



July 14, 2022

The Honorable Xavier Becerra  
Secretary of Health and Human Services  
Department of Health and Human Services

The Honorable Janet Yellen  
Secretary of the Treasury  
Department of the Treasury

Submitted via email: [stateinnovationwaivers@cms.hhs.gov](mailto:stateinnovationwaivers@cms.hhs.gov)

**Re: Support for Washington State’s Section 1332 Waiver Application**

The undersigned members of the Consortium for Constituents with Disabilities (CCD) appreciate the opportunity to provide comments on Washington State’s Section 1332 Waiver Application (the waiver). We write in strong support of the waiver as an important step to improve health coverage for Washington State residents, including people with disabilities and chronic health conditions.

CCD is the largest coalition of national organizations working together to advocate for Federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society free from racism, ableism, sexism, and xenophobia, as well as LGBTQ+ based discrimination and religious intolerance.

The Affordable Care Act Section 1332 waivers allow states “to pursue innovative strategies for providing residents with access to high quality, affordable health insurance while retaining the basic protections of the ACA.”<sup>1</sup> We believe Washington’s waiver would accomplish this and is particularly timely to help address long-standing inequities in access to health care that have been exacerbated by the pandemic. Immigrants and communities of color, as well as people with disabilities and chronic health conditions, are disproportionately contracting, hospitalized for, and dying from COVID-19.

Nationwide, 5.6 percent of immigrant adults under age 65 have a disability, and 2.3 percent have multiple disabilities.<sup>2</sup> These rates are higher for people of color: 10.2 percent of nonelderly Black Latinx immigrants and 7.3 percent of non-Latinx Pacific Islander immigrants reported having a disability.<sup>3</sup> Immigrants also have the highest

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<sup>1</sup> Section 1332: State Innovation Waivers,” CMS Consumer Information and Insurance Oversight, [https://www.cms.gov/CCIIO/Programs-and-Initiatives/State-Innovation-Waivers/Section\\_1332\\_State\\_Innovation\\_Waivers-](https://www.cms.gov/CCIIO/Programs-and-Initiatives/State-Innovation-Waivers/Section_1332_State_Innovation_Waivers-)

<sup>2</sup> Echave, P., et al., “Being an Immigrant with Disabilities: Characteristics of a population facing multiple structural challenges,” Urban Institute (Apr. 2022), <https://www.urban.org/sites/default/files/2022-04/Being%20an%20Immigrant%20with%20Disabilities.pdf>.

<sup>3</sup> *Id.*

uninsured rate.<sup>4</sup> In Washington state, more than 100,000 immigrant residents do not have health insurance.<sup>5</sup> Among those uninsured are people with disabilities and chronic health conditions who are barred from accessing Medicaid, Medicare, and the Marketplace due to their immigration status, resulting in nearly 1 in 5 immigrants with disabilities being uninsured.<sup>6</sup> Being uninsured makes healthcare unaffordable and inaccessible and, delays in accessing needed care are more likely to cause poor health outcomes, especially for people with disabilities.<sup>7</sup>

We strongly support the proposed waiver because it would remove a barrier to coverage for immigrants with disabilities and chronic health conditions who are Washington residents and enable access to treatment and services that are critical to their health and wellbeing. It would also simplify enrollment for families with mixed immigration statuses, allowing them to apply for coverage together. Moreover, we support this effort as helping to overcome the lingering chilling effect of the 2019 public charge rule by signaling to all immigrants that they can safely enroll in health coverage.<sup>8</sup> We appreciate that the waiver application recognizes the importance of privacy and specifies that individual information about applicants and enrollees covered via the waiver will not be shared with the federal government. We urge the Administration to confirm this privacy protection in its waiver approval.

We ask that you expeditiously review and approve Washington's 1332 waiver application. Thank you for consideration of our comments. Please contact David Machledt (machledt@healthlaw.org) and Natalie Kean (nkean@justiceinaging.org) with any questions.

Sincerely,

Autistic Self Advocacy Network  
Autistic Women & Nonbinary Network  
Disability Rights Education and Defense Fund (DREDF)  
Epilepsy Foundation  
Family Voices  
Justice in Aging  
National Health Law Program  
National Disability Rights Network

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<sup>4</sup> Ndugga N., et al., "Immigrants in the U.S. Continue to Face Health Care Challenges," Kaiser Family Foundation (June 2022), <https://www.kff.org/racial-equity-and-health-policy/slide/immigrants-in-the-u-s-continue-to-face-health-care-challenges/>.

<sup>5</sup> WA Office of Financial Management analysis of American Community Survey, 2019 1-year PUMS.

<sup>6</sup> Echave *supra* note 2.

<sup>7</sup> Centers for Medicare & Medicaid Services, "Improving Health Care for Adults with Disabilities: An Overview of Federal Data Sources" (Dec. 2020), <https://www.cms.gov/files/document/federaldatadisability508.pdf>.

<sup>8</sup> See Tolbert, J. et. al, "Impact of Shifting Immigration Policy on Medicaid Enrollment and Utilization of Care among Health Center Patients," Kaiser Family Foundation (Oct. 2019), <https://www.kff.org/medicaid/issue-brief/impact-of-shifting-immigration-policy-on-medicare-enrollment-and-utilization-of-care-among-health-center-patients/>.

The Arc of Washington State  
The Arc of the United States  
VisionServe Alliance