

As efforts to make sweeping legislative changes to the Affordable Care Act (ACA) at the federal level have stalled, states are increasingly looking to stabilize and reform their own health insurance markets. Section 1332 of the ACA authorizes states to waive certain ACA provisions and receive federal funding for state programs, provided such proposals meet four guardrails.

To help keep tabs on these proposed waiver programs, FaegreBD Consulting’s health policy team has put together a chart that briefly summarizes such State Innovation Waivers. Updates will be made periodically as waivers make their way through the required state and federal review processes and additional states develop their own proposals.

Overview of ACA Section 1332 State Innovation Waivers

| Status | State | Waiver Program | Effective Date |
|---------------------------------|-----------------------------------|---|--|
| Approved | Hawaii | Revive state’s pre-ACA employer mandate law | 2017 |
| | Alaska | Establish state-run Reinsurance funded through combination of state funds and passed-through federal funding | 2018 (state-funded reinsurance program already operating for 2017) |
| Determined Complete | California (withdrew application) | Permit undocumented individuals to purchase unsubsidized qualified health plan coverage | |
| | Minnesota | State-run Reinsurance | 2018 (requested) |
| | Oklahoma | State-run Reinsurance | 2018 (requested) |
| Submitted | Iowa | State-run Reinsurance; alternative subsidy schedule (based on age and income) and standardized plans available directly through insurer(s); continuous coverage required for SEP enrollments | 2018 (requested) |
| | Vermont (incomplete) | Direct enrollment only for small business health options program (SHOP) | |
| Public Draft of Application | Massachusetts | Main features: Administer premium stabilization fund in lieu of cost-sharing reductions; revive state’s pre-ACA employer mandate and benefits laws; relax IRS rules regarding cafeteria plans | 2018 (requested) |
| | New Hampshire | State-run Reinsurance | 2018 (requested) |
| | Oregon | State-run Reinsurance | 2018 (requested) |
| Authorizing Legislation Enacted | Idaho | State-run Reinsurance | |
| | Kentucky | | |
| | Maine | State-run Reinsurance | |
| | Ohio | Repeal individual and employer mandates; other features expected | |
| | Rhode Island | | |
| | Texas | | |