ACA section 1312(c)(1) for an additional waiver period of five years from January 1, 2024 through December 31, 2028, to support the continued operation of its individual market state-based reinsurance program.

The Department requests the 1332 waiver extension without substantive change. The extended timeframe is the only change to the existing 1332 waiver. The waiver extension will continue to abide by the Specific Terms and Conditions set forth by CMS, adhere to the guardrails established by Section 1332, as well as principles laid out in guidance from CMS, and will not affect other provisions of the ACA.

### New Jersey Reinsurance Program Overview

New Jersey's reinsurance program was authorized by the New Jersey Health Insurance Premium Security Act (the Act), P.L.2018, c.24, which passed the New Jersey Legislature on April 12, 2018, and was signed into law on May 30, 2018. New Jersey's reinsurance program was highly successful in its first five years (2019 to 2023).

The Act established a reinsurance program called the Health Insurance Premium Security Plan to be administered by the New Jersey Individual Health Coverage Program Board of Directors (IHC Board or Board). The IHC Board is a State agency that is "in but not of" the Department. The Commissioner of the Department sits ex officio as one of the Board's members. The Act provides that the Board, subject to the disapproval of the Commissioner, shall design and adjust the payment parameters of the reinsurance program to stabilize or reduce premium rates in the individual health insurance market by achieving between a 10% and 20% reduction in what indicated premium rates would be for the applicable benefit year without the reinsurance plan. P.L.2018, c.24, §4g(1) and 5. Under the extension, the State will continue to target approximately a 15% reduction in what premiums rates would be without the reinsurance plan.

The Commissioner applied for and received approval for federal funds through a 1332 Innovation Waiver in August of 2018, which supported the creation of a reinsurance program.<sup>1</sup> Therefore, the reinsurance program took effect on January 1, 2019. With the reinsurance program, carriers selling plans in the individual market request reimbursement for

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<sup>1</sup> <https://www.cms.gov/CCIIO/Programs-and-Initiatives/State-Innovation-Waivers/Downloads/1332-STC-NJ-Signed.pdf>

reinsurance-eligible claims and, as a result, the reinsurance program has reduce individual health insurance rates. As a result of the reinsurance program, in 2019, 2020, 2021, 2022, and 2023 individual health insurance premiums were approximately 15 percent lower than they would have been without reinsurance.

The majority of the funding of reimbursement requests under the reinsurance program comes from federal funds made available through the 1332 Innovation Waiver. The balance of the necessary funding comes from revenue raised by the “New Jersey Health Insurance Market Preservation Act,” and the General Fund. The sources of this funding are as follows:

- (1) all funds collected by the State pursuant to P.L.2018, c.31 which establishes a State shared responsibility tax equal to a taxpayer’s federal penalty that would apply for the taxable year under section 5000A of the Internal Revenue Code of 1986;
- (2) federal pass-through funding granted in response to this waiver application; and
- (3) annual appropriation out of the General Fund of the State in an amount as the board, in consultation with the Commissioner, determines necessary to fully fund the plan.

**Transition to State-Based Health Exchange – Get Covered New Jersey**

New Jersey also enacted legislation in June of 2019 to establish a State-based Exchange pursuant to P.L. 2019, c. 141, codified at N.J.S.A. 17B:27A-57 through 59. For plan year 2020, New Jersey transitioned to a State-based exchange on the federal platform, followed the next year by transition to a full State-based exchange. Jersey’s State-based Exchange, Get Covered New Jersey, began operating in Plan Year 2021.

**State Subsidy Program - New Jersey Health Plan Savings**

New Jersey’s state subsidy, New Jersey Health Plan Savings (NJHPS), began being delivered in plan year 2021. The NJHPS makes individual health coverage more affordable in New Jersey and are in addition to federal tax credits. These savings are delivered to income-eligible consumers through Get Covered New Jersey. The NJHPS were expanded along with the expanded federal subsidies in 2021. The implementation of expanded federal subsidies under the American Rescue Plan Act and the passage of the Inflation Reduction Act, which was signed by President Biden in August 2022, allowed New Jersey to also expand the availability of NJHPS. NJHPS are available to those with an annual household income of up to 600 percent of the federal poverty level. New Jersey continues to see record enrollment, in part, as a result of this federal and State partnership to expand access to financial assistance.

**Easy Enrollment Health Insurance Program**

On June 30, 2022, Governor Murphy signed into law P.L.2022, c.39 creating the New Jersey Easy Enrollment Health Insurance Program to make it easier for residents to obtain health

insurance through Get Covered New Jersey.<sup>2</sup> Through this program, uninsured and underinsured residents can indicate their interest in coverage for themselves or a household member on their tax return or through unemployment insurance benefit claims, which will be shared with Get Covered New Jersey.

As required by the legislation, Get Covered New Jersey will create a system to analyze the data collected through tax returns and unemployment benefit claims to determine a resident's eligibility for health insurance coverage and ability to receive financial help and proactively connect with qualifying residents to help them enroll. The law also permits Get Covered New Jersey to work with the New Jersey Department of Human Services to determine an individual's eligibility for NJ FamilyCare and share data with the agency for that assessment. Implementation of the Easy Enrollment Health Insurance Program is planned to begin for the 2023 tax filing year, which is filed in 2024.

### **Extension Period Goals and Implementation Overview**

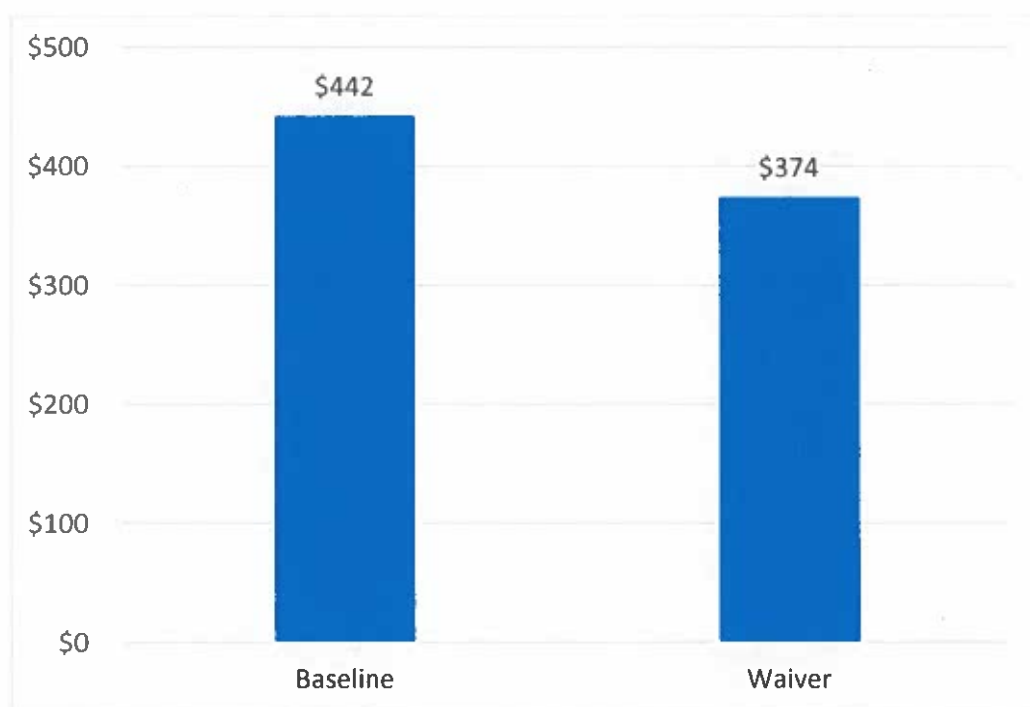
The goals for the five-year waiver extension period center around maintaining the premium reductions achieved in the program's first five years. Actuarial analysis for the waiver extension period estimates the reinsurance program will reduce premium rates by approximately 15.8% in 2024.<sup>3</sup> With a total program cost of \$571.0 million in 2024, the estimated second lowest cost silver individual market premium for a 21-year old living in Bergen County is expected to be reduced \$68, from \$442 to \$374 per month.

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<sup>2</sup> [https://pub.njleg.state.nj.us/Bills/2022/PL22/39\\_.PDF](https://pub.njleg.state.nj.us/Bills/2022/PL22/39_.PDF)

<sup>3</sup> The market wide average premium rate impact is estimated at 15.3% without impact of improved morbidity and at 15.8% with impact of improved morbidity.

**Chart 1:** Estimated Second Lowest Cost Silver ACA 2024 Monthly Premium Rate for a 21 Year Old in Bergen County



Reinsurance is also expected to continue increasing enrollment in New Jersey’s individual market. As shown in Chart 3 below, Oliver Wyman analysis indicates that individual market enrollment is predicted to be roughly 10,000 members higher in 2024 with reinsurance under the Waiver than enrollment would be absent the program under the Baseline. The timeline and key dates for implementation of the reinsurance program under the extension is expected to be similar to the operating timeline established over the initial program period with limited exceptions. Generally, the implementation timeline for the program is as follows: parameters are proposed by the Board by April 30<sup>th</sup> of year prior and adopted shortly after by the Commissioner, payment requests from carriers are provided quarterly throughout the plan year, and data on run-out is collected through the following year, until payments are made no later than November 1 of the year following the plan year. For example, the estimated timeline for the upcoming plan year 2024 reinsurance program would be as follows:

- 6/20/23: The 2024 payment parameters are established.<sup>4</sup>
- 05/01/24: Board provides each eligible carrier and Commissioner with first quarter 2024 reinsurance payment requests
- 08/01/24: Board provides each eligible carrier and Commissioner with second quarter 2024 reinsurance payment requests

<sup>4</sup> Due to actuarial work being combined with the work on this waiver extension application, the 2024 parameters were adopted by the Board on June 20, 2023 and accepted by the Commissioner. The parameters for 2024 will be as follows: Attachment Point \$35,000/ Reinsurance Cap \$270,000/ 50% Coinsurance. In subsequent years, the Board will propose parameters by April 30<sup>th</sup> of the year prior to the plan year.

- 11/1/24: Board provides each eligible carrier and Commissioner with third quarter 2024 reinsurance payment requests
- 02/01/25: Board provides each eligible carrier and Commissioner with fourth quarter 2024 reinsurance payment requests
- 04/15/25: The IHC Board notifies carriers, Commissioner, and State Treasurer of requested reinsurance payments to be made for plan year 2024
- 04/30/25: The IHC Board proposes 2026 payment parameters to Commissioner
- 05/15/25: The IHC Board, in consultation with the Commissioner, calculates the amount necessary to fully fund the program for 2024 after taking into account federal pass-through funds and funds raised from other sources and notifies Legislature.
- 06/30/25: The State budget is signed allocating funds, if necessary, to fully fund the program for 2024
- 09/30/25: Final 2024 runout data is collected
- 11/01/25: State Treasurer disburses 2024 reinsurance payments to eligible carriers

## Section 2 - Program Outcomes and Section 1332 Guardrails

*Preliminary evaluation data and analysis of observable outcomes from the existing waiver program, which includes quantitative or qualitative information on why the state believes the program did or did not meet the statutory guardrails. For example, the state may provide information comparing the originally projected premium reductions or expected claims reimbursements to the actual values of the outcomes observed*

The New Jersey reinsurance program successfully reduced premiums and increased enrollment over the five-year waiver period. The program has also fully complied with Section 1332 statutory guardrails.

### Evaluation and Outcomes Data

For the first three years of the program from 2019 to 2021, premium rates for plans offered in New Jersey's marketplace were reduced by an average between 15.49% to 16.93% for the second lowest cost silver (SLCS) plan, relative to premiums that would have existed absent the waiver.<sup>5</sup> In 2022 the premium rates for the SLCS plan were reduced between 15.3% and 17.0%<sup>6</sup> and in 2023 between 14.1% and 15.3%.<sup>7</sup> The premium rate reductions in the first five years of the program are in line with the goal of the program which is to reduce premium rates between 10% and 20% with the explicit goal of a 15% target rate reduction. Unsubsidized enrollees realized the largest savings in enrollee premium spending, with annual reductions in 2023 ranging from \$676 to \$772 for the

<sup>5</sup> CCIIO Data Brief Series: State Innovation Waivers: State-Based Reinsurance Programs August 2021 - Table 3 <https://www.cms.gov/CCIIO/Programs-and-Initiatives/State-Innovation-Waivers/Downloads/1332-Data-Brief-Aug2021.pdf>

<sup>6</sup> CCIIO March 22, 2022 State Specific Premium Data for Section 1332 Waiver 2022 Pass-through Calculation: NJ\_SLCS tab: <https://www.cms.gov/files/document/1332-state-specific-premium-data-2022.xlsx>

<sup>7</sup> CCIIO March 30, 2023 State Specific Premium Data for Section 1332 Waiver 2022 Pass-through Calculation: NJ\_SLCS tab: <https://www.cms.gov/files/document/1332-key-components-pass-through-estimate-march-2023.xlsx>

SLCS plan for a 21-year-old, relative to the baseline. Enrollee premium spending among those in the income range eligible for premium tax credits (138% to 400% of FPL prior to 2021 and above 138% FPL in 2021 and later) did not change significantly as a result of the waiver.

### **Increased Competition and Consumer Choice**

In addition to premium stability, carriers have re-entered the market. This has created additional competition and increased consumer choice across the State. In 2023, six carriers are participating in the individual market, with five of those offering coverage on Get Covered New Jersey. That is an increase from four carriers in the individual market in 2019 and three participating on the Exchange at that time.

### **Section 1332 Guardrails**

New Jersey's reinsurance program adhered to all four ACA Section 1332 statutory guardrails in its first five years and will continue adhering to the guardrails during the five-year waiver extension period. A description of how the reinsurance program meets each of the statutory guardrails is below.

A. Scope of Coverage (1332(b)(1)(C)). The Section 1332 Waiver extension will provide coverage to at least a comparable number of New Jersey's residents as would be covered absent the waiver.

B. Affordability (1332(b)(1)(B)). The Section 1332 Waiver extension will provide coverage and cost-sharing protections against excessive out-of-pocket spending that results in coverage which is at least as affordable for New Jersey's residents as would be provided absent the waiver.

C. Comprehensiveness (1332(b)(1)(A)). The Section 1332 Waiver extension will provide coverage that is at least as comprehensive for New Jersey's residents as would be provided absent the waiver.

D. Deficit Neutrality (1332(b)(1)(D)). The Section 1332 Waiver extension will not increase the federal deficit. Summarized Expected Impact of the Proposed Section 1332 Waiver Extension Requirement Impact of Proposed Section 1332 Waiver Extension Scope of Coverage The number of individuals covered in the New Jersey health insurance markets is expected to increase. Affordability of Coverage Gross premium rates in the Individual ACA market are expected to decrease while other out-of-pocket expenses are not expected to change. Comprehensiveness of Coverage Not impacted by the proposed Section 1332 Waiver extension. Deficit Neutrality The federal deficit is not expected to increase.

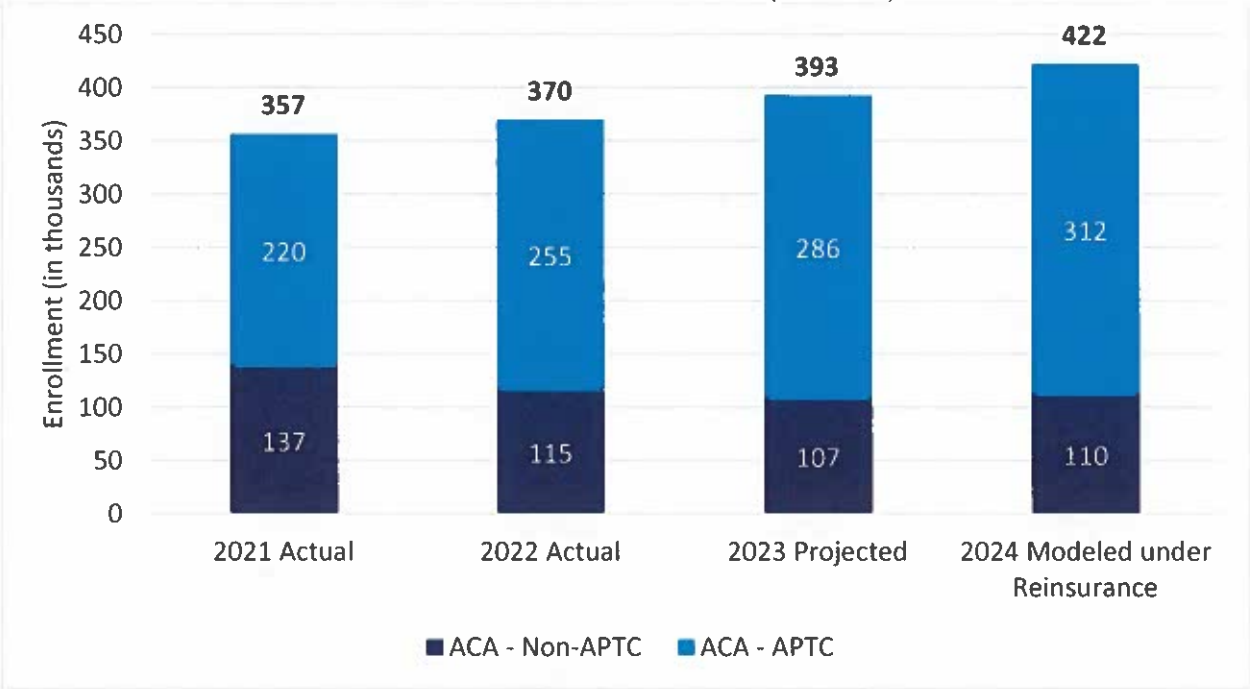
### **Section 3: Updated Economic or Actuarial Analysis for Extension Period**

*Updated economic or actuarial analyses for the extension period, if the state is aware of changes in state law, the state insurance market, or to the waiver program that are allowable under the STCs and impact waiver assumptions and projections, and that the state has not previously shared with the Departments via its reporting requirements.*

### **Preliminary Actuarial Analysis for 2024**



**Chart 2: Individual ACA Market Enrollment 2021 to 2024 (In 1000s)**



The 2024 Modeled under Reinsurance enrollment shown in Chart 2 reflects projected enrollment levels in 2024, split between those individuals receiving advance premium tax credits (APTCs) and those individuals who do not receive APTCs. As shown, with the 1332 waiver and corresponding reinsurance program, total enrollment volume in New Jersey’s Individual ACA market is expected to increase in 2024 compared to 2022 and 2023. Key assumptions being incorporated into the 2024 projection are that Medicaid eligibility redetermination would lead to an increase the Individual ACA market enrollment of roughly 24,000 over 2023 levels, and draft regulations regarding federal subsidies for the DACA population<sup>8</sup> would increase the enrollment by roughly 2,800 over 2023 levels. We assumed that carrier pricing in 2024 will incorporate the following items: 8.3% average premium trend based on health plan specific trends and 7.0% claims trend.

Additional key assumptions which underlie the 2024 Modeled under Reinsurance enrollment projection shown above include the following: Cost sharing reduction (CSR) subsidies will continue to be unfunded by the federal government and carriers will continue to load premiums for their on-Exchange silver plans by an amount equal to the lost CSR payments from the federal government, carrier plan and network offerings will be similar to those available to consumers in 2023, carrier pricing assumptions will be similar to those used in 2023, there will be no significant carrier entries or exits, and there will be no additional significant legislative changes at either the state or federal level.

<sup>8</sup> <https://www.federalregister.gov/documents/2023/04/26/2023-08635/clarifying-eligibility-for-a-qualified-health-plan-through-an-exchange-advance-payments-of-the>

**Chart 3: Individual ACA Market Enrollment in 2024 under Baseline and Waiver Scenario (In 1000s)**

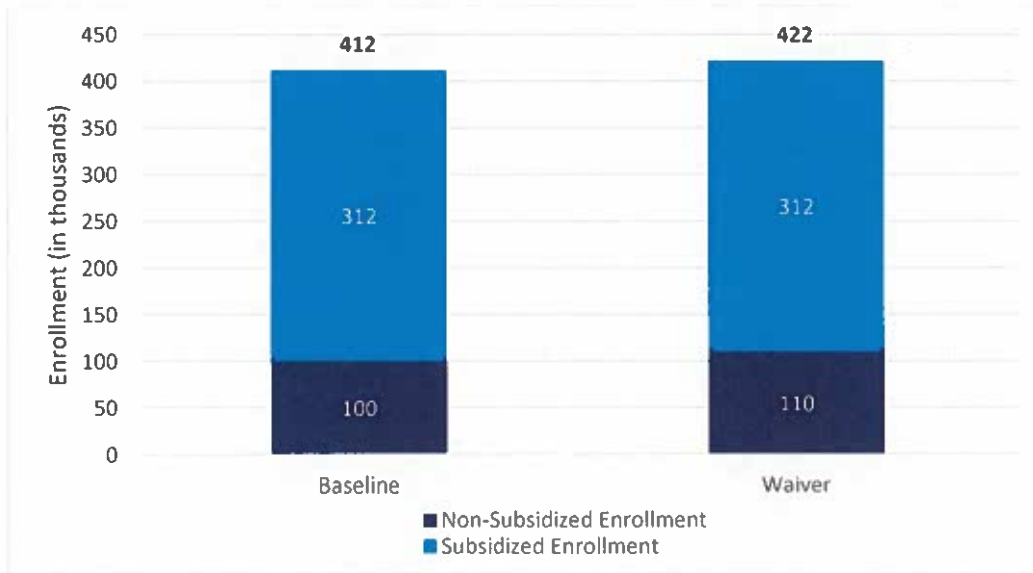


Chart 3 above demonstrates how enrollment in New Jersey’s Individual ACA market would be expected to change assuming reinsurance program funding resulting in a total reduction to premium rates equal to 15.8% were to be implemented starting in 2024. As shown, the impact of the reinsurance program on enrollees receiving APTCs in 2024 is expected to be minimal as the net premium rates paid by those subsidized enrollees (i.e., net of APTCs) are, on average, mostly insulated from changes in gross premium rates. On the other hand, the volume of enrollees who do not receive APTCs (non-subsidized) is expected to increase, driven primarily by uninsured individuals expected to enter the Individual ACA market as a result of lower rates.

We note that, in the reinsurance waiver scenario shown, it is being assumed that carriers will reduce their 2024 premium rates from the levels assumed under the 2024 Modeled Baseline by the percentage of carrier costs expected to be funded by the reinsurance program (i.e. 15.3%), plus an additional amount equal to 0.5% to reflect an expected improvement in the average morbidity of the Individual ACA market, for a total change in premium rates equal to -15.8%.

**Table 1: New Jersey’s Reinsurance Program Design in 2024 (Estimated Parameters)**

<b>Attachment Point</b>	\$35,000
<b>Coinsurance Percentage</b>	50%
<b>Cap</b>	\$270,000

**Table 2: Net Cost of Reinsurance Program to the State of New Jersey in 2024 in Millions**

	2024 Baseline	2024 with Reinsurance	
<b>Reinsurance Pool Cost</b>	-	\$571.0	A
<b>PTC Spending</b>	\$2,323.7	\$1,901.1	
<b>Federal Pass-Through Funding</b>	-	\$422.5	B
<b>Pass-Through % of Total Cost</b>	-	74%	= B / A
<b>Expected Net Cost to the State</b>	-	\$148.5	= A – B

As shown in Table 2 above, the total projected cost (i.e., “Reinsurance Pool Cost”) of a reinsurance program that would reimburse approximately 16.8% of carrier expenses in New Jersey’s Individual ACA market in 2024 is estimated at \$571.0 million.<sup>9</sup> However, through the submission and approval of a 1332 waiver, much of the funding needed for the reinsurance program would be expected to be received in the form of federal pass-through payments, resulting in a net cost to New Jersey which is expected to be significantly lower at \$148.5 million.

Since the proposed reinsurance program is expected to result in a significant decrease in gross premium rates (i.e., premium rates prior to the application of APTCs) for all individuals enrolled in Individual ACA plans, federal spending on PTCs would be expected to decrease by a significant amount as well. Overall, we are projecting that federal PTC spending will decrease by approximately \$422.5 million between the 2024 Modeled Baseline and Reinsurance Waiver scenario. The federal APTC savings would be expected to be reduced by an assumed PTC to APTC ratio of 94.2%. The ratio accounts for the expectation that actual federal premium tax credits calculated on federal tax forms during the tax filing season will be lower than the initial estimate of APTCs during the coverage year due to revised and reconciled household income.

Based on the above, the expected net liability to New Jersey in order to fund a reinsurance program that reimburses approximately 16.8% of carrier expenses in New Jersey’s Individual ACA market in 2024 is expected to be approximately \$148.5 million (i.e., \$571.0 million minus 422.5 million).

#### **Section 4: Evidence of Sufficient Authority under State Law**

*Evidence of sufficient authority under state law(s) in order to meet the PPACA section 1332(b)(2)(A) requirement for purposes of pursuing the requested extension.*

<sup>9</sup> Excludes costs associated with the ongoing administration of the reinsurance program

## Statutory Authority

As described above, New Jersey’s reinsurance program was authorized by the Act, P.L.2018, c.24, which was signed into law on May 30, 2018.<sup>10</sup> The statutory language in the Act authorizes the Commissioner to extend the reinsurance program. The Act provides that the Commissioner, and the board of directors of the New Jersey Individual Health Coverage Program, are “authorized to apply for, accept and receive federal funds to implement and sustain market stabilization programs.”<sup>11</sup> The Act goes on to provide that the commissioner shall apply to the United States Secretary of Health and Human Services under 42 U.S.C. s.18052 for a waiver of applicable provisions of the Affordable Care Act with respect to health insurance coverage in the State for a plan year beginning on or after January 1, 2019, to effectuate the provisions of this act.<sup>12</sup> The Act does not specify a time period or limit the Commissioner’s authority to apply for a waiver to effectuate the provisions of the act, which is intended to allow the Commissioner to “implement and **sustain** market stabilizations programs.”<sup>13</sup> The Act also states that, if the waiver is approved, the commissioner may accept the waiver so long as the commissioner determines that implementation of the plan: a. will be beneficial to policyholders; and b. is expected to stabilize or reduce premiums in the individual health insurance market through a reduction in what indicated premium rates would be without the plan.<sup>14</sup> In submitting this extension application, the Commissioner has found that the reinsurance program does, in fact, continue to benefit policyholders and is expected to continue stabilizing or reducing premiums in the individual health insurance market from they would be without the program. Notably, the Act has no sunset provision and remains operative contemplating reporting every 5 years, which coincides with the time period in the extension request.<sup>15</sup>

## Section 4: Stakeholder Engagement and Tribal Consultation

*An explanation and evidence of the process to ensure meaningful public input on the extension request, which must include:*

- *For a state with one or more federally-recognized Indian tribes within its borders, providing a separate process for meaningful consultation with such tribes, and providing written evidence of the state’s compliance with this requirement.*
- *Publicly posting the submitted LOI on the state’s website to ensure that the public is aware that the state is contemplating a waiver extension request*
- *Publicly posting the waiver extension application on the state’s website upon its submission of the waiver extension application to the Departments.*

*The state does not have to meet all of the public notice requirements specified for new waiver applications in 31 C.F.R. § 33.112 and 45 C.F.R. § 155.1312 (e.g., holding two public hearings and providing a 30-day comment period) to fulfill paragraph (5) above. However, the state must ensure and demonstrate there was an opportunity for meaningful public input on the extension request. For example, the state may choose to hold one public hearing or provide an amended or shorter comment period, or some combination of both. If the state holds one public hearing, it can*

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<sup>10</sup>[https://pub.njleg.state.nj.us/Bills/2018/PL18/24\\_.PDF](https://pub.njleg.state.nj.us/Bills/2018/PL18/24_.PDF)

<sup>11</sup> N.J.S.A.17B:27A-10.2

<sup>12</sup> N.J.S.A.17B:27A-10.9

<sup>13</sup> N.J.S.A.17B:27A-10.2

<sup>14</sup> Id.

<sup>15</sup> See N.J.S.A.17B:27A-10.7e. (1)

*use its annual public forum for the dual purposes of gathering input on the existing waiver as well as the extension application request.*

### **Meaningful public input**

The Department has a dedicated 1332 Waiver page on its state website.<sup>16</sup> Materials posted to this page on June 14, 2023 include the state’s letter of intent and the draft waiver extension application. On June 21, in advance of the first public hearing, the actuarial report was also posted to this page. A final application was posted on July 6, 2023 and was submitted to the Departments.

On June 14, 2023, the Department of Banking and Insurance opened public comment on this waiver extension request and posted notice of the opportunity to comment on this web page. The Department notified interested parties and stakeholders by email, notified the Secretary of State for posting of notice at the Office of the Secretary of State and to provide notice to the press, and posted notice in three newspapers throughout the state.

On June 21, 2023, the Department held a public hearing in room 220 in the Department of Banking and Insurance Building at 20 West State Street, Trenton, New Jersey. At the public hearing, there were no oral or written comments submitted. There was one representative of an individual market carrier in attendance.<sup>17</sup> One question was asked regarding the funding for the program. The Department answered that the program is fully funded in accordance with the P.L.2018, c.24.

The Department held a second public hearing on June 30, 2023 in Room 1 at Mercer County Library – Lawrence Headquarters Branch, 2751 Brunswick Pike, Lawrence Township, NJ 08648. At the public hearing, there were no oral or written comments submitted. The presentations the Department gave at the two public hearings are attached to this application.

During the public comment period, the Department received one written public comment on this waiver request by email, which is attached to this application. The public comment period closed at the end of the day on July 5, 2023.

### **Tribal Consultation**

The State of New Jersey does not have any Federally recognized Indian tribes within its borders, and thus, has not established a separate process for meaningful consultation with any tribes with respect to this 1332 waiver application.

## **Section 5: Actuarial and Economic Analysis of Extension Period**

*Updated economic or actuarial analyses for the extension period, if the state is aware of changes in state law, the state insurance market, or to the waiver program that are allowable under the STCs and impact waiver assumptions and projections, and that the state has not previously shared with the Departments via its reporting requirements.*

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<sup>16</sup> [https://www.state.nj.us/dobi/division\\_insurance/section1332/index.html](https://www.state.nj.us/dobi/division_insurance/section1332/index.html)

The Department contracted with Oliver Wyman to perform actuarial and economic analysis for the extension period of the waiver. No state legislative changes are expected to impact New Jersey's reinsurance program during the waiver extension period. See Oliver Wyman's Actuarial and Economic Analysis attached to this application.





**State of New Jersey**  
DEPARTMENT OF BANKING AND INSURANCE  
OFFICE OF THE COMMISSIONER  
PO BOX 325  
TRENTON, NJ 08625-0325

PHIL MURPHY  
*Governor*

SHEILA OLIVER  
*Lt. Governor*

JUSTIN ZIMMERMAN  
*Acting Commissioner*

TEL (609) 292-7272

July 6, 2023

VIA ELECTRONIC MAIL

Ellen Montz, Ph.D.  
Director, Center for Consumer Information & Insurance Oversight (CCIIO)  
Deputy Administrator, Centers for Medicare & Medicaid Services (CMS)  
200 Independence Avenue SW  
Washington, DC 20201

Dear Dr. Montz,

Pursuant to The New Jersey Health Insurance Premium Security Act, P.L.2018, c.24, the State of New Jersey, through its Department of Banking and Insurance, respectfully submits to you an application for extension of a Section 1332 State Innovation Waiver to continue stabilizing the individual health insurance market in our State. As detailed in this extension application, the State of New Jersey seeks to extend its existing waiver in accordance with Section 1332 of the Affordable Care Act (ACA) for an additional period of five years beginning with the 2024 calendar year. This waiver will continue without substantive change and continues to adhere to the general guardrails established by Section 1332. New Jersey looks forward to continuing to coordinate with your office on the waiver amendment contemplated in New Jersey's January 27, 2023 Letter of Intent for potential submission in the future.

Thank you for your consideration of our waiver extension request. If you have any further questions or need any additional information during the review of the application, please feel free to contact me.

Respectfully submitted,

A handwritten signature in black ink that reads "Justin Zimmerman".

Justin Zimmerman  
Acting Commissioner

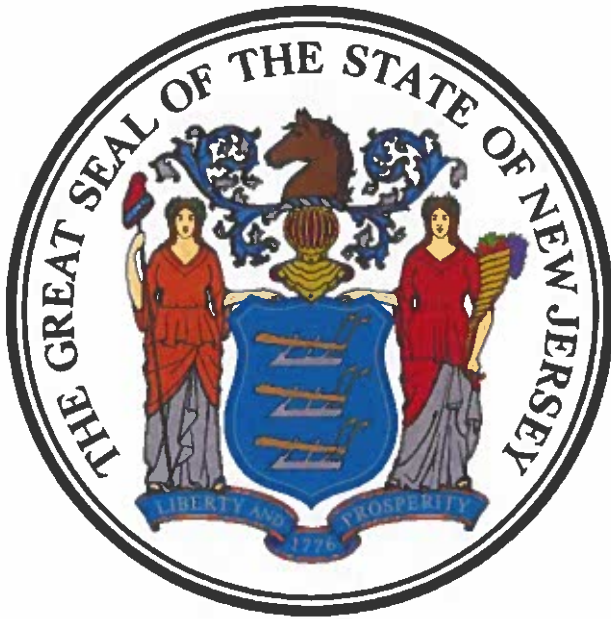
cc: Lily Batchelder, Assistant Secretary for Tax Policy, U.S. Department of the Treasury  
Lina Rashid, Senior Policy Advisor, Center of Consumer Information and Insurance Oversight  
Phil Gennace, Counsel - Office of the Commissioner, New Jersey Department of Banking and Insurance

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## **Executive Overview**

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### **Request**

The State of New Jersey, through its Department of Banking and Insurance (Department), submits this 1332 State Innovation Waiver Extension request to the Centers for Medicare and Medicaid Services (CMS), a division of the United States Department of Health and Human Services (HHS), and the Department of the Treasury. New Jersey's currently approved waiver of the Affordable Care Act (ACA) ACA requirement for the single risk pool contained in ACA section 1312(c)(1) allows the state to operate a state-based reinsurance program for the individual health insurance market from January 1, 2019 through December 31, 2023. New Jersey seeks to waive ACA section 1312(c)(1) for an additional waiver period of five years from January 1, 2024 through December 31, 2028, to support the continued operation of its individual market state-based reinsurance program.

The Department requests the 1332 waiver extension without substantive change. The extended timeframe is the only change to the existing 1332 waiver. The waiver extension will continue to abide by the Specific Terms and Conditions set forth by CMS, adhere to the guardrails established by Section 1332, as well as principles laid out in guidance from CMS, and will not affect other provisions of the ACA.

### **New Jersey Reinsurance Program Overview**

New Jersey's reinsurance program was authorized by the New Jersey Health Insurance Premium Security Act (the Act), P.L.2018, c.24, which passed the New Jersey Legislature on April 12, 2018, and was signed into law on May 30, 2018. New Jersey's reinsurance program was highly successful in its first five years (2019 to 2023).

The Act established a reinsurance program called the Health Insurance Premium Security Plan to be administered by the New Jersey Individual Health Coverage Program Board of Directors (IHC Board or Board). The IHC Board is a State agency that is "in but not of" the Department. The Commissioner of the Department sits ex officio as one of the Board's members. The Act provides that the Board, subject to the disapproval of the Commissioner, shall design and adjust the payment parameters of the reinsurance program to stabilize or reduce premium rates in the individual health insurance market by achieving between a 10% and 20% reduction in what indicated premium rates would be for the applicable benefit year without the reinsurance plan. P.L.2018, c.24, §4g(1) and 5. Under the extension, the State will continue to target approximately a 15% reduction in what premium rates would be without the reinsurance plan.

The Commissioner applied for and received approval for federal funds through a 1332 Innovation Waiver in August of 2018, which supported the creation of a reinsurance program.<sup>1</sup> Therefore, the reinsurance program took effect on January 1, 2019. With the reinsurance program, carriers selling plans in the individual market request reimbursement for

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<sup>1</sup> <https://www.cms.gov/CCIIO/Programs-and-Initiatives/State-Innovation-Waivers/Downloads/1332-STC-NJ-Signed.pdf>

reinsurance-eligible claims and, as a result, the reinsurance program has reduce individual health insurance rates. As a result of the reinsurance program, in 2019, 2020, 2021, 2022, and 2023 individual health insurance premiums were approximately 15 percent lower than they would have been without reinsurance.

The majority of the funding of reimbursement requests under the reinsurance program comes from federal funds made available through the 1332 Innovation Waiver. The balance of the necessary funding comes from revenue raised by the “New Jersey Health Insurance Market Preservation Act,” and the General Fund. The sources of this funding are as follows:

- (1) all funds collected by the State pursuant to P.L.2018, c.31 which establishes a State shared responsibility tax equal to a taxpayer’s federal penalty that would apply for the taxable year under section 5000A of the Internal Revenue Code of 1986;
- (2) federal pass-through funding granted in response to this waiver application; and
- (3) annual appropriation out of the General Fund of the State in an amount as the board, in consultation with the Commissioner, determines necessary to fully fund the plan.

### **Transition to State-Based Health Exchange – Get Covered New Jersey**

New Jersey also enacted legislation in June of 2019 to establish a State-based Exchange pursuant to P.L. 2019, c. 141, codified at N.J.S.A. 17B:27A-57 through 59. For plan year 2020, New Jersey transitioned to a State-based exchange on the federal platform, followed the next year by transition to a full State-based exchange. Jersey’s State-based Exchange, Get Covered New Jersey, began operating in Plan Year 2021.

### **State Subsidy Program - New Jersey Health Plan Savings**

New Jersey’s state subsidy, New Jersey Health Plan Savings (NJHPS), began being delivered in plan year 2021. The NJHPS makes individual health coverage more affordable in New Jersey and are in addition to federal tax credits. These savings are delivered to income-eligible consumers through Get Covered New Jersey. The NJHPS were expanded along with the expanded federal subsidies in 2021. The implementation of expanded federal subsidies under the American Rescue Plan Act and the passage of the Inflation Reduction Act, which was signed by President Biden in August 2022, allowed New Jersey to also expand the availability of NJHPS. NJHPS are available to those with an annual household income of up to 600 percent of the federal poverty level. New Jersey continues to see record enrollment, in part, as a result of this federal and State partnership to expand access to financial assistance.

### **Easy Enrollment Health Insurance Program**

On June 30, 2022, Governor Murphy signed into law P.L.2022, c.39 creating the New Jersey Easy Enrollment Health Insurance Program to make it easier for residents to obtain health

insurance through Get Covered New Jersey.<sup>2</sup> Through this program, uninsured and underinsured residents can indicate their interest in coverage for themselves or a household member on their tax return or through unemployment insurance benefit claims, which will be shared with Get Covered New Jersey.

As required by the legislation, Get Covered New Jersey will create a system to analyze the data collected through tax returns and unemployment benefit claims to determine a resident's eligibility for health insurance coverage and ability to receive financial help and proactively connect with qualifying residents to help them enroll. The law also permits Get Covered New Jersey to work with the New Jersey Department of Human Services to determine an individual's eligibility for NJ FamilyCare and share data with the agency for that assessment. Implementation of the Easy Enrollment Health Insurance Program is planned to begin for the 2023 tax filing year, which is filed in 2024.

### **Extension Period Goals and Implementation Overview**

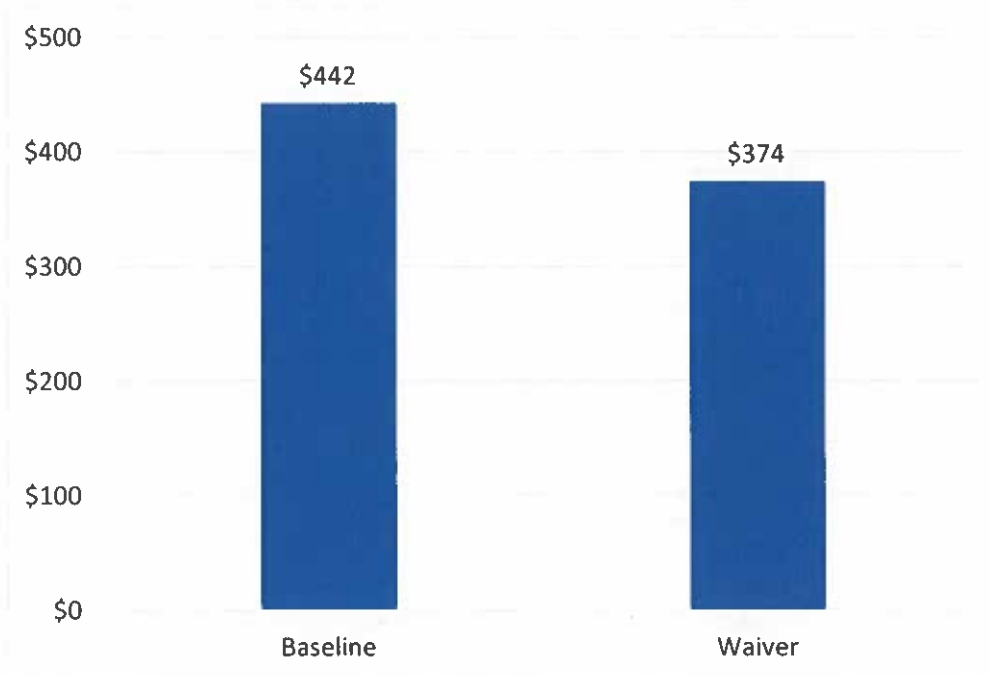
The goals for the five-year waiver extension period center around maintaining the premium reductions achieved in the program's first five years. Actuarial analysis for the waiver extension period estimates the reinsurance program will reduce premium rates by approximately 15.8% in 2024.<sup>3</sup> With a total program cost of \$571.0 million in 2024, the estimated second lowest cost silver individual market premium for a 21-year old living in Bergen County is expected to be reduced \$68, from \$442 to \$374 per month.

**Chart 1:** Estimated Second Lowest Cost Silver ACA 2024 Monthly Premium Rate for a 21 Year Old in Bergen County

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<sup>2</sup> [https://pub.njleg.state.nj.us/Bills/2022/PL22/39\\_.PDF](https://pub.njleg.state.nj.us/Bills/2022/PL22/39_.PDF)

<sup>3</sup> The market wide average premium rate impact is estimated at 15.3% without impact of improved morbidity and at 15.8% with impact of improved morbidity.



Reinsurance is also expected to continue increasing enrollment in New Jersey’s individual market. As shown in Chart 3 below, Oliver Wyman analysis indicates that individual market enrollment is predicted to be roughly 10,000 members higher in 2024 with reinsurance under the Waiver than enrollment would be absent the program under the Baseline.

## Section 2 - Program Outcomes and Section 1332 Guardrails

*Preliminary evaluation data and analysis of observable outcomes from the existing waiver program, which includes quantitative or qualitative information on why the state believes the program did or did not meet the statutory guardrails. For example, the state may provide information comparing the originally projected premium reductions or expected claims reimbursements to the actual values of the outcomes observed*

The New Jersey reinsurance program successfully reduced premiums and increased enrollment over the five-year waiver period. The program has also fully complied with Section 1332 statutory guardrails.

### Evaluation and Outcomes Data

For the first three years of the program from 2019 to 2021, premium rates for plans offered in New Jersey’s marketplace were reduced by an average between 15.49% to 16.93% for the second lowest cost silver (SLCS) plan, relative to premiums that would have existed absent the waiver.<sup>4</sup> In 2022

<sup>4</sup> CCIIO Data Brief Series: State Innovation Waivers: State-Based Reinsurance Programs August 2021 - Table 3 <https://www.cms.gov/CCIIO/Programs-and-Initiatives/State-Innovation-Waivers/Downloads/1332-Data-Brief-Aug2021.pdf>

the premium rates for the SLCS plan were reduced between 15.3% and 17.0%<sup>5</sup> and in 2023 between 14.1% and 15.3%.<sup>6</sup> The premium rate reductions in the first five years of the program are in line with the goal of the program which is to reduce premium rates between 10% and 20% with the explicit goal of a 15% target rate reduction. Unsubsidized enrollees realized the largest savings in enrollee premium spending, with annual reductions in 2023 ranging from \$676 to \$772 for the SLCS plan for a 21-year-old, relative to the baseline. Enrollee premium spending among those in the income range eligible for premium tax credits (138% to 400% of FPL prior to 2021 and above 138% FPL in 2021 and later) did not change significantly as a result of the waiver.

### **Increased Competition and Consumer Choice**

In addition to premium stability, carriers have re-entered the market. This has created additional competition and increased consumer choice across the State. In 2023, six carriers are participating in the individual market, with five of those offering coverage on Get Covered New Jersey. That is an increase from four carriers in the individual market in 2019 and three participating on the Exchange at that time.

### **Section 1332 Guardrails**

New Jersey's reinsurance program adhered to all four ACA Section 1332 statutory guardrails in its first five years and will continue adhering to the guardrails during the five-year waiver extension period. A description of how the reinsurance program meets each of the statutory guardrails is below.

A. Scope of Coverage (1332(b)(1)(C)). The Section 1332 Waiver extension will provide coverage to at least a comparable number of New Jersey's residents as would be covered absent the waiver.

B. Affordability (1332(b)(1)(B)). The Section 1332 Waiver extension will provide coverage and cost-sharing protections against excessive out-of-pocket spending that results in coverage which is at least as affordable for New Jersey's residents as would be provided absent the waiver.

C. Comprehensiveness (1332(b)(1)(A)). The Section 1332 Waiver extension will provide coverage that is at least as comprehensive for New Jersey's residents as would be provided absent the waiver.

D. Deficit Neutrality (1332(b)(1)(D)). The Section 1332 Waiver extension will not increase the federal deficit. Summarized Expected Impact of the Proposed Section 1332 Waiver Extension Requirement Impact of Proposed Section 1332 Waiver Extension Scope of Coverage The number of individuals covered in the New Jersey health insurance markets is expected to increase. Affordability of Coverage Gross premium rates in the Individual ACA market are expected to decrease while other out-of-pocket expenses are not expected to change. Comprehensiveness of Coverage Not impacted by the proposed Section 1332 Waiver extension. Deficit Neutrality The federal deficit is not expected to increase.

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<sup>5</sup>CCIIIO March 22, 2022 State Specific Premium Data for Section 1332 Waiver 2022 Pass-through Calculation: NJ\_SLCS tab: <https://www.cms.gov/files/document/1332-state-specific-premium-data-2022.xlsx>

<sup>6</sup>CCIIIO March 30, 2023 State Specific Premium Data for Section 1332 Waiver 2022 Pass-through Calculation: NJ\_SLCS tab: <https://www.cms.gov/files/document/1332-key-components-pass-through-estimate-march-2023.xlsx>

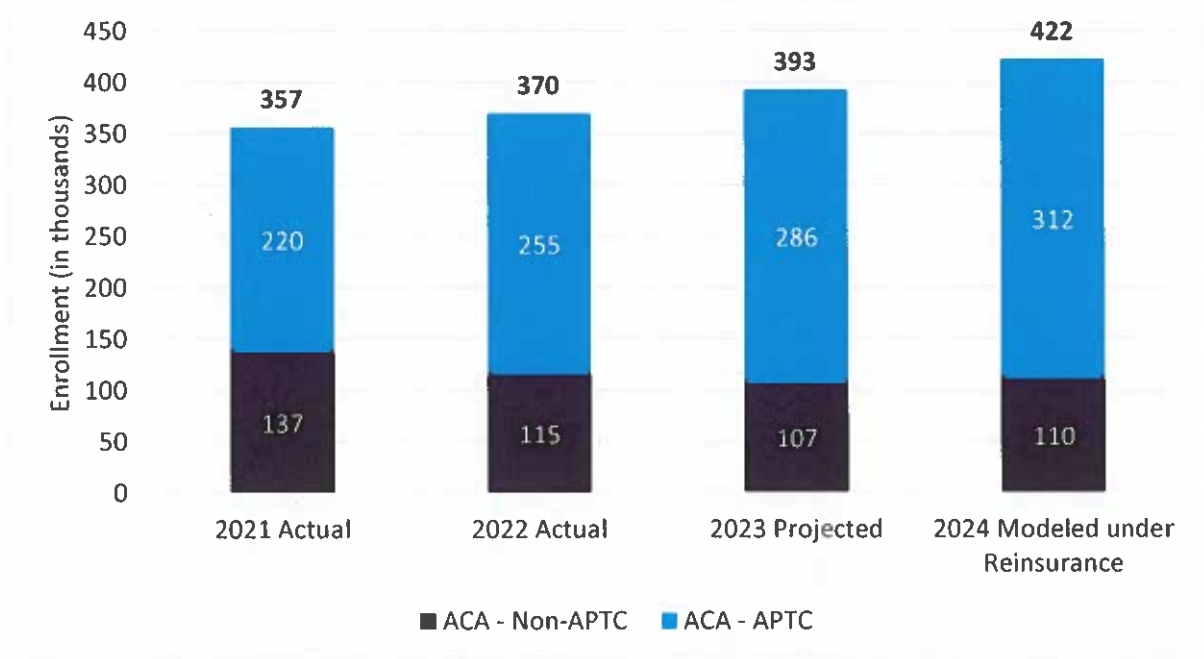
### **Section 3: Updated Economic or Actuarial Analysis for Extension Period**

*Updated economic or actuarial analyses for the extension period, if the state is aware of changes in state law, the state insurance market, or to the waiver program that are allowable under the STCs and impact waiver assumptions and projections, and that the state has not previously shared with the Departments via its reporting requirements.*

#### **Preliminary Actuarial Analysis for 2024**



**Chart 2: Individual ACA Market Enrollment 2021 to 2024 (In 1000s)**



The 2024 Modeled under Reinsurance enrollment shown in Chart 2 reflects projected enrollment levels in 2024, split between those individuals receiving advance premium tax credits (APTCs) and those individuals who do not receive APTCs. As shown, with the 1332 waiver and corresponding reinsurance program, total enrollment volume in New Jersey’s Individual ACA market is expected to increase in 2024 compared to 2022 and 2023. Key assumptions being incorporated into the 2024 projection are that Medicaid eligibility redetermination would lead to an increase the Individual ACA market enrollment of roughly 24,000 over 2023 levels, and draft regulations regarding federal subsidies for the DACA population<sup>7</sup> would increase the enrollment by roughly 2,800 over 2023 levels. We assumed that carrier pricing in 2024 will incorporate the following items: 8.3% average premium trend based on health plan specific trends and 7.0% claims trend.

Additional key assumptions which underlie the 2024 Modeled under Reinsurance enrollment projection shown above include the following: Cost sharing reduction (CSR) subsidies will continue to be unfunded by the federal government and carriers will continue to load premiums for their on-Exchange silver plans by an amount equal to the lost CSR payments from the federal government, carrier plan and network offerings will be similar to those available to consumers in 2023, carrier pricing assumptions will be similar to those used in 2023, there will be no significant carrier entries or exits, and there will be no additional significant legislative changes at either the state or federal level.

<sup>7</sup> <https://www.federalregister.gov/documents/2023/04/26/2023-08635/clarifying-eligibility-for-a-qualified-health-plan-through-an-exchange-advance-payments-of-the>

**Chart 3: Individual ACA Market Enrollment in 2024 under Baseline and Waiver Scenario (In 1000s)**



Chart 3 above demonstrates how enrollment in New Jersey’s Individual ACA market would be expected to change assuming reinsurance program funding resulting in a total reduction to premium rates equal to 15.8% were to be implemented starting in 2024. As shown, the impact of the reinsurance program on enrollees receiving APTCs in 2024 is expected to be minimal as the net premium rates paid by those subsidized enrollees (i.e., net of APTCs) are, on average, mostly insulated from changes in gross premium rates. On the other hand, the volume of enrollees who do not receive APTCs (non-subsidized) is expected to increase, driven primarily by uninsured individuals expected to enter the Individual ACA market as a result of lower rates.

We note that, in the reinsurance waiver scenario shown, it is being assumed that carriers will reduce their 2024 premium rates from the levels assumed under the 2024 Modeled Baseline by the percentage of carrier costs expected to be funded by the reinsurance program (i.e. 15.3%), plus an additional amount equal to 0.5% to reflect an expected improvement in the average morbidity of the Individual ACA market, for a total change in premium rates equal to -15.8%.

**Table 1: New Jersey’s Reinsurance Program Design in 2024 (Estimated Parameters)**

<b>Attachment Point</b>	\$35,000
<b>Coinsurance Percentage</b>	50%
<b>Cap</b>	\$270,000

**Table 2: Net Cost of Reinsurance Program to the State of New Jersey in 2024 in Millions**

	2024 Baseline	2024 with Reinsurance	
<b>Reinsurance Pool Cost</b>	-	\$571.0	A
<b>PTC Spending</b>	\$2,323.7	\$1,901.1	
<b>Federal Pass-Through Funding</b>	-	\$422.5	B
<b>Pass-Through % of Total Cost</b>	-	74%	= B / A
<b>Expected Net Cost to the State</b>	-	\$148.5	= A – B

As shown in Table 2 above, the total projected cost (i.e., “Reinsurance Pool Cost”) of a reinsurance program that would reimburse approximately 16.8% of carrier expenses in New Jersey’s Individual ACA market in 2024 is estimated at \$571.0 million.<sup>8</sup> However, through the submission and approval of a 1332 waiver, much of the funding needed for the reinsurance program would be expected to be received in the form of federal pass-through payments, resulting in a net cost to New Jersey which is expected to be significantly lower at \$148.5 million.

Since the proposed reinsurance program is expected to result in a significant decrease in gross premium rates (i.e., premium rates prior to the application of APTCs) for all individuals enrolled in Individual ACA plans, federal spending on PTCs would be expected to decrease by a significant amount as well. Overall, we are projecting that federal PTC spending will decrease by approximately \$422.5 million between the 2024 Modeled Baseline and Reinsurance Waiver scenario. The federal APTC savings would be expected to be reduced by an assumed PTC to APTC ratio of 94.2%. The ratio accounts for the expectation that actual federal premium tax credits calculated on federal tax forms during the tax filing season will be lower than the initial estimate of APTCs during the coverage year due to revised and reconciled household income.

Based on the above, the expected net liability to New Jersey in order to fund a reinsurance program that reimburses approximately 16.8% of carrier expenses in New Jersey’s Individual ACA market in 2024 is expected to be approximately \$148.5 million (i.e., \$571.0 million minus 422.5 million).

#### **Section 4: Evidence of Sufficient Authority under State Law**

*Evidence of sufficient authority under state law(s) in order to meet the PPACA section 1332(b)(2)(A) requirement for purposes of pursuing the requested extension.*

<sup>8</sup> Excludes costs associated with the ongoing administration of the reinsurance program

## Statutory Authority

As described above, New Jersey's reinsurance program was authorized by the Act, P.L.2018, c.24, which was signed into law on May 30, 2018.<sup>9</sup> The statutory language in the Act authorizes the Commissioner to extend the reinsurance program. The Act provides that the Commissioner, and the board of directors of the New Jersey Individual Health Coverage Program, are "authorized to apply for, accept and receive federal funds to implement and sustain market stabilization programs."<sup>10</sup> The Act goes on to provide that the commissioner shall apply to the United States Secretary of Health and Human Services under 42 U.S.C. s.18052 for a waiver of applicable provisions of the Affordable Care Act with respect to health insurance coverage in the State for a plan year beginning on or after January 1, 2019, to effectuate the provisions of this act.<sup>11</sup> The Act does not specify a time period or limit the Commissioner's authority to apply for a waiver to effectuate the provisions of the act, which is intended to allow the Commissioner to "implement and sustain market stabilizations programs."<sup>12</sup> The Act also states that, if the waiver is approved, the commissioner may accept the waiver so long as the commissioner determines that implementation of the plan: a. will be beneficial to policyholders; and b. is expected to stabilize or reduce premiums in the individual health insurance market through a reduction in what indicated premium rates would be without the plan.<sup>13</sup> In submitting this extension application, the Commissioner has found that the reinsurance program does, in fact, continue to benefit policyholders and is expected to continue stabilizing or reducing premiums in the individual health insurance market from they would be without the program. Notably, the Act has no sunset provision and remains operative contemplating reporting every 5 years, which coincides with the time period in the extension request.<sup>14</sup>

## Section 4: Stakeholder Engagement and Tribal Consultation

*An explanation and evidence of the process to ensure meaningful public input on the extension request, which must include:*

- *For a state with one or more federally-recognized Indian tribes within its borders, providing a separate process for meaningful consultation with such tribes, and providing written evidence of the state's compliance with this requirement.*
- *Publicly posting the submitted LOI on the state's website to ensure that the public is aware that the state is contemplating a waiver extension request*
- *Publicly posting the waiver extension application on the state's website upon its submission of the waiver extension application to the Departments.*

*The state does not have to meet all of the public notice requirements specified for new waiver applications in 31 C.F.R. § 33.112 and 45 C.F.R. § 155.1312 (e.g., holding two public hearings and providing a 30-day comment period) to fulfill paragraph (5) above. However, the state must ensure and demonstrate there was an opportunity for meaningful public input on the extension request. For example, the state may choose to hold one public hearing or provide an amended or shorter comment period, or some combination of both. If the state holds one public hearing, it can*

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<sup>9</sup>[https://pub.njleg.state.nj.us/Bills/2018/PL18/24\\_.PDF](https://pub.njleg.state.nj.us/Bills/2018/PL18/24_.PDF)

<sup>10</sup> N.J.S.A.17B:27A-10.2

<sup>11</sup> N.J.S.A.17B:27A-10.9

<sup>12</sup> N.J.S.A.17B:27A-10.2

<sup>13</sup> Id.

<sup>14</sup> See N.J.S.A.17B:27A-10.7e. (1)

*use its annual public forum for the dual purposes of gathering input on the existing waiver as well as the extension application request.*

### **Meaningful public input**

The Department has a dedicated 1332 Waiver page on its state website.<sup>15</sup> Materials posted to this page on June 14, 2023 include the state’s letter of intent and the draft waiver extension application. On June 21, in advance of the first public hearing, the actuarial report was also posted to this page. A final application was posted on July 6, 2023 and was submitted to the Departments.

On June 14, 2023, the Department of Banking and Insurance opened public comment on this waiver extension request and posted notice of the opportunity to comment on this web page. The Department notified interested parties and stakeholders by email, notified the Secretary of State for posting of notice at the Office of the Secretary of State and to provide notice to the press, and posted notice in three newspapers throughout the state.

On June 21, 2023, the Department held a public hearing in room 220 in the Department of Banking and Insurance Building at 20 West State Street, Trenton, New Jersey. At the public hearing, there were no oral or written comments submitted. There was one representative of an individual market carrier in attendance.<sup>16</sup> One question was asked regarding the funding for the program. The Department answered that the program is fully funded in accordance with the P.L.2018, c.24.

The Department held a second public hearing on June 30, 2023 in Room 1 at Mercer County Library – Lawrence Headquarters Branch, 2751 Brunswick Pike, Lawrence Township, NJ 08648. At the public hearing, there were no oral or written comments submitted. The presentations the Department gave at the two public hearings are attached to this application.

During the public comment period, the Department received one written public comment on this waiver request by email, which is attached to this application. The public comment period closed at the end of the day on July 5, 2023.

### **Tribal Consultation**

The State of New Jersey does not have any Federally recognized Indian tribes within its borders, and thus, has not established a separate process for meaningful consultation with any tribes with respect to this 1332 waiver application.

## **Section 5: Actuarial and Economic Analysis of Extension Period**

*Updated economic or actuarial analyses for the extension period, if the state is aware of changes in state law, the state insurance market, or to the waiver program that are allowable under the STCs and impact waiver assumptions and projections, and that the state has not previously shared with the Departments via its reporting requirements.*

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<sup>15</sup> [https://www.state.nj.us/dobi/division\\_insurance/section1332/index.html](https://www.state.nj.us/dobi/division_insurance/section1332/index.html)

The Department contracted with Oliver Wyman to perform actuarial and economic analysis for the extension period of the waiver. No state legislative changes are expected to impact New Jersey's reinsurance program during the waiver extension period. See Oliver Wyman's Actuarial and Economic Analysis attached to this application.



# **NEW JERSEY SECTION 1332 STATE INNOVATION WAIVER EXTENSION**

Actuarial Analysis

June 14, 2023



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# 1. Introduction

The individual health insurance market in the State of New Jersey (the State) has been relatively stable in recent years, in large part due to the introduction of the Health Insurance Premium Security Plan (HIPSP) which was first introduced in 2019 and is administered by the New Jersey Individual Health Coverage Program Board of Directors (IHC Board). The HIPSP is a state-based reinsurance program whereby issuers selling health insurance plans in the Individual ACA market in New Jersey may request reimbursement for reinsurance-eligible claims and, as a result, the program has reduced health insurance rates in the Individual ACA market in the State over the period 2019-2023 by approximately 15% relative to what they would have been without the program.

New Jersey's state subsidy, New Jersey Health Plan Savings (NJHPS), began in plan year 2021 and makes health insurance coverage in the Individual ACA market more affordable in New Jersey by providing state-sponsored premium subsidies that are in addition to federal premium tax credits. These state-sponsored premium subsidies are available to income-eligible consumers through Get Covered New Jersey. Further, in March 2021 the United States Congress passed H.R. 1319 (The American Rescue Plan Act) which significantly increased federal premium subsidies available to individuals and families purchasing coverage through Get Covered New Jersey. These enhanced subsidies were extended through calendar year 2025 under the Inflation Reduction Act (IRA), which was signed by President Biden in August of 2022. These enhanced federal premium tax credits allowed New Jersey to also expand the availability of the NJHPS to those with annual household income of up to 600 percent of the federal poverty level (FPL).

Under current law, these enhanced subsidies are scheduled to sunset at the end of 2025, returning to levels outlined in the Affordable Care Act (ACA). After the expiration of the public health emergency (PHE) put in place as a result of the COVID-19 pandemic, shifts in enrollment from populations previously covered by Medicaid to the Individual ACA market in New Jersey are expected. Oliver Wyman estimates that approximately 31,400 individuals who are no longer eligible for Medicaid or Children Health Insurance Program (CHIP) coverage are expected to enroll in New Jersey's Individual ACA market by end of 2024.

In an effort to continue to address the affordability of health insurance for New Jerseyans and avoid market disruptions, the State is seeking to extend its current State Innovation Waiver which was authorized under Section 1332 of the Affordable Care Act (Section 1332 Waiver) for the period January 1, 2019 through December 31, 2023, and established a state-based and state-administered reinsurance program. Specifically, the State is proposing to extend the waiver under 45 CFR 155.1332 and continue waiving §1312(c)(1)<sup>1</sup> of the Affordable Care Act from January 1, 2024 through December 31, 2028. The goal of the Section 1332 Waiver extension will be to continue to lower gross premium rates and increase access to more affordable coverage for unsubsidized and under-subsidized populations which would incentivize individuals to join or remain enrolled in the Individual ACA market.

Oliver Wyman Actuarial Consulting, Inc. (Oliver Wyman), was retained by the State of New Jersey's Department of Banking and Insurance (DOBI) to perform the actuarial and economic analysis related to the State's proposed waiver extension. As directed under 45 CFR 155.1308(f)(4)(i)-(iii), the Centers for Medicare and Medicaid Services (CMS) regulations require that states include as part of a Section 1332 Waiver

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<sup>1</sup> §1312(c)(1) states that "A health insurance issuer shall consider all enrollees in all health plans (other than grandfathered health plans) offered by such issuer in the individual market, including those enrollees who do not enroll in such plans through the Exchange, to be members of a single risk pool."

application actuarial and economic analyses, along with actuarial certifications and the data and assumptions used. It is Oliver Wyman's understanding that these same requirements apply to the application for a waiver extension. Oliver Wyman understands that this report will be made public and included by the State of New Jersey in its application to CMS for an extension of its current 1332 Waiver. The purpose of this report is to provide the required actuarial and economic analysis, and demonstrate that the waiver extension will satisfy the following requirements:

- **Scope of Coverage:** Coverage under the Section 1332 Waiver extension will be provided to a comparable number of residents as would be provided absent the waiver extension
- **Affordability of Coverage:** The Section 1332 Waiver extension will provide coverage and cost sharing protections against excessive out-of-pocket spending that are at least as affordable as would be provided absent the waiver extension
- **Comprehensiveness of Coverage:** The Section 1332 Waiver extension will provide coverage that is at least as comprehensive as would be provided absent the waiver extension
- **Deficit Neutrality:** The Section 1332 Waiver extension will not increase the Federal deficit

This report provides the required actuarial and economic analyses, as well as the actuarial certifications, necessary to support that the proposed Section 1332 Waiver extension is expected to satisfy these requirements. Additionally, this report outlines the data, assumptions and methodology used to generate the actuarial and economic projections that result from our analysis. Any other use of this report may be inappropriate and is prohibited by Oliver Wyman.

## 2. Overview of State-Based Reinsurance Program

The State is submitting an application for an extension of its previously approved Section 1332 Waiver that put in place a state-based and state-administered reinsurance program to help improve the affordability of premium rates in New Jersey's Individual ACA market. Under the State's Section 1332 Waiver, a reinsurance program was established for plan years 2019 through 2023. In 2023, the funding for the reinsurance program was set to support a program that had the objective of reducing gross premium rates (i.e., premium rates prior to the application of premium tax credits) in the Individual ACA market by an average of 15.4%, relative to the premium rates which would otherwise be charged if no reinsurance program were in place.

In this section, focusing on plan year 2024, we provide the estimated cost of the reinsurance program, describe how the reinsurance program is expected to be funded, provide the preliminary reinsurance parameters anticipated to be utilized to determine payments from the State to issuers, and provide the impact the reinsurance program is expected to have on premium rates in the Individual ACA market. As enrollment volumes, claim costs, and available funding amounts change over the time period during which the proposed Section 1332 Waiver extension will be in effect, it is expected that items such as the reinsurance parameters will be adjusted, as necessary, by the State to ensure the reinsurance program remains fully funded (net of federal pass-through funding) and, to the extent possible, continues to target the State's overall objective for each plan year (i.e., stability from year to year in the reduction in gross premium rates in the Individual ACA market relative to the premium rates which would otherwise be charged if no reinsurance program was in place).

### Cost and Funding of the State-Based Reinsurance Program in 2024

Based on issuers' rate filings for the 2023 plan year and Oliver Wyman's estimates, the reinsurance program had the effect of reducing premiums on average by 15.4% in 2023. The State's objective is to set the parameters for the program in future years to maintain consistency in the impact that the HIPSP has on premium rates. We estimate the total funding needed to support a reinsurance program<sup>2</sup> that will accomplish New Jersey's stated objective (i.e., reducing gross premium rates in the Individual ACA market by an average of approximately 15.8% relative to the premium rates that would otherwise be charged if no reinsurance program were in place) for 2024 is \$571 million. This estimate was developed based on projected enrollment, premium, claims, non-benefit expenses, and expected reinsurance parameters in the Individual ACA market for 2024. In developing the estimate, it was assumed that issuer claim expenses in 2024 on a per member per month (PMPM) basis will be equal to 2022 claim expenses on a PMPM basis, trend to 2024. Then, based on feedback received from each issuer offering coverage in New Jersey's Individual ACA market in 2023 related to fixed non-benefit expenses and the reductions in claim expenses needed to drive various levels of premium rate changes, we estimated the reduction in issuer claim expenses that would be needed to accomplish New Jersey's stated objective for 2024. In doing so we account for the change in morbidity expected to occur in 2024 under the proposed Section 1332 Waiver extension (i.e., as a result of increased enrollment due to lower premium rates in 2024 with the reinsurance program in place relative to without the reinsurance program), the total projected cost of the program was calculated as follows:

$$\text{Projected 2024 Cost of New Jersey Reinsurance Program} = \text{Projected 2024 Claims Volume} \times \text{Target Reduction in Issuer Claims Expense}$$

<sup>2</sup> Excluding any state administrative expenses

*Where Projected 2024 Claims Volume = 2022 Claims PMPM in the Individual ACA market \* 12 \*  
Claims Trend from 2022 to 2024 \* Estimated 2024 Enrollment in Individual ACA market*

Funding for the reinsurance program in 2024 is expected to come from the following sources:

1. Federal pass-through funds received as a result of the Section 1332 Waiver extension,
2. Funds collected by the State pursuant to the New Jersey Health Insurance Market Preservation Act which establishes a State shared responsibility tax equal to a taxpayer's federal penalty that would apply for the taxable year under Section 5000A of the Internal Revenue Code of 1986, and
3. The Health Insurance Affordability Fund that was created pursuant to N.J.S.A.17B:27A-67 and funds the State's portion of the program. N.J.S.A.17B:27A-10.10 also provides for an annual appropriation out of the General Funds of the State to the extent necessary to fully fund the program.

Regarding the first item, through its Section 1332 Waiver extension application, the State is requesting that the U.S. Department of Treasury (Treasury) "pass-through" to its reinsurance program the cost savings from the reduction of federal outlays for premium tax credits (PTCs) resulting from the reduction in gross premium rates in the Individual ACA market due to the HIPSP. Section 1332(a)(3) of the ACA authorizes pass-through funding under Section 1332 Waivers.

## Estimated 2024 Reinsurance Parameters and Payment Calculation

Consistent with the Federal Transitional Reinsurance Program that was in place from 2014 through 2016, New Jersey's reinsurance program will reimburse issuers for a portion of high dollar claim expenses occurring between a specified attachment point and reinsurance cap, while maintaining an incentive for issuers to continue applying their care management practices for their high-cost claimants.

Table 1 provides preliminary reinsurance parameters expected to apply in 2024:

<b>Parameter</b>	<b>Value</b>
Attachment Point	\$35,000
Reinsurance Cap	\$270,000
Coinsurance %	50.0%

These parameters were estimated using issuer provided claims data from plan years 2021, and 2022 year to date, adjusted to reflect projected plan year 2024 cost levels and projected enrollment volumes, and to reflect a projected distribution of claim expenses consistent with assumed market-wide morbidity levels. Additionally, issuer feedback was obtained to assess the reasonability of the resulting parameters.

Utilizing the parameters outlined in Table 1, reinsurance payments would be calculated based on an issuer's annual paid claim expenses<sup>3</sup> for a given member as follows:

<sup>3</sup> Paid by the issuer; includes medical and pharmacy claims

*2024 Reinsurance Payment for ACA Member, = Maximum [Minimum [Member, Annual Paid Claim Expense, \$270,000] - \$35,000, \$0] x 50.0%*

In Table 2 below, we provide a summary of the expected distribution of members, claims and average claim cost on per member per year (PMPY) basis by annual claim size to which the parameters outlined in Table 1 are expected to apply:

**Table 2: Projected Distribution of 2024 Individual ACA Incurred Claims Expenses**

<b>Annual Incurred Claims</b>	<b>% of Members</b>	<b>% of Claims</b>	<b>Average Claim Cost PMPY</b>
\$0 to \$34,999	96.6%	96.0%	2,356
\$35,000 to \$269,999	3.2%	3.7%	82,778
\$270,000+	0.2%	0.3%	482,629

In utilizing the specified parameters, as with the Federal Transitional Reinsurance Program, it is expected that issuers will continue to have incentives to apply their care management practices even after a given member reaches the specified annual attachment point, since issuers will be reimbursed for only a portion of a given member’s claim costs between the attachment point and reinsurance cap.

## **Estimated Premium Impact of State-Based Reinsurance Program in 2024**

As noted earlier, the objective of the reinsurance program in 2024 is to reduce gross premium rates in the Individual ACA market by an average of approximately 15.8% relative to the premium rates which would otherwise be charged if no reinsurance program were in place. To the extent gross premium rates are reduced, enrollment levels in the Individual ACA market are expected to increase, leading to an improvement in the overall morbidity of New Jersey’s Individual ACA market. We estimate that the morbidity improvement as a result of the proposed Section 1332 Waiver extension will be approximately 0.5% in 2024 based on modeling and issuer feedback. This morbidity improvement is included in the estimated 15.8% premium reduction.

### 3. Actuarial and Economic Analyses

Actuarial analyses meeting the requirements under 45 CFR 155.1308(f)(4)(i) and economic analysis meeting the requirements under 45 CFR 155.1308(f)(4)(ii) are provided in this section.<sup>4</sup> Oliver Wyman's Healthcare Reform Microsimulation Model (HRM Model) was utilized to estimate the expected impact of the proposed Section 1332 Waiver extension on the health insurance markets in New Jersey, and in meeting each of the guardrails associated with Section 1332 Waivers as outlined in federal statute and regulation.

The HRM Model is an economic utility model that captures the flow of individuals across various markets and coverage options based on their economic purchasing decisions. It is integrated with actuarial modeling designed to assess the expected impact of various reforms on the health insurance markets. Appendix A provides additional information about the specifications and functionality underlying the HRM Model.

The projections produced by the HRM Model were analyzed to assess whether the following federal requirements are expected to be met under the proposed Section 1332 Waiver extension:

- **Scope of Coverage Requirement** – The Section 1332 Waiver extension will provide coverage to at least a comparable number of the State's residents as would be covered absent the waiver extension.
- **Affordability Requirement** – The Section 1332 Waiver extension will provide coverage and cost-sharing protections against excessive out-of-pocket spending that results in coverage which is at least as affordable for the State's residents as would be provided absent the waiver extension.
- **Comprehensiveness of Coverage Requirement** – The Section 1332 Waiver extension will provide coverage that is at least as comprehensive for the State's residents as would be provided absent the waiver extension.
- **Deficit Neutrality Requirement** – The Section 1332 Waiver extension will not increase the federal deficit.

Table 3 summarizes at a high level the expected impact of the proposed Section 1332 Waiver extension as it relates to these requirements. Our analyses show that the proposed Section 1332 Waiver extension is expected to meet these requirements in 2024 and each following year for the five-year period ending in 2028. A more detailed discussion of the results as they relate to these requirements follows.

**Table 3: Summarized Expected Impact of the Proposed Section 1332 Waiver Extension**

<b>Requirement</b>	<b>Impact of Proposed Section 1332 Waiver Extension</b>
Scope of Coverage	The number of individuals covered in the New Jersey health insurance markets is expected to increase
Affordability of Coverage	Gross premium rates in the Individual ACA market are expected to decrease while other out-of-pocket expenses are not expected to change
Comprehensiveness of Coverage	Not impacted by the proposed Section 1332 Waiver extension
Deficit Neutrality	The federal deficit is not expected to increase

<sup>4</sup> <https://www.govinfo.gov/content/pkg/FR-2021-09-27/pdf/2021-20509.pdf>

## Scope of Coverage

Under the scope of coverage requirement, a comparable number of residents must be expected to have coverage under the proposed Section 1332 Waiver extension as would have coverage absent the waiver extension.<sup>5</sup> For this purpose, “coverage” refers to minimum essential coverage as defined in 26 U.S.C. 5000A(f) and 26 CFR 1.5000A-2, and health insurance coverage as defined in 45 CFR 144.103. In assessing this requirement, we estimate that the proposed Section 1332 Waiver extension will not have a material impact on the number of New Jerseyans covered under employer-sponsored plans, Medicaid, Medicare, CHIP, and other public programs. As a result, the focus of our analysis is on the impact of the proposed Section 1332 Waiver extension to New Jersey’s Individual ACA market.

Table 4 summarizes the projected average volume of Individual ACA market enrollees and uninsured individuals in New Jersey by year under the baseline and waiver scenarios, assuming gross premium rates in the Individual ACA market are reduced by an average of approximately 15.8% under the waiver scenario (i.e., relative to the premium rates which would otherwise be charged if no reinsurance program were in place). Both the baseline and waiver scenarios:

- Assume state premium subsidies under the NJHPS are available to eligible individuals enrolling through Get Covered New Jersey
- Reflect expected increases in Individual ACA enrollment and the number of uninsured individuals in 2024 as a result of the unwinding of the Medicaid continuous enrollment provision initially put in place under the Public Health Emergency (PHE)<sup>6</sup>
- Reflect increases to Individual ACA enrollment and corresponding decreases in the number of uninsured due Deferred Action for Childhood Arrival (DACA) recipients becoming eligible for premium tax credits and cost sharing reductions if they meet all other eligibility requirements<sup>7</sup>

**Table 4: Summary of Average Individual ACA Market Enrollment and Uninsured Volumes**

Year	Individual ACA Market			Uninsured		
	Baseline	Waiver	Change vs. Baseline	Baseline	Waiver	Change vs. Baseline
2024	412,200	422,000	2.4%	724,300	714,500	-1.4%
2025	413,300	423,700	2.5%	731,100	720,700	-1.4%
2026	373,800	383,700	2.6%	771,100	761,200	-1.3%
2027	374,000	383,900	2.6%	771,300	761,400	-1.3%
2028	374,200	384,100	2.6%	771,500	761,600	-1.3%

Note: Enrollment values shown have been rounded to the nearest hundred

Absent the proposed Section 1332 Waiver extension and corresponding reinsurance program, total enrollment volumes in the baseline scenario in New Jersey’s Individual ACA market are expected to decrease by

<sup>5</sup> 45 CFR 155.1308(f)(3)(iv)(C)

<sup>6</sup> As part of the Consolidated Appropriations Act of 2023, signed into law on December 29, 2022, Congress delinked the continuous enrollment provision from the PHE, ending continuous enrollment requirements on March 31, 2023. New Jersey anticipates completing redeterminations for all Medicaid enrollees by March 31, 2024.

<sup>7</sup> Modeling assumes draft regulations that propose to amend the definition of “lawfully present” to include DACA recipients, making them eligible for premium tax credits and cost-sharing reductions if they meet all other eligibility requirements, will be finalized as proposed. <https://www.govinfo.gov/content/pkg/FR-2023-04-26/pdf/2023-08635.pdf>



approximately 9.6% from 2025 to 2026, due primarily to the scheduled termination of enhanced premium tax credits available under the Inflation Reduction Act (IRA). Under the proposed Section 1332 Waiver extension, enrollment in the Individual ACA market is expected to be approximately 2.5% higher than baseline enrollment levels each year over the time period of 2024 through 2028. The increase in enrollment under the proposed Section 1332 Waiver extension is driven primarily by uninsured individuals expected to enter the Individual ACA market as a result of lower gross premium rates with the reinsurance program in place.<sup>8</sup>

Overall, our modeling shows it is expected that the new enrollees who enter the ACA market in 2024 and later due to the presence of the proposed reinsurance program will, on average, have slightly lower health expenses on a PMPM basis when compared to the individuals who would be expected to enroll in Individual ACA plans regardless of the presence of the reinsurance program. As noted earlier, the impact of the new enrollees on the overall morbidity of New Jersey's Individual ACA market is expected to be approximately 0.5%.

### **Individual ACA Market Enrollment by Household Income**

Table 4a presents projected enrollment levels in the Individual ACA market by household income over the waiver extension time period of 2024 through 2028 assuming gross premium rates in the Individual ACA market are reduced by an average of approximately 15.8% under the waiver scenario relative to the premium rates which would otherwise be charged if no reinsurance program were in place. For this comparison, household income is measured as a percentage of the federal poverty level (FPL).

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<sup>8</sup> While there may be some migration of enrollees from the employer market to the individual ACA market, based on our modeling, we expect any migration from the employer market as a result of the waiver to be *de minimis*.

**Table 4a: Summary of Average Individual ACA Market Enrollment by FPL**

<b>Baseline</b>					
<b>Income Range</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>
< 100%	11,600	11,600	11,300	11,300	11,300
100% - 150%	51,200	51,200	49,800	49,800	49,900
151% - 200%	80,100	80,400	60,100	60,100	60,200
201% - 250%	48,600	48,700	44,000	44,000	44,000
251% - 300%	39,000	39,000	34,700	34,700	34,700
301% - 400%	52,900	53,200	50,100	50,100	50,200
401%+	128,800	129,200	123,800	124,000	123,900
<b>Total ACA</b>	<b>412,200</b>	<b>413,300</b>	<b>373,800</b>	<b>374,000</b>	<b>374,200</b>
<b>Waiver</b>					
<b>Income Range</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>
< 100%	11,600	11,600	11,300	11,300	11,300
100% - 150%	51,200	51,200	49,800	49,800	49,900
151% - 200%	80,100	80,400	60,100	60,100	60,200
201% - 250%	48,600	48,700	44,000	44,000	44,000
251% - 300%	39,000	39,000	34,700	34,700	34,700
301% - 400%	52,900	53,200	50,100	50,100	50,200
401%+	138,600	139,600	133,700	133,900	133,800
<b>Total ACA</b>	<b>422,000</b>	<b>423,700</b>	<b>383,700</b>	<b>383,900</b>	<b>384,100</b>
<b>Baseline to Waiver</b>					
<b>Income Range</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>
< 100%	0	0	0	0	0
100% - 150%	0	0	0	0	0
151% - 200%	0	0	0	0	0
201% - 250%	0	0	0	0	0
251% - 300%	0	0	0	0	0
301% - 400%	0	0	0	0	0
401%+	9,800	10,400	9,900	9,900	9,900
<b>Total Change</b>	<b>9,800</b>	<b>10,400</b>	<b>9,900</b>	<b>9,900</b>	<b>9,900</b>

Note: Values shown have been rounded to the nearest hundred; the sum within each column may not be equal to the total shown and the change in the number of enrollees may not equal the difference between the baseline and waiver membership shown due to rounding.

We estimate that there will be no change in enrollment between the baseline and waiver scenarios for individuals who receive PTCs. This is because, due to the way in which premium rates are calculated under the ACA for these individuals (i.e., maximum premium rates as a percentage of income, net of PTCs), their net out-of-pocket costs are expected to be mostly insulated, on average, from changes in gross premium rates.

Conversely, individuals who do not receive PTCs will experience favorable changes to their total out-of-pocket costs as a result of the reinsurance program. For these individuals, the full impact of the reinsurance program is expected to be realized through reductions to their premium rates, resulting in an expected increase in enrollment for that segment of the population in 2024 and beyond, relative to the baseline.

**Individual ACA Market Enrollment by Metal Level**

Table 4b presents projected enrollment levels in the Individual ACA market by metal level over the waiver extension time period of 2024 through 2028 assuming gross premium rates in the Individual ACA market are reduced by an average of approximately 15.8% under the waiver scenario relative to the premium rates which would otherwise be charged if no reinsurance program were in place.

**Table 4b: Summary of Average Individual ACA Market Enrollment by Metal Level**

<b>Baseline</b>					
<b>Metal Level</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>
Catastrophic	0	0	0	0	0
Bronze	82,200	85,300	89,200	89,300	89,300
Silver	321,600	321,000	277,700	277,800	278,000
Gold	8,400	7,000	6,900	6,900	6,900
Platinum	0	0	0	0	0
<b>Total ACA</b>	<b>412,200</b>	<b>413,300</b>	<b>373,800</b>	<b>374,000</b>	<b>374,200</b>

<b>Waiver</b>					
<b>Metal Level</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>
Catastrophic	0	0	0	0	0
Bronze	82,600	84,600	81,700	81,700	81,800
Silver	329,100	328,800	292,200	292,400	292,500
Gold	10,300	10,300	9,800	9,800	9,800
Platinum	0	0	0	0	0
<b>Total ACA</b>	<b>422,000</b>	<b>423,700</b>	<b>383,700</b>	<b>383,900</b>	<b>384,100</b>

<b>Baseline to Waiver</b>					
<b>Metal Level</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>
Catastrophic	0	0	0	0	0
Bronze	400	-700	-7,500	-7,600	-7,500
Silver	7,500	7,800	14,500	14,600	14,500
Gold	1,900	3,300	2,900	2,900	2,900
Platinum	0	0	0	0	0
<b>Total ACA</b>	<b>9,800</b>	<b>10,400</b>	<b>9,900</b>	<b>9,900</b>	<b>9,900</b>

Note: Values shown have been rounded to the nearest hundred; the sum of values within each column may not be equal to the total value shown and the change in the number of enrollees may not equal the difference between the baseline and waiver membership shown due to rounding

As shown in Table 4b, at lower gross premium rates with the reinsurance program in place, it is expected that ACA enrollees will not seek out leaner benefit plans at the same rate as they would absent the reinsurance program.

**Individual ACA Market Enrollment by Age**

Table 4c presents projected enrollment levels in the Individual ACA market by age over the waiver extension time period of 2024 to 2028 assuming gross premium rates in the Individual ACA market are reduced by an average of approximately 15.8% under the waiver scenario relative to the premium rates which would otherwise be charged if no reinsurance program were in place. Enrollment in the Individual ACA market is expected to increase or stay flat across every age group and the distribution of Individual ACA enrollment by age is not expected to shift significantly under the proposed Section 1332 Waiver extension, relative to the baseline.

**Table 4c: Summary of Average Individual ACA Market Enrollment by Age**

<b>Baseline</b>					
<b>Age Range</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>
0-18	44,100	44,300	43,600	43,600	43,600
18-25	35,100	34,900	29,000	29,000	29,000
26-34	65,900	66,100	60,300	60,300	60,300
35-44	66,900	66,700	56,600	56,600	56,600
45-54	77,800	77,700	67,700	67,800	67,800
55+	122,400	123,600	116,600	116,700	116,900
<b>Total ACA</b>	<b>412,200</b>	<b>413,300</b>	<b>373,800</b>	<b>374,000</b>	<b>374,200</b>
<b>Waiver</b>					
<b>Age Range</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>
0-18	47,000	47,000	45,600	45,700	45,700
18-25	35,700	35,600	30,600	30,600	30,600
26-34	68,100	68,300	61,100	61,200	61,200
35-44	68,700	68,300	58,400	58,500	58,500
45-54	78,900	79,500	69,900	69,900	69,900
55+	123,600	125,000	118,100	118,000	118,200
<b>Total ACA</b>	<b>422,000</b>	<b>423,700</b>	<b>383,700</b>	<b>383,900</b>	<b>384,100</b>
<b>Baseline to Waiver</b>					
<b>Age Range</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>
0-18	2,900	2,700	2,000	2,100	2,100
18-25	600	700	1,600	1,600	1,600
26-34	2,200	2,200	800	900	900
35-44	1,800	1,600	1,800	1,900	1,900
45-54	1,100	1,800	2,200	2,100	2,100
55+	1,200	1,400	1,500	1,300	1,300
<b>Total ACA</b>	<b>9,800</b>	<b>10,400</b>	<b>9,900</b>	<b>9,900</b>	<b>9,900</b>

Note: Values shown have been rounded to the nearest hundred; the sum of values within each column may not be equal to the total value shown and the change in the number of enrollees may not equal the difference between the baseline and waiver membership shown due to rounding.

## Affordability of Coverage

Under the affordability requirement, New Jerseyans must retain health care coverage which is at least as affordable as would be absent the waiver extension.<sup>9</sup> For this purpose, affordability refers to the ability of state residents to pay for health care and is measured by comparing their net out-of-pocket spending for health coverage and services to their incomes. Out-of-pocket expenses are assumed to include premium contributions and any plan level cost-sharing that is the responsibility of the individual.

As with the scope of coverage requirement, in assessing this requirement, we estimate that the proposed Section 1332 Waiver extension will not have a material impact on the affordability of coverage for those individuals enrolled in employer-sponsored plans, Medicaid, Medicare, CHIP or any other public programs. As a result, the focus of our analysis is again on the impact of the proposed Section 1332 Waiver extension on out-of-pocket expenses in New Jersey's Individual ACA market. Additionally, since the proposed Section 1332 Waiver extension does not directly impact member plan level cost-sharing (i.e., members will be able to purchase plans with comparable benefit cost sharing as those plans in which they are currently enrolled), the focus of the affordability requirement is further centered on changes in net premium rates.

<sup>9</sup> 45 CFR 155.1308(f)(3)(iv)(B)

Under the proposed Section 1332 Waiver extension it is expected that gross premium rates in the Individual ACA market will decrease. Total out-of-pocket costs for enrollees who receive PTCs under both the baseline and the Section 1332 Waiver extension, including those with high expected health care costs, will not change for the subsidy benchmark plan (i.e., the second lowest cost silver plan) as their premium rate for that plan will continue to be capped at the applicable maximum percentage of household income they are required to pay under the ACA, less any state premium subsidies for which they are eligible.<sup>10</sup> For enrollees who do not receive PTCs or for enrollees who currently receive PTCs but who would no longer receive PTCs under the proposed Section 1332 Waiver extension (due to their gross premium rates decreasing below what their premium rate net of PTCs would otherwise be), including those with high expected health care costs, the proposed reinsurance program will result in an improvement in the overall affordability of health coverage relative to the baseline scenario.

The gross premium rates for the second lowest cost silver plans in New Jersey's Individual ACA market are expected to decrease, on average, by approximately 15.4% to 16.3% in all years under the proposed Section 1332 Waiver extension (i.e., relative to the baseline in which no reinsurance program is in place, see Tables 5a, 5b, 5c and 5d for additional details). It is important to note, however, that while the statewide average decrease in premium rates relative to the baseline is expected to be equal to approximately 15.8%, the actual change in premium rates under the Section 1332 Waiver extension will vary by issuer, depending upon each issuer's specific claim cost distribution as well as fixed non-benefit expenses. As a result, the projected average rate changes are shown to vary by county.

Table 5a presents estimates of the average second lowest cost silver plan monthly premium rates offered through the Exchange for a single, 21-year-old user in New Jersey by county grouping under both the baseline and waiver scenarios. Tables 5b and 5c present estimates of the second lowest cost silver plan monthly premium rates offered through the Exchange for a single, 21-year-old user in New Jersey by county under the baseline and waiver scenarios, respectively. Table 5d presents estimates of the change in the second lowest cost silver plan monthly premium rates offered through the Exchange by county between the baseline and waiver scenarios. The values in these tables reflect the anticipated impact of the scheduled termination of enhanced premium tax credits available under the IRA after 2025.

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<sup>10</sup> For individuals who receive PTCs and purchase either the lowest-cost cost silver plan or another plan which is less expensive than the second lowest cost silver plan (e.g., a bronze plan), we estimate that their premium rates, net of PTCs, may increase slightly as a result of the proposed Section 1332 Waiver extension (relative to the baseline). This is because the proposed reinsurance program is expected to reduce the PTCs available to the member which can be applied to those lower cost plans by more than the premium rates for those plans are expected to decrease. However, as noted earlier, their out-of-pocket premium for the subsidy benchmark plan will not increase. Additionally, their premium rates net of PTCs for plans whose premium rates are greater than that of the second lowest cost silver plan (e.g., a gold plan) would be expected to decrease (relative to the baseline), improving the affordability of coverage for low-income individuals enrolled in those plans.

**Table 5a: Estimated Second Lowest Cost Silver ACA Premium Rate by County Grouping 21-Year-Old User**

<b>Baseline</b>					
<b>County Grouping</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>
1	\$442	\$473	\$506	\$542	\$580
2	\$450	\$482	\$515	\$552	\$590
3	\$450	\$482	\$515	\$552	\$590

<b>Waiver</b>					
<b>County Grouping</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>
1	\$374	\$400	\$428	\$458	\$490
2	\$377	\$403	\$431	\$462	\$494
3	\$381	\$407	\$436	\$466	\$499

<b>Baseline to Waiver</b>					
<b>County Grouping</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>
1	-15.4%	-15.4%	-15.4%	-15.4%	-15.4%
2	-16.3%	-16.3%	-16.3%	-16.3%	-16.3%
3	-15.4%	-15.4%	-15.4%	-15.4%	-15.4%

Note: Values shown have been rounded to the nearest dollar

Rating Area 1, Group 1: Atlantic, Bergen, Burlington, Camden, Cumberland, Essex, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Morris, Passaic, Salem, Somerset, Sussex, Union, Warren

Rating Area 1, Group 2: Monmouth, Ocean

Rating Area 1, Group 3: Cape May

**Table 5b: Estimated Second Lowest Cost Silver ACA Premium Rate by County 21-Year-Old User – Baseline Scenario**

<b>Baseline</b>						
<b>County Grouping</b>	<b>County</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>
Rating Area 1, Group 1	Atlantic	\$442	\$473	\$506	\$542	\$580
Rating Area 1, Group 1	Bergen	\$442	\$473	\$506	\$542	\$580
Rating Area 1, Group 1	Burlington	\$442	\$473	\$506	\$542	\$580
Rating Area 1, Group 1	Camden	\$442	\$473	\$506	\$542	\$580
Rating Area 1, Group 3	Cape May	\$450	\$482	\$515	\$552	\$590
Rating Area 1, Group 1	Cumberland	\$442	\$473	\$506	\$542	\$580
Rating Area 1, Group 1	Essex	\$442	\$473	\$506	\$542	\$580
Rating Area 1, Group 1	Gloucester	\$442	\$473	\$506	\$542	\$580
Rating Area 1, Group 1	Hudson	\$442	\$473	\$506	\$542	\$580
Rating Area 1, Group 1	Hunterdon	\$442	\$473	\$506	\$542	\$580
Rating Area 1, Group 1	Mercer	\$442	\$473	\$506	\$542	\$580
Rating Area 1, Group 1	Middlesex	\$442	\$473	\$506	\$542	\$580
Rating Area 1, Group 2	Monmouth	\$450	\$482	\$515	\$552	\$590
Rating Area 1, Group 1	Morris	\$442	\$473	\$506	\$542	\$580
Rating Area 1, Group 2	Ocean	\$450	\$482	\$515	\$552	\$590
Rating Area 1, Group 1	Passaic	\$442	\$473	\$506	\$542	\$580
Rating Area 1, Group 1	Salem	\$442	\$473	\$506	\$542	\$580
Rating Area 1, Group 1	Somerset	\$442	\$473	\$506	\$542	\$580
Rating Area 1, Group 1	Sussex	\$442	\$473	\$506	\$542	\$580
Rating Area 1, Group 1	Union	\$442	\$473	\$506	\$542	\$580
Rating Area 1, Group 1	Warren	\$442	\$473	\$506	\$542	\$580

**Table 5c: Estimated Second Lowest Cost Silver ACA Premium Rate by County  
21-Year-Old User – Waiver Scenario**

<b>Waiver</b>						
<b>County Grouping</b>	<b>County</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>
Rating Area 1, Group 1	Atlantic	\$374	\$400	\$428	\$458	\$490
Rating Area 1, Group 1	Bergen	\$374	\$400	\$428	\$458	\$490
Rating Area 1, Group 1	Burlington	\$374	\$400	\$428	\$458	\$490
Rating Area 1, Group 1	Camden	\$374	\$400	\$428	\$458	\$490
Rating Area 1, Group 3	Cape May	\$381	\$407	\$436	\$466	\$499
Rating Area 1, Group 1	Cumberland	\$374	\$400	\$428	\$458	\$490
Rating Area 1, Group 1	Essex	\$374	\$400	\$428	\$458	\$490
Rating Area 1, Group 1	Gloucester	\$374	\$400	\$428	\$458	\$490
Rating Area 1, Group 1	Hudson	\$374	\$400	\$428	\$458	\$490
Rating Area 1, Group 1	Hunterdon	\$374	\$400	\$428	\$458	\$490
Rating Area 1, Group 1	Mercer	\$374	\$400	\$428	\$458	\$490
Rating Area 1, Group 1	Middlesex	\$374	\$400	\$428	\$458	\$490
Rating Area 1, Group 2	Monmouth	\$377	\$403	\$431	\$462	\$494
Rating Area 1, Group 1	Morris	\$374	\$400	\$428	\$458	\$490
Rating Area 1, Group 2	Ocean	\$377	\$403	\$431	\$462	\$494
Rating Area 1, Group 1	Passaic	\$374	\$400	\$428	\$458	\$490
Rating Area 1, Group 1	Salem	\$374	\$400	\$428	\$458	\$490
Rating Area 1, Group 1	Somerset	\$374	\$400	\$428	\$458	\$490
Rating Area 1, Group 1	Sussex	\$374	\$400	\$428	\$458	\$490
Rating Area 1, Group 1	Union	\$374	\$400	\$428	\$458	\$490

**Table 5d: Change in Estimated Second Lowest Cost Silver ACA Premium Rate by County  
21-Year-Old User – Baseline to Waiver Scenario**

<b>Baseline to Waiver</b>						
<b>County Grouping</b>	<b>County</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>
Rating Area 1, Group 1	Atlantic	-15.4%	-15.4%	-15.4%	-15.4%	-15.4%
Rating Area 1, Group 1	Bergen	-15.4%	-15.4%	-15.4%	-15.4%	-15.4%
Rating Area 1, Group 1	Burlington	-15.4%	-15.4%	-15.4%	-15.4%	-15.4%
Rating Area 1, Group 1	Camden	-15.4%	-15.4%	-15.4%	-15.4%	-15.4%
Rating Area 1, Group 3	Cape May	-15.4%	-15.4%	-15.4%	-15.4%	-15.4%
Rating Area 1, Group 1	Cumberland	-15.4%	-15.4%	-15.4%	-15.4%	-15.4%
Rating Area 1, Group 1	Essex	-15.4%	-15.4%	-15.4%	-15.4%	-15.4%
Rating Area 1, Group 1	Gloucester	-15.4%	-15.4%	-15.4%	-15.4%	-15.4%
Rating Area 1, Group 1	Hudson	-15.4%	-15.4%	-15.4%	-15.4%	-15.4%
Rating Area 1, Group 1	Hunterdon	-15.4%	-15.4%	-15.4%	-15.4%	-15.4%
Rating Area 1, Group 1	Mercer	-15.4%	-15.4%	-15.4%	-15.4%	-15.4%
Rating Area 1, Group 1	Middlesex	-15.4%	-15.4%	-15.4%	-15.4%	-15.4%
Rating Area 1, Group 2	Monmouth	-16.3%	-16.3%	-16.3%	-16.3%	-16.3%
Rating Area 1, Group 1	Morris	-15.4%	-15.4%	-15.4%	-15.4%	-15.4%
Rating Area 1, Group 2	Ocean	-16.3%	-16.3%	-16.3%	-16.3%	-16.3%
Rating Area 1, Group 1	Passaic	-15.4%	-15.4%	-15.4%	-15.4%	-15.4%
Rating Area 1, Group 1	Salem	-15.4%	-15.4%	-15.4%	-15.4%	-15.4%
Rating Area 1, Group 1	Somerset	-15.4%	-15.4%	-15.4%	-15.4%	-15.4%
Rating Area 1, Group 1	Sussex	-15.4%	-15.4%	-15.4%	-15.4%	-15.4%
Rating Area 1, Group 1	Union	-15.4%	-15.4%	-15.4%	-15.4%	-15.4%

Due to the application of the specified age curve for ACA rating purposes, a similar percentage premium change would be expected to occur for all other ages, although all else equal, the premium difference would generally be expected to be greater than that shown above for enrollees who are older than 24 and less than that shown above for enrollees who are younger than 21.<sup>11</sup>

### Comprehensiveness of Coverage Requirement

Under the comprehensiveness of coverage requirement, health care coverage under the proposed Section 1332 Waiver extension must be forecast to be at least as comprehensive overall for New Jersey residents as coverage absent the waiver extension.<sup>12</sup> Comprehensiveness refers to coverage requirements for ACA essential health benefits (EHBs) and, as appropriate, Medicaid and CHIP standards. The proposed Section 1332 Waiver extension does not impact the scope of services covered by issuers in the commercial markets or the scope of services covered by the Medicaid or CHIP programs. Therefore, the proposed Section 1332 Waiver extension is expected to have no impact on the comprehensiveness of coverage available to New Jersey residents.

### Economic Analysis and Deficit Neutrality

Under the deficit neutrality requirement, projected federal spending, net of federal revenues, under the proposed Section 1332 Waiver extension must be equal to or lower than projected federal spending net of federal revenues in the absence of the waiver extension.<sup>13</sup>

The proposed Section 1332 Waiver extension was analyzed to determine its expected impact on costs associated with PTCs. Table 6 summarizes the expected impact of the proposed Section 1332 Waiver extension on the federal deficit for each year from 2024 through 2028 assuming gross premium rates in the Individual ACA market are reduced by an average of approximately 15.8% (i.e., relative to the premium rates which would otherwise be charged if no reinsurance program were in place). A detailed discussion of these items, as well as a discussion of other items considered in determining the impact to the federal deficit, follows.

**Table 6: Impact of the Proposed Section 1332 Waiver Extension on the Federal Deficit**  
(Amounts shown in millions, rounded to nearest hundred thousand)

	A	B	C	D	A - B - C - D
Year	Change in PTCs	Change In User Fees	Change in Shared Responsibility Payments	Change in Health Insurance Provider Fees	Change In Federal Deficit
2024	(\$423)	\$0	\$0	\$0	(\$423)
2025	(\$455)	\$0	\$0	\$0	(\$455)
2026	(\$386)	\$0	\$0	\$0	(\$386)
2027	(\$404)	\$0	\$0	\$0	(\$404)
2028	(\$422)	\$0	\$0	\$0	(\$422)

Note: PTCs are considered expenditures for the federal government whereas Shared Responsibility Payments and Health Insurance Providers Fees are considered revenue sources for the federal government. Therefore, a reduction in PTCs will decrease the federal deficit whereas a reduction in Shared Responsibility Payments or Health Insurance Provider Fees will increase the federal deficit. Given New Jersey has a state-based exchange, changes in user fees as a result of the waiver extension have no impact on federal revenues or expenses.

<sup>11</sup> <https://www.cms.gov/CCIIO/Programs-and-Initiatives/Health-Insurance-Market-Reforms/Downloads/StateSpecAgeCrv053117.pdf>

<sup>12</sup> 45 CFR 155.1308(f)(3)(iv)(A)

<sup>13</sup> 45 CFR 155.1308(f)(3)(iv)(D)



A more detailed summary providing projected results over the five-year budget period under both the baseline and Section 1332 Waiver extension scenarios is shown in Appendix B.

**Premium Tax Credits**

Changes in premium for the second lowest cost silver plan and changes in subsidized enrollment have a direct impact on PTCs paid by the federal government. As shown in Table 7, assuming gross premium rates in the Individual ACA market are reduced by an average of approximately 15.8% under the waiver scenario relative to the baseline scenario, the proposed Section 1332 Waiver extension is expected to significantly decrease the volume of PTCs paid by the federal government each year beginning in 2024.

**Table 7: Summary of PTC Enrollment and PTC Payments  
Baseline and Waiver Scenarios**

Year	Baseline			Waiver			Change
	PTC Enrollment	Avg PTC PMPM	Total PTCs (millions)	PTC Enrollment	Avg PTC PMPM	Total PTCs (millions)	Total PTCs (millions)
2024	311,900	\$621	\$2,324	311,700	\$508	\$1,901	(\$423)
2025	315,100	\$667	\$2,521	313,900	\$549	\$2,066	(\$455)
2026	250,100	\$657	\$1,972	248,900	\$531	\$1,586	(\$386)
2027	250,200	\$686	\$2,060	249,100	\$554	\$1,657	(\$404)
2028	250,300	\$716	\$2,152	249,200	\$579	\$1,730	(\$422)

- Notes:
1. Enrollment volumes have been rounded to the nearest hundred and reflect average monthly enrollment levels
  2. PMPM values have been rounded to the nearest dollar
  3. Total PTCs are in millions

The overall impact of the proposed Section 1332 Waiver extension on the volume of enrollees receiving PTCs is expected to be minimal. Therefore, the decrease in PTC payments shown is driven almost entirely by the expected decrease in gross premium rates for the benchmark plan as a result of the reinsurance program which reduces gross premium rates by approximately 15.8% (i.e., relative to the premium rates which would otherwise be charged if no reinsurance program were in place).

**Other Considerations Related to the Federal Deficit**

Other items considered in estimating the impact of the Section 1332 Wavier on the federal deficit include the following:

- **Exchange User Fees** – New Jersey operates a state-based exchange, through which issuers sell Individual ACA insurance plans to individuals and families. Given that no Exchange User Fees are anticipated to be paid to the federal government over the waiver extension period under either the baseline or waiver scenarios, there is no impact on the federal deficit as a result of New Jersey’s Section 1332 Waiver extension in these years.
- **Federal Individual Mandate Penalty** – Under the ACA, most individuals are required to maintain a minimum level of health insurance coverage. However, under the Tax Cut and Jobs Act of 2017, the federal individual mandate penalty was reduced to \$0 starting in 2019. As a result, the proposed Section 1332 Waiver extension will have no impact on shared responsibility payments under current law.

- **Cost-Sharing Reduction Payments** – Given that federal cost-sharing reduction (CSR) payments are not currently being funded and have been assumed to remain unfunded in the future, there is no expected change assumed in the volume of CSR payments between the baseline and waiver scenarios.
- **Health Insurance Providers Fee** – With respect to the Health Insurer Providers (HIP) Fee, given that this fee was repealed starting in 2021, the proposed Section 1332 Waiver extension will have no impact on HIP Fee revenues.

## Sensitivity of Results

Significant uncertainty exists with respect to future enrollment and premiums in the Individual ACA market, particularly in light of the unwinding of the Medicaid continuous enrollment provisions. As a result, actual experience will likely differ from what is assumed in this analysis. We note that some of the key assumptions related to health insurance markets that we made in the development of our projections include the following: CSR subsidies will continue to be unfunded by the federal government and issuers will continue to load premiums for their on-Exchange silver plans by an amount estimated to be equal to the lost CSR payments, issuer plan and network offerings will be similar to those available to consumers in 2023, issuer pricing assumptions will be similar to those used in 2023 (except where explicitly stated), the enhanced premium tax credits made available under IRA will end after 2025, there will be no significant issuer entries or exits, and there will be no additional significant legislative changes at either the state or federal level that would be expected to impact enrollment in the Individual ACA market. To the extent these assumptions do not hold true in future years, we would expect that actual results would vary, potentially significantly, from those assumed in this analysis. Further, given that federal pass-through funding will ultimately be based on actual premium rates filed by issuers offering coverage in New Jersey's Individual ACA market and actual enrollment volumes, final funding amounts are likely to differ from the estimates provided in this report.

Given the level of uncertainty, we performed significant sensitivity testing of key assumptions and shared those results with the DOBI. Some of the key assumptions that were sensitivity tested include the following:

- Overall membership volumes
- Non-PTC membership volumes
- The change in the second lowest cost silver premium PMPM due to the reinsurance program
- The ratio of PTCs to APTCs
- The level of claims cost within the specified reinsurance parameters
- The impact of Medicaid redeterminations and proposed DACA regulations on membership volumes

We note that in each of scenarios tested, while the changes made to the specified assumptions impacted the cost estimates of the reinsurance program and projected federal pass-through funding amounts, there were no cases in which any of the four federal requirements associated with Section 1332 Waiver extension was not expected to be met.

## 4. Data Sources and Methodology

The projections underlying our analysis are based on results from Oliver Wyman's HRM Model, which was utilized to examine the impact that the proposed Section 1332 Waiver extension is expected to have on the health insurance markets in New Jersey, and in meeting the requirements associated with Section 1332 Waivers extension as outlined in federal statute and regulation. The HRM Model is an economic utility model that captures the flow of individuals across various markets and coverage options based on their economic purchasing decisions. It is integrated with actuarial modeling designed to assess the impact that various reforms are expected to have on the health insurance markets.

We estimate that the proposed Section 1332 Waiver extension will not have a material impact on the number of New Jerseyans covered under employer-sponsored plans, Medicaid, Medicare, CHIP, or other public programs. As a result, we did not present detailed modeling results for those markets.

The primary basis for the population underlying the HRM Model is data from the 2019 American Community Survey (ACS). The ACS data provides detailed information for each individual in a surveyed household unit, including demographic, socioeconomic, geographic, and employment information. The data also provides information regarding health insurance coverage type. The ACS data was supplemented and synthesized with several other data sources, including information from an issuer data call, in order to develop a complete and comprehensive view of the current health insurance market in New Jersey.

DOBI issued a data call to the health insurance issuers expected to offer coverage in New Jersey's Individual ACA market in 2021, 2022, and 2023 to collect detailed information for that market to aid in calibrating the HRM Model. The data included premium and enrollment information from January 2021 through February 2023 and claims information from January 2021 through December 2022 and paid through February 2023. The issuer provided data was further augmented with information from a number of other sources, including but not limited to:

- 2019, 2020 and 2021 statutory financial statements submitted by issuers in New Jersey's health insurance markets
- 2019, 2020 and 2021 medical loss ratio (MLR) rebate data
- 2019-2023 Marketplace enrollment public use files
- 2019-2022 effectuated enrollment reports
- U.S. Census Bureau data
- Information on enrollment, premiums, and effective state subsidies paid at the household level under NJHPS provided by Get Covered New Jersey
- 2019-2021 summary reports on risk adjustment transfers
- 2019-2021 health insurance coverage estimates from the Kaiser Family Foundation
- National CPI and CMS Personal Health Care Price Index projections
- Available 2023 rate filing information (e.g., Unified Rate Review Template data)
- 2019-2023 Individual and Small Group ACA market premium rates

These additional data sources were utilized to determine the overall average annual enrollment volumes in the health insurance market for each of 2019, 2020, 2021, 2022 and 2023, to validate the issuer data that was

provided (e.g., average premiums PMPM), and to gather additional information utilized in our modeling but not captured through the issuer data call.

Health status was assigned to various sub-populations within the HRM Model based on a statistical analysis of self-reported health status data obtained from the Current Population Survey (CPS). The CPS data provides the starting assumptions for the population morbidity, because the data includes a self-reported health status indicator as well as fields classifying income, age, gender, geography, coverage type, and other categories. Respondents to the survey classify their health into one of five categories: excellent, very good, good, fair and poor. The model reflects these classifications numerically by assigning a morbidity load to each category.

Information from the Agency for Health Care Research and Quality's MEPS data was used to simulate the New Jersey employer-based market. MEPS identifies key statistics for the employer-based market for every state by group size, including employer offer rates, employee take-up rates, and self-funding rates among employers. Individuals in the ACS data identified as working for private employers were categorized into employer group size segments (e.g., small employer groups) based on the distribution of employees by group size according to MEPS. The MEPS data was also used to determine the number of individuals enrolled in self-funded plans to estimate the total size of the employer-based market. MEPS data was further used to inform our estimates of employer offer rates and self-funding rates.

The utility functions underlying the HRM Model were then calibrated to replicate the number of individuals in each of the Individual, employer-based, and uninsured markets in New Jersey for 2019, 2020, 2021, 2022, and 2023. The various parameters of HRM Model's utility functions were then further adjusted until the model also projected Individual ACA market enrollment in each of 2019, 2020, 2021, 2022 and 2023 that was consistent with key characteristics of the actual Individual ACA market enrollment for each year (e.g., by age range, income range, geography, etc.).

The HRM Model assumes a "steady" state population beyond 2023. This means the overall distribution by income, health status, employer size, and family composition of the entire population being modeled is not expected to change significantly. Additional adjustments were applied to the modeled results to reflect anticipated population growth within New Jersey. The population growth adjustments were developed based on most recent historical population change which are publicly available on the United States Census Bureau website.

Average claim costs were calibrated and adjusted on an overall basis using information provided in the issuer data call, statutory financial statements, and from other public data sources previously noted. Beyond 2023, claim costs within the HRM Model were trended forward assuming an average annual claims trend rate in the Individual ACA market equal to approximately 7.0%. This assumption was developed based on a review of publicly available information and Oliver Wyman's Issuer Trend Report.

Member cost-sharing and incurred claims were calculated by the HRM Model, with the assumed annual limitation on cost-sharing indexed for inflation each year according to federal regulations using the most recent National Health Expenditure (NHE) data.

Actual lowest-cost bronze, silver, and gold premium rates and second-lowest cost silver premium rates for New Jersey's Individual ACA market in 2019, 2020, 2021, 2022 and 2023 were utilized in the HRM Model.

Premium rates in the Individual ACA market for 2024 were based on the 2023 rates, trended forward at a rate of 8.3%. Premium rates after 2024 were assumed to increase annually by 7.0%. Premium rates in the small and large group markets are assumed to increase by an assumed trend rate of 7.0%.

Federal PTCs for eligible Individual ACA market enrollees were assumed to change each year based on premium changes associated with the second lowest cost silver plan available changes in the Applicable Percentage Tables. The Applicable Percentage Tables, while known for 2019 through 2023, were adjusted each year beyond 2023 according to the methodology outlined by the 2023 Final Benefit and Payment Parameter Notice.<sup>14</sup> Premium and income growth rates utilized in developing the Adjustment Ratio that was applied to the projected Applicable Percentage Tables were based on the most recent NHE projections published by CMS.

As noted earlier, additional key assumptions which were incorporated into the HRM Model include the following: CSR subsidies will continue to be unfunded by the federal government and issuers will continue to load premiums for their silver plans by an amount estimated to be equal to the lost CSR payments, issuer plan and network offerings will be similar to those available to consumers in 2023, issuer pricing assumptions will be similar to those used in 2023, the enhanced premium tax credits made available under IRA will end after 2025, there will be no significant issuer entries or exits, and there will be no additional significant legislative changes at either the state or federal level.

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<sup>14</sup> <https://www.govinfo.gov/content/pkg/FR-2022-05-06/pdf/2022-09438.pdf>

## 5. Distribution and Use

Oliver Wyman prepared this report for the sole use of the State of New Jersey. This report is not intended for general circulation or publication, nor is it to be used or distributed to others for any purposes other than those that may be set forth herein or in the definitive documentation pursuant to which this report was issued. Oliver Wyman understands that the report will be made public and used to support the State's Section 1332 Waiver extension application. This report includes important considerations, assumptions, and limitations and, as a result, is intended to be read and used only as a whole. This report may not be separated into, or distributed, in parts. All decisions in connection with the implementation or use of advice or recommendations contained in this report are the sole responsibility of the State.

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## 6. Disclosure and Limitations

Oliver Wyman Actuarial Consulting, Inc., was engaged by the State of New Jersey, Department of Banking and Insurance, to assist in performing actuarial and economic analyses as part of its State Innovation Waiver extension application under Section 1332 of the Patient Protection and Affordable Care Act. The actuarial services provided consisted of analyses and forecasting to determine whether the proposed Section 1332 Waiver extension will satisfy the Section 1332 Waiver guardrail requirements.

Tammy Tomczyk, Peter Kaczmarek, and John Rienstra, all Members of the American Academy of Actuaries, are responsible for this actuarial communication and meet the requirements to issue this report.

For our analysis, we relied on a wide range of data and information as described throughout this report. This includes information received from the issuers currently offering coverage in the Individual ACA market in New Jersey. Though we have reviewed the data for reasonableness and consistency, we have not independently audited or otherwise verified this data. Our review of the data may not reveal errors or imperfections. We have assumed the data provided is both accurate and complete. The results of our analysis are dependent on this assumption. If this data or information are inaccurate or incomplete, our findings and conclusions may need to be revised. All projections are based on data and information available as of May 5, 2023, and the projections are not a guarantee of results which might be achieved.

We also received information from DOBI including Get Covered New Jersey, as well as information they gathered from the New Jersey Department of Human Services (the Department) related to the steps and timeline the Department is undertaking to complete the Medicaid redetermination process.

The estimates included within are based on federal law, regulations issued by the United States Department of Health and Human Services and the Internal Revenue Service, and applicable laws and regulations of the New Jersey as of May 16, 2023. Further, our estimates assume that current law as it relates to the Affordable Care Act, and other statutes and regulations that impact the health insurance markets, will continue in the future years without material change that would impact the results included in this report.

In addition, the projections we show in this report are dependent upon a number of assumptions regarding the future economic environment, medical trend rates, issuer behavior, the behavior of individuals and employers in light of incentives and penalties, and a number of other factors. These assumptions are disclosed within the report and have been discussed with representatives from DOBI.

While this analysis complies with the applicable Actuarial Standards of Practice, in particular ASOP No. 23, Data Quality and ASOP No 41, Actuarial Communication, users of this analysis should recognize that our projections involve estimates of future events, and are subject to economic, statistical and other unforeseen variations from projected values. We have not anticipated any extraordinary changes to the legal, social, or economic environment that might affect our projections. For these reasons, no assurance can be given that the emerging experience will correspond to the projections in this analysis. To the extent future conditions are at variance with the assumptions we have made in developing these projections, actual results will vary from our projections, and the variance may be substantial.

Oliver Wyman is not engaged in the practice of law and this report, which may include commentary on legal issues and regulations, does not constitute, nor is it a substitute for, legal advice. Accordingly, Oliver Wyman recommends that the State of New Jersey secure the advice of competent legal counsel with respect to any legal matters related to this report or otherwise.

**This report is intended to be read and used as a whole and not in parts. Separation or alteration of any section or page from the main body of this report is expressly forbidden and invalidates this report.**



## 7. Actuarial Certification

I, Tammy Tomczyk, am a Partner with Oliver Wyman Actuarial Consulting, Inc. I am a Fellow in the Society of Actuaries, a Member of the American Academy of Actuaries, and am qualified to provide the following certification.

This actuarial certification applies to the State of New Jersey's application for an extension of its State Innovation Waiver under Section 1332 of the Patient Protection and Affordable Care Act. The State is seeking to waive §1312(c)(1) of the Affordable Care Act, which requires that all enrollees in all health plans offered by an issuer in the Individual market be members of a single risk pool.

### Reliance

In performing the analyses outlined in this report and arriving at my opinion, I used and relied on information provided by various agencies of the State of New Jersey, information obtained from issuers currently offering coverage in the Individual ACA market in New Jersey, financial statement information, and additional information published by various agencies of the federal government.

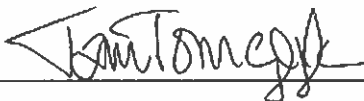
I used and relied on this information without independent investigation or audit. If this information is inaccurate, incomplete, or out of date, my findings and conclusions may need to be revised. While I have relied on the data provided without independent investigation or audit, I have reviewed the data for consistency and reasonableness. Where I found the data inconsistent or unreasonable, I requested clarification.

### Actuarial Certification

In my opinion, the State of New Jersey's proposed Section 1332 Waiver extension application complies with the following requirements:

- **Scope of Coverage Requirement:** The Section 1332 Waiver extension will provide coverage to at least a comparable number of the State's residents as would be covered absent the waiver extension.
- **Affordability Requirement:** The Section 1332 Waiver extension will provide coverage and cost-sharing protections against excessive out-of-pocket spending that results in coverage which is at least as affordable for the State's residents as would be provided absent the waiver extension.
- **Comprehensiveness of Coverage Requirement:** The Section 1332 Waiver extension will provide coverage that is at least as comprehensive for the State's residents as would be provided absent the waiver extension.
- **Deficit Neutrality Requirement:** The Section 1332 Waiver extension will not increase the federal deficit.

This certification conforms to the applicable Actuarial Standards of Practice promulgated by the Actuarial Standards Board.



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June 14, 2023

## Appendix A. Overview of Oliver Wyman's Healthcare Reform Microsimulation Model

We utilized Oliver Wyman's HRM Model to assess the impact that the proposed Section 1332 Waiver extension is expected to have on the individual health insurance market and correspondingly the uninsured population in the State of New Jersey. The HRM Model is an economic utility model that captures the flow of individuals across various markets and coverage options based on their economic purchasing decisions and is integrated with actuarial modeling designed to assess the impact various reforms are expected to have on the health insurance markets. This model is a leading-edge tool for analyzing the impact of various healthcare reforms or proposed legislation.

The HRM Model projects the number of individuals expected to seek coverage under each health insurance coverage type using economic utility functions. The decision-making process for determining which health insurance coverage type is selected is made at the health insurance unit (HIU) level, where an HIU is defined as any grouping of family members where each person within the HIU might be eligible for coverage under the same policy. One exception to this is that individuals who are identified as being eligible for Medicare, Medicaid, CHIP, and other government sponsored coverage (e.g., government workers) are assumed to retain their government sponsored coverage, and the economic utility associated with employer-based coverage, Individual market coverage or being uninsured is only evaluated by the HRM Model for the remaining individuals within an HIU.

HIUs are generally assumed to make economically rational decisions in selecting the health insurance option that maximizes the economic utility for the HIU. The HRM Model allows for some irrational behavior, including the principle of "inertia" in HIU decision making (i.e., people are unlikely to make significant changes in their situation for relatively small changes in utility) and the assumption that not all uninsured individuals will actually shop for health insurance coverage each year.

An HIU's decision to enroll in ACA coverage is based on the lowest cost bronze, silver, or gold plan available in each rating area (RA) which provides the greatest economic value. Both on-Exchange and off-Exchange plans are made available to each HIU, with PTCs applied to eligible HIUs. The economic utilities for all members of the HIU are aggregated to develop the corresponding utility for the HIU under each health insurance option.

Individuals identified as working for private employers are randomly categorized into synthetic employer groups of varying group sizes based on the distribution of group size from the Medical Expenditure Panel Survey (MEPS). An employer-based economic utility function, which takes into account items such as the expected costs which would be incurred as a result of not offering coverage (e.g., the penalty for not offering coverage) and the benefits that would be available to an employer's employees if they were to purchase coverage in the Individual market (e.g., PTCs), determines whether a given employer will offer health insurance coverage to its employees and their dependents. If an employer offers coverage, all eligible employees and their dependents within each HIU (i.e., individuals who are not eligible for health insurance coverage through a government sponsored program) are assumed to evaluate the health insurance coverage options offered by the employer.

The decision as to whether an HIU will take up coverage in either the employer-based market, the Individual market, or choose to be uninsured is based on the result from comparing two economic utility functions. The first economic utility function calculates the utility associated with taking up coverage in either the employer-based market or the Individual market (depending on whether the employer of the primary or spouse within an HIU is modeled to offer coverage) and is a function of the premium the HIU would be expected to pay (net of employer subsidies or federal premium subsidies, respectively), any cost-sharing the HIU would be expected to pay out-of-pocket (net of any CSRs for applicable Individual market coverage), and the risk aversion of the HIU. If multiple coverage options are available (e.g., employer coverage, Individual market bronze-level coverage, Individual market silver-level coverage), the utility of each coverage option is evaluated and the best option is selected. The second economic utility function calculates the utility associated with not taking coverage and remaining uninsured, and is a function of any tax penalty the HIU would be assessed, total allowed claim costs for the HIU (assuming a reduced level of utilization due to the lack of insurance coverage), and the risk aversion of the HIU. If the utility of being uninsured is greater than the utility associated with taking up health insurance coverage, the HIU is assumed to be uninsured. Otherwise, the HIU is assumed to take up coverage in either the employer-based market or the Individual market for the coverage option that provides the maximum utility for the HIU.

# Appendix B. Five Year Budget Period Projections

## Detailed Summary of Individual ACA Market Projections - Baseline and Waiver Scenarios

	2024	2025	2026	2027	2028
<b>Baseline</b>					
Total Individual ACA Enrollment	412,200	413,300	373,800	374,000	374,200
ACA PTC Enrollment	311,900	315,100	250,100	250,200	250,300
ACA Non-PTC Enrollment	100,300	98,200	123,700	123,800	123,900
Aggregate ACA Premium (millions)	\$4,139	\$4,438	\$4,302	\$4,659	\$5,046
Average ACA Premium Rate PMPM	\$837	\$895	\$959	\$1,038	\$1,124
Aggregate APTCs (millions)	\$2,468	\$2,677	\$2,094	\$2,188	\$2,285
Aggregate PTCs (millions)	\$2,324	\$2,521	\$1,972	\$2,060	\$2,152
Average PTCs PMPM	\$621	\$667	\$657	\$686	\$716
<b>Waiver</b>					
Total Individual ACA Enrollment	422,000	423,700	383,700	383,900	384,100
ACA PTC Enrollment	311,700	313,900	248,900	249,100	249,200
ACA Non-PTC Enrollment	110,300	109,800	134,800	134,800	134,900
Aggregate ACA Premium (millions)	\$3,575	\$3,847	\$3,742	\$4,051	\$4,386
Average ACA Premium Rate PMPM	\$706	\$757	\$813	\$879	\$952
Aggregate APTCs (millions)	\$2,019	\$2,194	\$1,684	\$1,759	\$1,838
Aggregate PTCs (millions)	\$1,901	\$2,066	\$1,586	\$1,657	\$1,730
Average PTCs PMPM	\$508	\$549	\$531	\$554	\$579
<b>Change - Baseline to Waiver</b>					
Total Individual ACA Enrollment	9,800	10,400	9,900	9,900	9,900
ACA PTC Enrollment	2.4%	2.5%	2.6%	2.6%	2.6%
Average ACA Premium Rate PMPM (%)	-15.6%	-15.5%	-15.3%	-15.3%	-15.3%
Average PTCs PMPM (%)	-18.1%	-17.7%	-19.2%	-19.2%	-19.2%
<b>Demonstration of Deficit Neutrality Requirement (Amounts shown in millions)</b>					
Change in Total APTCs	(\$449)	(\$483)	(\$410)	(\$429)	(\$448)
Change in Total PTCs	(\$423)	(\$455)	(\$386)	(\$404)	(\$422)
Change in Other (e.g., User Fees)	\$0	\$0	\$0	\$0	\$0
Net Savings to Federal Government	(\$423)	(\$455)	(\$386)	(\$404)	(\$422)
<b>Projected Reinsurance Program Costs and Funding Levels</b>					
Cost of Reinsurance Program (millions)	\$571	\$613	\$594	\$636	\$681
Federal Pass-Through Funding (millions)	\$423	\$455	\$386	\$404	\$422
State Funding (millions)	\$148	\$158	\$208	\$233	\$260

Notes:

1. Enrollment volumes have been rounded to the nearest hundred and reflect average monthly enrollment levels
2. Aggregate values are in millions
3. PMPM values have been rounded to the nearest whole dollar
4. Average ACA premium rate change shown is not equal to 15.8% due to differences in member mix (e.g., demographics, plan mix) between the baseline and waiver scenarios
5. The ratio of PTCs to APTCs is assumed to be 0.942



Oliver Wyman  
411 East Wisconsin Avenue, Suite 1300  
Milwaukee, WI 53202

# New Jersey Section 1332 Waiver Extension Application

First Public Hearing Presentation  
June 21, 2023

20 West State Street, Trenton, New Jersey



**NJ Department of Banking and Insurance**

**Marlene Caride, Commissioner**

Philip Gennace  
Counsel to the Office of the Commissioner, Department of Banking and Insurance

## “New Jersey Health Insurance Premium Security Act”

- Senate Bill No. 1878 was signed into law on May 30, 2018 as P.L.2018, c.24
- This law contemplates the creation of a reinsurance plan to reimburse health insurance carriers for certain high-cost claims in the individual health insurance market.
- The law provides that the plan would use a mix of federal and state funds to produce individual health insurance premiums that are 10% to 20% lower than they would be without the plan. The State has decided to target a 15% premium reduction.
- Directs the Commissioner to apply for a waiver from the United States Secretary of Health and Human Services with respect to health insurance coverage in the State for a plan year beginning on or after January 1, 2019. If the waiver is approved, the Commissioner may accept the waiver so long as the Commissioner determines that implementation of the plan:
  - a. will be beneficial to policyholders; and
  - b. is expected to stabilize or reduce premiums in the individual health insurance market through a reduction in what indicated premium rates would be without the plan.

## What is a Section 1332 Waiver Extension?

- Section 1332 of the Affordable Care Act (ACA) permits a state to apply for a State Innovation Waiver (Section 1332 waiver) to pursue innovative strategies for providing their residents with access to high quality, affordable health coverage.
- To receive approval for a Section 1332 waiver, the state must demonstrate that the waiver will: (1) provide access to quality health care that is at least as comprehensive and affordable as would be provided without the waiver; (2) provide coverage to at least a comparable number of residents of the state as would be provided coverage without a waiver; and (3) will not increase the federal deficit.
- A waiver was approved by the federal government in 2018 for the period of 2019 through 2023. That program was successful at reducing rates in the individual market by 15% from what they would have been without reinsurance. This extension application would extend the program for an additional five year period from 2024 through 2028.

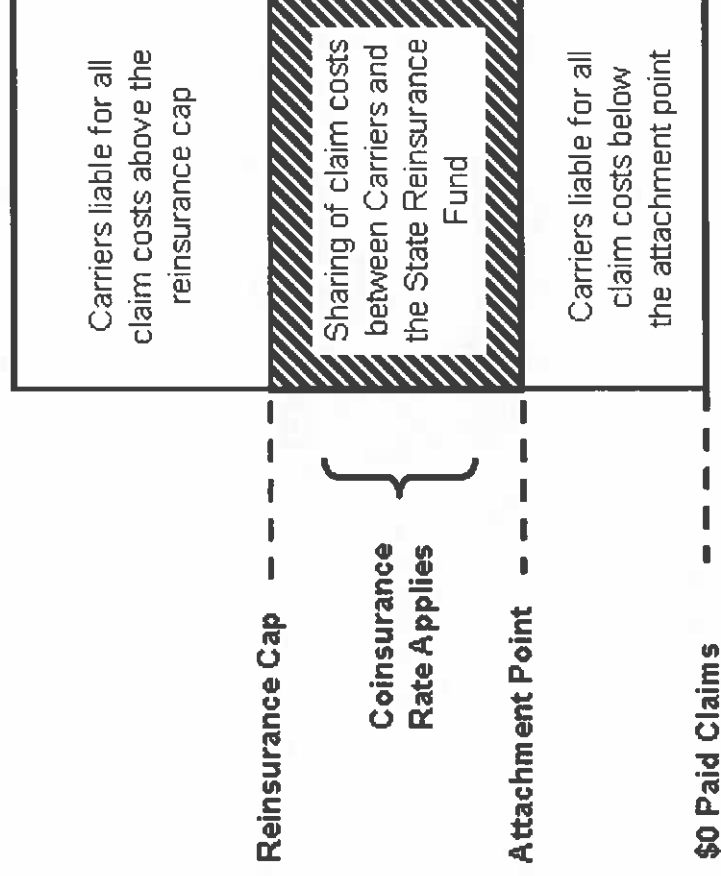


# How Would the Reinsurance Program Work?

## PROGRAM DESCRIPTION

- Program will reimburse qualifying carriers in the individual health insurance market for a percentage of an enrollee's claims (coinsurance rate) between an attachment point and a reinsurance cap to be determined by the Individual Health Coverage Board and non-disapproved by the Commissioner.
- Program payment parameters for 2024, as follows: attachment point \$35,000/ coinsurance 50%/ reinsurance cap \$270,000.
- The Goal is to target a 15 percent reduction in rates, the same as 2019-2023.

## HOW PARAMETERS WORK



## 2024 Reinsurance Parameters

Attachment Point	\$35,000
Reinsurance Cap	\$270,000
Coinsurance	50.0%

# Reinsurance Program Payments

The federal pass-through generally covered about three quarters of the cost of the program. Pass through funding has been provided as follows:

**Plane Year 2019 - \$180,201,687.00**

**Plan year 2020 - \$190,015,727**

**For year 2021 - \$202,282,051**

**Plan Year 2022 – \$322,987,495**

**Plan Year 2023- \$375,257,388**

## **2024 Actuarial Estimate**

Pass-through funding estimate - \$423 million

Total estimated cost of the program - \$571 million, approximately 74% of the program's estimated cost.

## Written Comments May be Submitted Through July 5, 2023

- By Mail:  
State of New Jersey I 332 Innovation Waiver  
Department of Banking and Insurance  
PO Box 325, Trenton NJ 08625-0325
- By Email:  
[philip.gennace@dobi.nj.gov](mailto:philip.gennace@dobi.nj.gov)
- For Additional Information and Updates go to the following Website:  
[www.state.nj.us/dobi/division\\_insurance/sectionI332/](http://www.state.nj.us/dobi/division_insurance/sectionI332/)

# New Jersey Section 1332 Waiver Extension Application

Second Public Hearing Presentation  
June 30, 2023

Mercer County Library – Lawrence Headquarters Branch  
2751 Brunswick Pike, Lawrence Township, NJ



**NJ Department of Banking and Insurance**

**Justin Zimmerman, Acting Commissioner**

Philip Gennace

Counsel to the Office of the Commissioner, Department of Banking and Insurance

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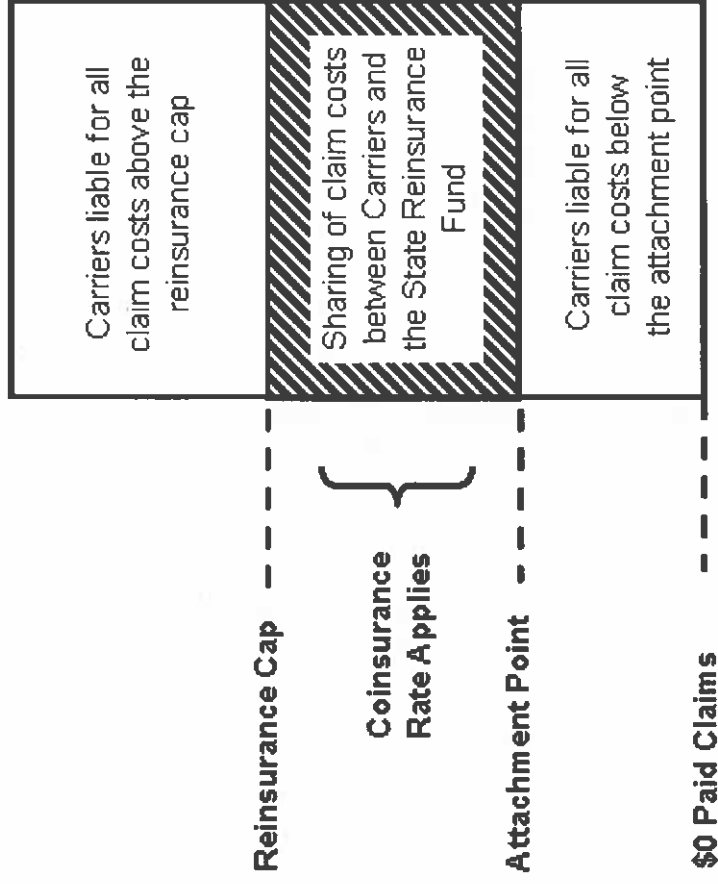
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State of New Jersey 1332 Innovation Waiver  
Department of Banking and Insurance  
PO Box 325, Trenton NJ 08625-0325
- **By Email:**  
[philip.gennace@dobi.nj.gov](mailto:philip.gennace@dobi.nj.gov)
- For Additional Information and Updates go to the following Website:  
[www.state.nj.us/dobi/division\\_insurance/section1332/](http://www.state.nj.us/dobi/division_insurance/section1332/)

## **Gennace, Philip [DOBI]**

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**From:** Ward Sanders <wsanders@njahp.org>  
**Sent:** Wednesday, July 5, 2023 9:43 AM  
**To:** Gennace, Philip [DOBI]  
**Subject:** [EXTERNAL] NJAHP: Support for NJ's 1332 Innovation waiver application

### **VIA EMAIL**

Philip Gennace  
Special Counsel to the Commissioner  
[philip.gennace@dobi.nj.gov](mailto:philip.gennace@dobi.nj.gov)

RE: New Jersey's Section 1332 Innovation Waiver Extension Application

Dear Special Counsel Gennace:

I am writing on behalf of the New Jersey Association of Health Plans ("NJAHP"), which is a non-profit association representing the leading health care plans in the state, which cover over seven million New Jersey residents. Our members include Aetna, AmeriGroup, AmeriHealth New Jersey, Brighton Health Plan Solutions, Cigna, Horizon Blue Cross Blue Shield of New Jersey, Oscar, UnitedHealthcare, and WellCare. NJAHP represents all five managed care organizations that partner with the state to serve the members of the New Jersey FamilyCare Program. All of the carriers participating in the state's individual market are members of the NJAHP.

Thank you for the opportunity to provide public comment on New Jersey's Section 1332 Innovation Waiver Extension [Application](#). We write to support the State's application and provide the comments set forth below.

### **New Jersey History of Innovation**

New Jersey has long been a leader and open to experimentation with respect to health care in general, and its individual market specifically. The State's 1992 health care reforms presaged a lot of the elements of the federal HIPAA and Affordable Care Act market reform efforts, including guarantee issuance, guaranteed renewability, limitations on pre-existing conditions, standardized plans and more. Those noble endeavors did not yield greater enrollment, because another program to provide financial assistance was not permanently funded and a lack of affordability crippled efforts to expand coverage. While the state had legislated access, the market was not affordable for many New Jerseyans.

The Affordable Care Acts premium subsidies helped stabilize New Jersey's individual health insurance market. Later efforts to create a state-based exchange also helped improve New Jersey's market. And the state's original 1332 waiver, also helped leverage federal funding to make the market more affordable. Individual market enrollment now is at its highest levels ever.

### **Reinsurance Works**

There is broad agreement among insurance experts and policymakers that a reinsurance program is among the most effective ways to reduce premiums and increase competition in a health insurance market.<sup>[1]</sup> By bearing some of the risk for the highest-cost claims, a reinsurance program permits issuers to charge lower premiums and

increases competition by easing entry for smaller players that may be deterred by the risk that a small number of extremely costly patients could jeopardize their solvency. Reducing premiums in turn increases affordability which will likely lead to increased enrollment. Reducing premiums also reduces the federal premium tax credits, freeing those funds to be redistributed to support the reinsurance program. This will ensure budget neutrality for the federal government, while providing more affordable coverage to hundreds of thousands of New Jersey residents.

### **New Jersey Data from First Waiver Period: Premium Stability**

The transitional reinsurance program included with the ACA reduced premiums by 10 to 14 percent in its first year, according to the American Academy of Actuaries.<sup>[ii]</sup> In New Jersey, per the New Jersey Health Insurance Premium Security Act, N.J.S.A. 17B:27A-10.1 *et seq.*, the reinsurance program was designed to reduce premium rates in the individual health insurance market by between 10% and 20% compared to what indicated premium rates would be for the applicable benefit year without the reinsurance plan. As noted in the draft application, the result of the reinsurance program, in 2019, 2020, 2021, 2022, and 2023 individual health insurance premiums were approximately 15 percent lower than they would have been without reinsurance, with the majority of the funding of reimbursement requests under the reinsurance program coming from federal funds made available through the 1332 Innovation Waiver. This helped ensure affordable coverage for many New Jersey residents.

### **Increased Carrier Competition**

Throughout the nation, some individual markets have struggled to encourage competition among carriers or been able to afford consumers a choice of carriers. In New Jersey, our market has had a core group of competing carriers. Notably, we have seen a significant increase in the number of carriers that have entered the market, creating additional competition and increased consumer choice across the State. In 2023, six carriers are participating in the individual market, with five of those offering coverage on Get Covered New Jersey. That is an increase from four carriers in the individual market in 2019 and three participating on the Exchange at that time.

NJAHP urges the State to move forward with the application process and the federal government to approve it.

As always, we thank you for consideration our comments.

Sincerely,

Wardell Sanders

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<sup>[i]</sup> Jacobs, P. D., Cohen, M. L., Keenan, P., Health Affairs, "Risk Adjustment, Reinsurance Improved Financial Outcomes For Individual Market Insurers With The Highest Claims," April 2017, <https://www.healthaffairs.org/doi/10.1377/hlthaff.2016.1456>

<sup>[ii]</sup> American Academy of Actuaries, "Steps Toward a More Sustainable Individual Health Insurance Market," April 2017, [http://www.actuary.org/files/publications/Sustainable\\_Health\\_Insurance\\_Marketplace\\_042417.pdf](http://www.actuary.org/files/publications/Sustainable_Health_Insurance_Marketplace_042417.pdf)