

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



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August 17, 2020

**VIA ELECTRONIC MAIL:** ryan.loke@georgia.gov

The Honorable Brian P. Kemp  
Governor, State of Georgia  
115 State Capitol  
Atlanta, Georgia 30334

Dear Governor Kemp:

Thank you for your submission on December 23, 2019 and modified submission on July 31, 2020 of Georgia's application for a State Innovation Waiver under section 1332 of the Patient Protection and Affordable Care Act (PPACA). In Part I, Georgia seeks to waive PPACA's requirement for the single risk pool, under section 1312(c)(1) of the PPACA, to implement a state-based reinsurance program for plan years 2022 through 2026. In Part II, Georgia seeks to waive section 1311 of the PPACA to the extent necessary to transition the State's individual market from the Federally-facilitated Exchange to the new Georgia Access Model for plan years 2022 through 2026.

The U.S. Department of Health and Human Services and the Department of the Treasury (collectively, the Departments) have also received your letter dated July 8, 2020, requesting the Departments pause review of Georgia's 1332 waiver application that was submitted on December 23, 2019. The cover letter with the application referenced the July 8, 2020 letter and indicated that the state is modifying the original waiver application to begin the state-based reinsurance program on January 1, 2022 rather than January 1, 2021, if approved. The letter further noted that the state is modifying components of the Georgia Access Model, which will begin January 1, 2022, if approved. In addition, Georgia's modified waiver application submission on July 31, 2020 included a cover note from Governor Kemp citing the July 8, 2020 letter and explaining that as a result of the COVID-19 pandemic, Georgia had unanticipated budget constraints and modified the waiver application to address these unanticipated challenges. In light of the state's request and modified submission, the Departments are reviewing the modified application submitted on July 31, 2020.

The Departments have completed a preliminary review of the application in accordance with 45 CFR 155.1308(c) and 31 CFR 33.108(c), and we have made a preliminary determination that Georgia's application is complete.<sup>1</sup> Pursuant to 45 CFR 155.1308(d) and 31 CFR 33.108(d), the date of this letter marks the beginning of the Federal public notice process and 180-day Federal decision-making period for Georgia's modified waiver application, relating to the implementation of a state-based reinsurance program and the Georgia Access Model. Public comments on Georgia's modified waiver application will be accepted by the Departments from August 17, 2020

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<sup>1</sup> The Departments deemed Phase I of Georgia's December 23, 2019 waiver application complete on February 6, 2020 and are now preliminarily determining that the July 31, 2020 modified waiver application as a whole is complete.

through September 16, 2020, and more information about the Federal public notice process and section 1332 waivers generally can be found on the CCIIO website.<sup>2</sup> The decision of the Departments regarding approval or denial of Georgia's modified waiver application will be issued within 180 days of this preliminary determination of completeness of Georgia's application in accordance with 45 CFR 155.1316(c), 31 CFR 33.116(c), and other applicable regulations.

We look forward to continuing to work with Georgia on this application. Please do not hesitate to contact us if you have any questions.

Sincerely,



Randy Pate  
Director, Center for Consumer Information & Insurance Oversight  
Deputy Administrator, Centers for Medicare & Medicaid Services

Cc: David Kautter, Assistant Secretary for Tax Policy, U.S. Department of the Treasury  
Gen. John F. King, Commissioner, Georgia Department of Insurance  
Ryan Loke, Special Projects, Office of Governor Brian Kemp

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<sup>2</sup> [https://www.cms.gov/CCIIO/Programs-and-Initiatives/State-Innovation-Waivers/Section\\_1332\\_state\\_Innovation\\_Waivers-.html](https://www.cms.gov/CCIIO/Programs-and-Initiatives/State-Innovation-Waivers/Section_1332_state_Innovation_Waivers-.html)