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Donald Berwick, M.D.  
Administrator  
Centers for Medicare & Medicaid Services  
Department of Health and Human Services  
Attention: CMS-9987-P  
P.O. Box 8016  
Baltimore, MD 21244-8016

Dear Dr. Berwick:

The Commonwealth of Massachusetts appreciates the opportunity to submit comments on the Proposed Rule regarding the application, review and reporting process for Waivers for State Innovation under §1332 of the Affordable Care Act (ACA). The Proposed Rule establishes a framework for submission and review of waiver applications that ensures flexibility for states in implementing certain provisions of the ACA and includes opportunities for public input in the development of such applications by the states.

As a state that recently implemented comprehensive health reform, resulting in an uninsurance rate of our residents to just below 2%, the Commonwealth is strongly supportive of the Affordable Care Act. The ACA will help to further reduce our uninsurance rate and will help provide access to affordable, comprehensive health insurance coverage for additional individuals here as well as for millions more in the rest of the country. In addition to the coverage provisions, we were pleased to see the many opportunities ACA provides for states to test payment reforms, pilot new ways of coordinating care for dual eligible and other populations, improve health infrastructure, increase the healthcare workforce and for many other important projects.

It is particularly important that the ACA provide the resources, tools and flexibility needed for each state to successfully implement the provisions of the law. Massachusetts has reviewed the Proposed Rule and strongly believes that the application and review process described in the rule provides the opportunity for flexibility in implementing the



ACA. While flexibility is important, we are pleased to see that criteria set forth under the Proposed Rule ensures that, under alternative programs, individuals will still have access to health insurance coverage that is at least as comprehensive and affordable to as many residents as the coverage that would be offered by the health insurance exchanges envisioned in the ACA.

Massachusetts is pleased that the proposed rule permits, but does not require, States to submit a single application for a section 1332 waiver and a waiver under additional existing waiver processes. This flexibility is extremely important for states, such as Massachusetts, that have existing 1115 demonstration and other waivers that may need to be combined and coordinated with a section 1332 waiver. Massachusetts believes it would be helpful if the Final Rule established the process for submitting a single application for a section 1332 waiver and a waiver under additional existing processes should the state choose this option.

The Secretaries solicit comments on whether a state should be required to submit an application at least 12 months in advance of the requested effective date, in order to allow for the effective implementation of approved waivers at the state level. Based on our experience with implementing changes under our section 1115 demonstration waiver, Massachusetts agrees that the initial application deadline should be at least 12 months in advance. Given the 180-day Federal decision-making process, it is important that states have sufficient time to make the changes needed to implement a waiver. However, it is our experience that the discussions with CMS inherent in the Federal decision-making process often raise new issues that were not contemplated in the application itself. We believe that reasonable adjustments to the application that reflect such issues or other new developments should be permitted without affecting the Federal clock or other requirements proposed under this Rule. We also believe it would be helpful if the Final Rule contained a detailed description of how CMS will implement the 180-day Federal decision-making process. Such a detailed description will allow states to have reasonable expectations about the process that will greatly aid in planning activities.

The Secretaries solicit comments regarding the proposed analysis, certifications, data assumptions, targets and other information that would be required as part of a section 1332 waiver application. The Secretaries also seek comments on other types of information states would consider useful in supporting an application. It is Massachusetts's assessment that these proposed analyses are reasonable.

The Secretaries solicit comments regarding specific components of the periodic evaluation of a section 1332 waiver. It is Massachusetts's assessment that the proposed content of these periodic evaluations are reasonable.

We look forward to working with you as we continue to implement the provisions of the Affordable Care Act in Massachusetts and move towards a system of affordable and comprehensive health insurance for all.

Sincerely,



JudyAnn Bigby, M.D.  
Secretary