

**Washington Health Benefit Exchange Comments:
Proposed Federal Rule – Clarifying “Lawfully Present” Definition for QHP,
BHP, and Medicaid Eligibility– CMS-9894-P**

The Washington Health Benefit Exchange (Exchange), Washington’s state-based marketplace, is pleased to submit comments in support of the proposed rule to clarify the definition of “lawfully present” for Qualified Health Plan (QHP) and Medicaid eligibility, published by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) on April 26, 2023.

The Exchange operates *Washington Healthplanfinder*, which connects over 2 million Washingtonians to health and dental coverage, and available federal and state subsidies. The proposed rule aligns well with recent state efforts to extend Medicaid and Qualified Health Plan coverage to all Washingtonians, regardless of their immigration status. Up to 30,000 DACA eligible Washington residents could benefit from the proposed rule.¹

The Exchange supports rapid finalization of the rule and expedited completion of the federal system updates needed to successfully implement it at the state level (notably, updates to the verify lawful presence service that states rely on to transmit information and electronically verify eligibility). The Exchange also supports updating the nomenclature from “alien” to “noncitizen” and generally supports using more inclusive and equitable language.

As proposed, the rule includes an implementation timeline of November 1, 2023. Implementation timing in Washington is largely dependent on how quickly federal system updates can be completed and tested with state systems. Given these federal dependencies, flexibility to implement the rule as soon as practicable would be preferred.

Thank you for this opportunity to comment. The Exchange appreciates CMS’s commitment to equity and to expanding access to affordable health care coverage. We look forward to partnering with you on implementation as soon as possible.

¹ Migration Policy Institute, Deferred Action for Childhood Arrivals (DACA) Data Tools available at:
<https://www.migrationpolicy.org/programs/data-hub/deferred-action-childhood-arrivals-daca-profiles>.