



Minnesota Department of **Human Services**

January 11, 2016

Representative Davids, Co-Chair
MNsure Legislative Oversight Committee
585 State Office Building
Saint Paul, MN 55155

Senator Lourey, Co-Chair
MNsure Legislative Oversight Committee
G-12 Capitol
Saint Paul, MN 55155

Peter Benner, Chair
MNsure Board of Directors
81 7th Street
Saint Paul, MN 55155

Dear MNsure Board and MNsure Legislative Oversight Committee members,

During the 2015 session, the legislature directed the Department of Human Services to seek a waiver from the Center for Medicare and Medicaid Services (CMS) related to the small business health options program.

Chapter 71, article 12, section 7:

Expanded Access to the Small Business Health Care Tax Credit

(a) The commissioner of human services, in consultation with the Board of Directors of MNsure and the MNsure Legislative Oversight Committee, shall develop a proposal to allow small employers the ability to receive the small business health care tax credit when the small employer pays the premiums on behalf of employees enrolled in either a qualified health plan offered through a small business health options program (SHOP) marketplace or a small group health plan offered outside of the SHOP marketplace within MNsure. To be eligible for the tax credit, the small employer must meet the requirements under the Affordable Care Act, except that employees may be enrolled in a small group health plan product offered outside of MNsure.

Prior to submission to CMS, the legislation requires a 30 day review period for the MNsure Legislative Oversight Committee and the MNsure Board. Pursuant to that requirement, attached

please find the waiver request to CMS. In accordance with the 30 day review period, our plan is to submit this request on February 15, 2016.

Please feel free to share any comments or concerns.

Sincerely,



Emily Johnson Piper, Commissioner
Minnesota Department of Human Services

- CC: Representative Erin Murphy
Representative Joe Hoppe
Representative Joe Atkins
Representative Tara Mack
Senator Michelle Benson
Senator Jeff Hayden
Senator Sean Nienow
Senator Kathy Sheran



Minnesota Department of **Human Services**

February 15, 2016

Kevin Counihan
Director & Marketplace CEO
Center for Consumer Information & Insurance Oversight
200 Independence Avenue SW
Washington, DC 20201

Dear Director Counihan,

Pursuant to a requirement in state law, the State of Minnesota is requesting an exemption from the requirement in section 1311 of the Patient Protection and Affordable Care Act (ACA) that in order to receive the small business tax credit the qualified health plan be purchased through the small business health options program (SHOP).

In 2015, the Minnesota Legislature passed a law requiring the Minnesota Department of Human Services to seek a federal waiver. Therefore, with this letter, pursuant to this regulation by the Minnesota legislature, we respectfully request that CMS “allow small employers the ability to receive the small business health care tax credit when the small employer pays the premiums on behalf of the employees enrolled in either a qualified health plan offered through a small business health options program (SHOP) marketplace or a small group health plan offered outside of the SHOP marketplace within MNsure.” (See Minn. 2015 Session Law, Chap. 71, article 12, section 7).

The Department of Human Services is submitting this request in coordination with the state agencies governing SHOP and the small group market which includes Minnesota’s state-based marketplace, MNsure, and the Minnesota Department of Commerce.

Thank you for your attention to this important matter for Minnesota.

Sincerely,

Emily Johnson Piper, Commissioner
Minnesota Department of Human Services

Cc: Mike Rothman, Commissioner, Department of Commerce
Cc: Allison O’Toole, CEO, MNsure