



July 8, 2020

Honorable Holly Mitchell, Chair
Joint Legislative Budget Committee
Senate Budget and Fiscal Review Committee

Honorable Phil Ting, Chair
Assembly Budget Committee

Honorable Anthony Portantino, Chair
Senate Appropriations Committee

Honorable Lorena Gonzalez, Chair
Assembly Appropriations Committee

Notification—Covered California, Approval of State Advanced Premium Assistance Program Design

Pursuant to Section 100800 of the Government Code, the following report is respectfully submitted.

Title 25 (commencing with Section 100800) of the Government Code authorizes the California Health Benefit Exchange, also known as Covered California, to administer a program of financial assistance to help low-income and middle-income Californians access affordable health care coverage through Covered California in collaboration with the Franchise Tax Board. Covered California is required to adopt an annual program design based on funds appropriated to the program and other parameters established by provisional language in the Budget Act, subject to the approval of the Director of Finance following 10 days notification in writing to the Joint Legislative Budget Committee.

Item 4800-101-0001 of the 2020 Budget Act (Ch. 6, Stats. 2020) provides \$348,939,000 for state advanced premium assistance during the 2021 coverage year. Of this amount, the program design shall allocate approximately 17 percent to individuals with household incomes above 200 percent and at or below 400 percent of the federal poverty level. Approximately 83 percent shall be allocated to individuals with household incomes above 400 percent and at or below 600 percent of the federal poverty level and to individuals with household incomes at or below 138 percent of the federal poverty level.

On June 25, 2020, the Covered California Board adopted resolution number 2020-41 adopting the proposed program design (see Attachment 1). Finance has reviewed the program design adopted by Covered California and finds that it establishes a program which conforms to Title 25 (commencing with Section 100800) of the Government Code and is reasonably projected to allocate subsidies pursuant to the parameters of Item 4800-101-0001 of the Budget Act of 2020 (Ch. 6, Stats. 2020).

The proposed 2021 program design includes technical updates to the 2020 program design, including a clarification that the definition of "eligible consumer" consists of both enrollees who apply through the single, streamlined program application as well as enrollees who transition from another insurance affordability program, such as Medi-Cal.

I hereby approve the program design adopted by Covered California in resolution number 2020-41 on June 25, 2020, effective 10 days following the Joint Legislative Budget Committee's receipt of this notification.

If you have any questions or need additional information regarding this matter, please contact Iliana Ramos, Principal Program Budget Analyst, at (916) 445-6423.

KEELY MARTIN BOSLER

Director

By:



VIVEK VISWANATHAN

Chief Deputy Director

Attachment

cc: On following page

cc: Honorable Jim Nielsen, Vice Chair, Senate Budget and Fiscal Review Committee
Honorable Jay Obernolte, Vice Chair, Assembly Budget Committee
Honorable Richard Pan, Chair, Senate Budget and Fiscal Review Subcommittee
No. 3
Honorable Eloise Reyes, Chair, Assembly Budget Subcommittee No. 1
Gabriel Petek, Legislative Analyst (3)
Joe Stephenshaw, Staff Director, Senate Budget and Fiscal Review Committee
Mark McKenzie, Staff Director, Senate Appropriations Committee
Kirk Feely, Fiscal Director, Senate Republican Fiscal Office
Christopher W. Woods, Senate President pro Tempore's Office (2)
Christian Griffith, Chief Consultant, Assembly Budget Committee
Jay Dickenson, Chief Consultant, Assembly Appropriations Committee
Cyndi Hillery, Staff Director, Assembly Republican Fiscal Committee
Jayme Chick, Deputy Chief of Staff, Policy, Assembly Republican Leader's Office
Alex Khan, Chief Consultant, Assembly Republican Leader's Office
Jason Sisney, Assembly Speaker's Office (2)
Michelle Baass, Undersecretary, California Health and Human Services Agency
Brendan McCarthy, Assistant Secretary, California Health and Human Services
Agency
Dr. Mark Ghaly, Board Chair, Covered California
Peter Lee, Executive Director, Covered California
Karen Johnson, Chief Deputy Executive Director of Operations, Covered California
Doug McKeever, Chief Deputy Executive Director of Program, Covered California
Kathleen Keeshen, General Counsel, Covered California
Katie Ravel, Director of Policy Evaluation and Research, Covered California
Kelly Green, Director of External Affairs, Covered California
Karen Avakian, Acting Director of Policy Evaluation and Research, Covered
California
Betty T. Yee, Chair, Franchise Tax Board
Selvi Stanislaus, Executive Officer, Franchise Tax Board
Jeanne Harriman, Chief Financial Officer, Franchise Tax Board

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For plan year 2021, the California Health Benefit Exchange (Exchange) adopts this 2021 Program Design in accordance with item 4800-101-0001 of the Budget Act of 2020 for implementation of Title 25 of the Government Code. The amount appropriated in item 4800-101-0001 of the Budget Act of 2020 shall provide state advance premium assistance subsidies during the 2021 plan year to applicable return filers who meet the requirements specified in subdivision (c).

- (a) The term “state advance premium assistance amount” means, with respect to any calendar year, the sum of the state premium assistance amounts determined under paragraph (b) for the applicable return filer’s coverage months during the calendar year. The monthly state advance premium assistance amount shall not exceed the monthly premiums for one or more qualified health plans in which the applicable return filer, the applicable return filer’s spouse, and the applicable return filer’s dependent, if applicable, enroll through the Exchange.
- (b) The state advance premium assistance amount with respect to any coverage month shall be the difference between:
 - (1) The amount equal to the lesser of:
 - (A) The monthly premiums for such month for one or more qualified health plans offered in California’s individual market which cover the applicable return filer, the applicable return filer’s spouse, or any dependent (as defined in Section 17056 of the Revenue and Taxation Code) of the applicable return filer and which were enrolled in through the Exchange, or
 - (B) The excess (if any) of:
 - (i) The adjusted monthly premium for such month for the applicable second lowest cost silver plan with respect to the applicable return filer, over
 - (ii) An amount equal to 1/12 of the product of the applicable percentage and the applicable return filer’s projected household income for the calendar year; and
 - (2) The advance payment of premium tax credit authorized by Section 36B of the Internal Revenue Code and its implementing regulations, if applicable.
- (c) An applicable return filer shall be eligible for state advance premium assistance only if the applicable return filer:
 - (1) Applies for coverage through the single, streamlined application for insurance affordability programs or transitions from another insurance affordability program, as defined in Section 15926 of the Welfare and Institutions Code, through the Exchange; and

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- (2) Meets all eligibility requirements of the federal advance premium tax credit authorized under Section 36B of the Internal Revenue Code and its implementing regulations, except that the income requirements of that section shall not apply to an applicable return filer whose household income is above 400 percent and at or below 600 percent of the federal poverty level for the taxable year.

(d) For the purposes of this 2021 Program Design, the following definitions shall apply:

- (1) “Actual family size” means the family size, as defined in paragraph (d)(10), that an applicable return filer reports on the applicable return filer’s State tax return for the taxable year.
- (2) “Actual filing status” means the filing status an applicable return filer uses to file the applicable return filer’s State tax return for the taxable year.
- (3) “Actual household income” means the household income, as defined in paragraph (d)(12), that an applicable return filer reports on the applicable return filer’s State tax return for the taxable year.
- (4) “Applicable percentage” means the percentage such that the applicable percentage for any applicable return filer whose household income is within an income tier specified in the following table shall increase, on a sliding scale in a linear manner, from the initial premium percentage to the final premium percentage specified in such table for such income tier:

2021 Required Contribution Table Household income (expressed as a percent of the federal poverty level):	The initial premium percentage	The final premium percentage
At or below 138%	0%	0%
Greater than 200% up to and including 250%	6.24%	7.80%
Greater than 250% up to and including 300%	7.80%	8.90%
Greater than 300% up to and including 400%	8.90%	9.68%
Greater than 400% and up to and including 450%	9.68%	14.00%
Greater than 450% and up to and including 500%	14.00%	16.00%
Greater than 500% and up to and including 600%	16.00%	18.00%

- (5) “Applicable second lowest cost silver plan” has the same meaning as the term is defined in subdivision (b)(3)(B) of Section 36B of the Internal Revenue Code and its implementing regulations in 26 C.F.R. Section 1.36B-3(f).
- (6) “Adjusted monthly premium” has the same meaning as the term is defined in subdivision (b)(3)(C) of Section 36B of the Internal Revenue Code and its implementing regulations in 26 C.F.R. Section 1.36B-3(e).

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- (7) “Applicable return filer” means, with respect to any month, a return filer whose household income for the taxable year is either at or below 138 percent of the federal poverty level, or above 200 percent and at or below 600 percent of the federal poverty level for the return filer's family size.
 - (1) If the return filer is married (within the meaning of Section 7703 of the Internal Revenue Code) at the close of the taxable year, the return filer shall be treated as an applicable return filer only if the return filer and the return filer’s spouse file a joint return for the taxable year, unless the return filer satisfies one of the exceptions specified in 26 C.F.R. Section 1.36B-2(b)(2)(ii)-(v).
 - (2) No state premium assistance shall be allowed under this title to any individual who is claimed as a dependent of another return filer for a taxable year beginning in the calendar year in which such individual’s taxable year begins.
- (8) “Coverage month” has the same meaning as the term is defined in subdivision (c)(2) of Section 36B of the Internal Revenue Code and its implementing regulations in 26 C.F.R. Section 1.36B-3(c).
- (9) “Exchange” means the California Health Benefit Exchange, also known as Covered California, established pursuant to Title 22 (commencing with Section 100500).
- (10) “Family size” has the same meaning as the term is defined in subdivision (d)(1) of Section 36B of the Internal Revenue Code and its implementing regulations in 26 C.F.R. Section 1.36B-1(d).
- (11) “Federal poverty level” or FPL means the most recently published Federal poverty level, updated periodically in the Federal Register by the Secretary of Health and Human Services under the authority of 42 U.S.C. Section 9902(2), as of the first day of the annual open enrollment period for coverage in a qualified health plan through the Exchange.
- (12) “Household income” has the same meaning as the term is defined in subdivision (d)(2)(A) of Section 36B of the Internal Revenue Code and its implementing regulations in 26 C.F.R. Section 1.36B-1(e).
- (13) “Modified adjusted gross income” has the same meaning as the term is defined in subdivision (d)(2)(B) of Section 36B of the Internal Revenue Code and its implementing regulations in 26 C.F.R. Section 1.36B-1(e)(2).

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- (14) “Projected family size” means the family size, as defined in paragraph (d)(10), that an applicable return filer attests to the Exchange that the applicable return filer reasonably expects for the taxable year.
 - (15) “Projected filing status” means the filing status an applicable return filer attests to the Exchange that the applicable return filer reasonably expects to use to file the applicable return filer’s State tax return for the taxable year.
 - (16) “Projected household income” means the household income, as defined in paragraph (d)(12), that an applicable return filer attests to the Exchange that the applicable return filer reasonably expects for the taxable year.
 - (17) “Qualified health plan” has the same meaning as defined in subdivision (g) of section 100501 of the Government Code.
- (e) Pursuant to Section 100810 of the Government Code, an applicable return filer shall reconcile premium assistance subsidies advanceable to the applicable return filer and the applicable return filer’s dependents based on the applicable return filer’s projected household income, projected family size, and projected filing status with the premium assistance allowed, as specified in paragraph (f), based on the applicable return filer’s actual household income, actual family size, and actual filing status reported on the applicable return filer’s State tax return for the taxable year for which the applicable return filer was eligible to receive the advance premium assistance subsidies.
- (f) The State premium assistance allowed with respect to any coverage month in the taxable year shall be the difference between:
- (1) The amount equal to the lesser of:
 - (A) The monthly premiums for such month for one or more qualified health plans offered in the individual market within California which covered the applicable return filer, the applicable return filer’s spouse, or any dependent (as defined in Section 17056 of the Revenue and Taxation Code) of the applicable return filer and which were enrolled in through the Exchange, or
 - (B) The excess (if any) of:
 - (i) The adjusted monthly premium for such month for the applicable second lowest cost silver plan with respect to the applicable return filer, over
 - (ii) An amount equal to 1/12 of the product of the applicable percentage and the applicable return filer’s actual household income for the calendar year; and
 - (2) The premium tax credit allowed under Section 36B of the Internal Revenue Code and its implementing regulations, if applicable.

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- (g) Except as provided in paragraph (h), the reconciliation liability imposed under subdivision (a)(2) of Section 100810 of the Government Code shall be limited to the amounts provided in the following table.

<u>Household income percentage of FPL</u>	<u>Single filers</u>	<u>All other filers</u>
Less than 200%	\$300	\$600
At least 200% but less than 300%	\$775	\$1,550
At least 300% but less than 400%	\$1,300	\$2,600
At least 400% but less than 500%	\$2,000	\$4,000
At least 500% but less than 600%	\$3,000	\$6,000
At least 600% but less than 700%	\$4,200	\$8,400

- (h) The reconciliation liability of the applicable return filer shall not be limited to the amounts specified in the table in paragraph (g) if the applicable return filer:
- (1) Provides to the Exchange a projected household income above 400% of the FPL for the taxable year subject to the reconciliation requirement specified in paragraph (e); and
 - (2) Reports an actual household income below 400% of the FPL on the applicable return filer's State tax return for that year.



June 29, 2020

Ms. Keely Bosler, Finance Director
Department of Finance
State Capitol, Room 1145
Sacramento, CA 95814

Ms. Bosler,

Pursuant to Title 25, commencing with Section 100800 of the Government Code, enclosed you will find the 2021 State Premium Assistance Program Design Document (Program Design) for your approval. This Program Design was adopted on June 25, 2020, by resolution of the Board of the California Health Benefit Exchange in accordance with item 4800-101-0001 of the Budget Act of 2020. The Program Design sets a state advance premium assistance amount for consumers in the individual health insurance market for the plan year 2021 based on the consumer's household income in relation to the Federal Poverty Level and the monthly premium for the second lowest cost silver plan.

Section 100800 (c) of the Government Code requires approval of the Program Design Resolution by the Director of Finance following 10 days notification in writing to the Joint Legislative Budget Committee. We thereby submit the attached Resolution and Program Design to you for your approval.

Please feel free to contact me with any questions. Kelly Green, External Affairs Director, may be reached at 916-539-5097 or Kelly.green@covered.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Peter V. Lee".

Peter V. Lee
Executive Director

Attachment: 2021 State Subsidy -- Program Design Document


**COVERED CALIFORNIA BOARD
RESOLUTION NO. 2020-41**

In the matter of the adoption of the Covered California State Subsidy Program Design for Plan Year 2021.

The Board hereby resolves, in accordance with the Section 100800(a) of the Government Code, to adopt the 2021 State Subsidy Program Design as presented to the Board on this day.

CERTIFICATION

I, Peter V. Lee, Executive Director of Covered California, do hereby certify that the foregoing action was duly passed and adopted by the Covered California Board at an official meeting thereof on June 25, 2020.

_____ Peter V. Lee 
Executive Director
Covered California