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Impact of the Affordable Care Act on Native Americans

[Indian Law & Gaming Practice Group](#)

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The Affordable Care Act (ACA) is a vast, complex law that has been the subject of considerable ambiguity and confusion, including the impacts and application the ACA has had on Native American governments and tribal citizens. Although some questions still linger, the federal government has issued some guidance. Some frequently asked questions are listed below regarding the impact of the ACA on individual Native Americans. Stay tuned for subsequent advisories on the impact of the ACA on tribes.

Will American Indians be required to pay a penalty if they do not purchase health insurance coverage?

The ACA exempts Native Americans Indians from the requirement that most U.S. residents purchase health insurance or face a penalty. Confusion exists about the scope of the exemption. Initially, it was unclear whether the exemption was only extended to those Native Americans who could document their citizenship in one of the 566 federally-recognized tribes or if the exemption included those Native Americans recognized as tribal citizens by states as well.

The Obama administration clarified that the exemption from the individual mandate extends to all people who are eligible to receive medical care through the federal Indian Health Service. The Indian Health Service oversees a network of clinics required by treaty obligations to serve all patients of Native American ancestry, even if they cannot document their federal tribal status.

If tribal citizens can obtain free healthcare through the Indian Health Service and are exempt from the individual mandate, why should they consider purchasing insurance through an exchange?

Legitimate reasons exist for tribal citizens to consider purchasing health insurance through an exchange. Namely, more comprehensive healthcare coverage can be obtained and most Indian health facilities do not offer a full array of services. For example, surgery or cancer treatments, two costly types of care, may not be available at an Indian healthcare clinic. Not having coverage for these services could financially devastate a family. In addition, many Native Americans may not live near an Indian health facility and may have to obtain care from providers not affiliated with the Indian Health Service.

Are there other provisions of the ACA that uniquely apply to Native Americans?

Yes, the ACA includes exclusive provisions for Native Americans that facilitate purchasing insurance through an exchange. Native Americans can sign up for health coverage through an exchange at any time, not just during a defined open enrollment period. In addition, the ACA exempts Tribal citizens with incomes below 300 percent of the federal poverty level from paying deductibles and copayments. This means that Tribal citizens can purchase the least expensive plans without worrying about high deductibles and copayments typically associated with these types of plans.

In addition, the ACA exempts all Native Americans from out-of-pocket payments if they receive treatment from Indian health facilities regardless of their income level.

To learn more about how the ACA will impact Native Americans, contact Indian Law & Gaming practice group chair Michael McBride, Healthcare practice group member Cori Loomis or any member of the Indian Law & Gaming practice group.

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