



*The Commonwealth of Massachusetts  
Commonwealth Health Insurance Connector Authority  
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June 23, 2023

Center for Medicare and Medicaid Services  
Department of Health and Human Services  
ATTN: CMS-9894-P  
P.O. Box 8016  
Baltimore, MD 21244

**Re: Notice of Proposed Rulemaking, “Clarifying Eligibility for a Qualified Health Plan Through an Exchange, Advance Payments of the Premium Tax Credit, Cost-Sharing Reductions, a Basic Health Program, and for Some Medicaid and Children’s Health Insurance Programs” (Published in Federal Register Volume 88, Number 80, page 25313 on April 26, 2023)**

Dear Secretary Becerra:

The Massachusetts Health Connector (“Health Connector”), a state-based Marketplace (SBM) authorized under the Patient Protection and Affordable Care Act of 2010 (“ACA”), appreciates the opportunity provided by the Department of Health and Human Services (HHS) to comment on the proposed rule, **“Clarifying Eligibility for a Qualified Health Plan Through an Exchange, Advance Payments of the Premium Tax Credit, Cost-Sharing Reductions, a Basic Health Program, and for Some Medicaid and Children’s Health Insurance Programs”**.

Founded in 2006 as part of bipartisan state health reform, the Massachusetts Health Connector is the longest-running State-Based Marketplace (SBM) in the country. The Health Connector is designed to connect Massachusetts residents and small businesses with high quality, affordable health coverage and to promote universal health coverage in the Commonwealth. Today, the Health Connector serves over 215,000 individuals and nearly 13,000 small business employees from over 2,000 businesses.<sup>1</sup> The Health Connector’s efforts have contributed to the Commonwealth’s status as the healthiest state in the nation,<sup>2</sup> with a nation-leading health insurance rate over 97%,<sup>3</sup> and among the lowest-cost average Marketplace premiums in the country in 2023.<sup>4</sup>

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<sup>1</sup> See Massachusetts Health Connector May 2023 Board Meeting Records (May 2023 Summary Report), at <https://www.mahealthconnector.org/about/board-meetings>

<sup>2</sup> See [Sharecare-Community-Well-Being-Index-2021-state-rankings-report.pdf](#)

<sup>3</sup> Kaiser Family Foundation analysis of U.S. Census Bureau data, at <https://www.kff.org/other/state-indicator/health-insurance-coverage-of-the-total-population-cps/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D>

<sup>4</sup> : [Kaiser Family Foundation analysis](#) of data from Healthcare.gov, state rate review websites, and state plan finder tools. [Analysis of CMS Public Use Files](#).

**The Health Connector strongly supports actions to expand access to affordable health care by reducing barriers for Deferred Action for Childhood Arrivals (DACA) recipients.**

The Health Connector urges finalization of the proposed rule to add DACA recipients to the list of “lawfully present” immigrants, enabling them to receive federally supported health coverage, including Marketplace subsidies, Medicaid coverage, and Basic Health Program coverage. This change would positively impact the health and wellbeing of Massachusetts residents, including by enabling “Dreamers” to access affordable health coverage.

At the national level, approximately one third of DACA recipients are uninsured, and, as HHS notes, an estimated 129,000 DACA recipients would be able to enroll in affordable coverage under the proposed rule, significantly expanding affordable coverage across the U.S. One in six Massachusetts residents is an immigrant, while one in seven residents is a native-born U.S. citizen with at least one immigrant parent.<sup>5</sup> As of March 2020, 5,480 active DACA recipients lived in Massachusetts. Like many states, Massachusetts is seeking to provide DACA residents with access to affordable and high-quality health coverage and care. The rule, if finalized, would benefit communities across the Commonwealth, including the many mixed-status immigrant families who reside in our state. A substantial body of research has established the positive impacts of health coverage on improved access to and use of healthcare services (e.g., receipt of recommended screenings and care) which leads to better health outcomes.<sup>6</sup>

**If finalized, the proposed rule would help reduce health inequities across the Commonwealth.** Ensuring access to affordable, high-quality healthcare for the DACA population is imperative to advancing health equity and reducing health disparities in Massachusetts. An estimated 20% of the remaining uninsured in Massachusetts currently do not qualify for public coverage based on their immigration status.<sup>7</sup> If finalized, this rule will support the Commonwealth’s efforts toward universal insurance coverage. DACA recipients, among other immigrant groups, face systemic barriers in health care access that include high rates of uninsurance, delays in obtaining medical care, and high, out-of-pocket medical costs.<sup>8</sup> These barriers result in and exacerbate health disparities and poor health outcomes. If finalized, the rule would help the Commonwealth make progress in improving health disparities, both by creating new access to insurance coverage and by signaling to immigrant communities that health programs like those offered by Marketplaces are available and safe pathways to coverage.

The Health Connector strongly urges finalization of the proposed rule and sincerely thanks HHS for addressing the existing disparities individuals with DACA status face by expanding access to affordable, high-quality health coverage. We look forward to continued partnership in implementation of the Affordable Care Act and in strengthening access to health care coverage and services.

Sincerely,



Audrey Morse Gasteier  
Executive Director

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<sup>5</sup> [American Immigration Council \(2020\)](#)

<sup>6</sup> [Effects of Health Insurance on Health - Care Without Coverage - NCBI Bookshelf \(nih.gov\)](#)

<sup>7</sup> [https://www.mahealthconnector.org/wp-content/uploads/board\\_meetings/2021/12-09-21/Covering-the-Uninsured-Health-Connector-Presentation-120921.pdf](https://www.mahealthconnector.org/wp-content/uploads/board_meetings/2021/12-09-21/Covering-the-Uninsured-Health-Connector-Presentation-120921.pdf)

<sup>8</sup> National Immigration Law Center: [NILC\\_DACA-Report\\_060122.pdf](#)