

## Indian Health Services , Medicaid, Affordable Care Act: Who Is Eligible for What

	IHS/Tribal Health Program Eligible for Services	Medicaid Cost Sharing Protections	ACA Exchange Plan Special Enrollment	ACA Exchange Plan Cost Sharing Avoidance	Exemption from Tax Penalty (from IRS or Exchange)	Hardship Exemption from Tax Penalty (from Exchange)
<b>Members of Federally Recognized Tribes</b>	<b>YES</b> 25 U.S.C. § 1603(13)-(14); 42 C.F.R. § 136.12	<b>YES</b> 42 U.S.C. § 1396o(j); 42 C.F.R. §§ 447.50(b)(1)(i), .53(b)(6)	<b>YES<sup>1</sup></b> 42 U.S.C. § 18031(c)(6)(D) 42 C.F.R. § 155.420(d)(8)	<b>YES</b> 42 U.S.C. § 18071(d) 45 C.F.R. §§ 155.300(a), .350	<b>YES</b> 26 U.S.C. §§ 450A(c)(6), 5000A(e)(3) 45 C.F.R. § 155.605(f)	<b>N/A</b>
<b>Alaska Native Shareholders</b>	<b>YES</b> 25 U.S.C. § 1603(13)-(14) 42 C.F.R. § 136.12	<b>YES</b> 42 U.S.C. § 1396o(j) 42 C.F.R. §§ 447.50(b)(1)(i), .53(b)(6)	<b>YES</b> 42 U.S.C. § 18031(c)(6)(D) 42 C.F.R. § 155.420(d)(8)	<b>YES</b> 42 U.S.C. § 18071(d) 45 C.F.R. §§ 155.300(a), .350	<b>YES</b> 26 U.S.C. §§ 450A(c)(6), 5000A(e)(3) 45 C.F.R. § 155.605(f)	<b>N/A</b>
<b>IF NOT LISTED ABOVE</b>						
<b>Members of State Recognized Tribes Living in an Urban Indian Center</b>	<b>NO*</b>	<b>YES</b> 42 U.S.C. § 1396o(j) 42 C.F.R. §§ 447.50(b)(1)(ii), .53(b)(6)	<b>NO</b> 42 U.S.C. § 18031(c)(6)(D) 42 C.F.R. § 155.420(d)(8)	<b>NO</b> 42 U.S.C. § 18071(d) 45 C.F.R. §§ 155.300(a), .350	<b>NO</b> 26 U.S.C. §§ 450A(c)(6), 5000A(e)(3) 45 C.F.R. § 155.605(f)	<b>YES</b> 42 C.F.R. § 155.605(g)(6)
<b>Considered to Be AI/AN by Dept of Interior</b>	<b>YES</b> 42 C.F.R. § 136.12	<b>YES</b> 42 U.S.C. § 1396o(j) 42 C.F.R. §§ 447.50(b)(1)(iii), .53(b)(6)	<b>NO</b> 42 U.S.C. § 18031(c)(6)(D) 42 C.F.R. § 155.420(d)(8)	<b>NO</b> 42 U.S.C. § 18071(d) 45 C.F.R. §§ 155.300(a), .350	<b>NO</b> 26 U.S.C. §§ 450A(c)(6), 5000A(e)(3) 45 C.F.R. § 155.605(f)	<b>YES</b> 42 C.F.R. § 155.605(g)(6)

<sup>1</sup>CMS Division of Tribal Affairs has determined that if one family member on an application for coverage through a Federally Facilitated Marketplace is eligible for the Indian special enrollment period, all other family members who apply on the same Marketplace application are also eligible for the special enrollment period. State-Based Marketplaces may choose, but are not required, to expand the eligibility for the special enrollment period in this manner.

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<b>Considered to Be Eligible for Indian Health Services, including Calif. Indians, Eskimo, Aleut, or Other Alaska Native</b>	<b>YES</b>	<b>YES</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>YES</b>
	42 C.F.R. § 136.12	42 U.S.C. § 1396o(j) 42 C.F.R. §§ 447.50(b)(1)(iv), .53(b)(6)	42 U.S.C. § 18031(c)(6)(D) 42 C.F.R. § 155.420(d)(8)	42 U.S.C. § 18071(d) 45 C.F.R. §§ 155.300(a), .350	26 U.S.C. §§ 450A(c)(6), 5000A(e)(3) 45 C.F.R. § 155.605(f)	42 C.F.R. § 155.605(g)(6)
<b>Descendent of AI/AN</b>	<b>YES</b>	<b>YES</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>YES</b>
	42 C.F.R. § 136.12	42 U.S.C. § 1396o(j) 42 C.F.R. §§ 447.50(b)(1)(iii)-(iv), .53(b)(6)	42 U.S.C. § 18031(c)(6)(D) 42 C.F.R. § 155.420(d)(8)	42 U.S.C. § 18071(d) 45 C.F.R. §§ 155.300(a), .350	26 U.S.C. §§ 450A(c)(6), 5000A(e)(3) 45 C.F.R. § 155.605(f)	42 C.F.R. § 155.605(g)(6)
<b>Minor Children of IHS Beneficiary</b>	<b>YES</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>YES</b>
	25 U.S.C. § 1680c(a)	42 U.S.C. § 1396o(j) 42 C.F.R. §§ 447.50(b)(1)	42 U.S.C. § 18031(c)(6)(D) 42 C.F.R. § 155.420(d)(8)	42 U.S.C. § 18071(d) 45 C.F.R. §§ 155.300(a), .350	26 U.S.C. §§ 450A(c)(6), 5000A(e)(3) 45 C.F.R. § 155.605(f)	42 C.F.R. § 155.605(g)(6) 25 U.S.C. § 1680c(a)
<b>Spouse of IHS Beneficiary If Tribes Have Authorized Services to Them</b>	<b>YES</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>YES</b>
	25 U.S.C. § 1680c(b)	42 U.S.C. § 1396o(j) 42 C.F.R. §§ 447.50(b)(1)	42 U.S.C. § 18031(c)(6)(D) 42 C.F.R. § 155.420(d)(8)	42 U.S.C. § 18071(d) 45 C.F.R. §§ 155.300(a), .350	26 U.S.C. §§ 450A(c)(6), 5000A(e)(3) 45 C.F.R. § 155.605(f)	42 C.F.R. § 155.605(g)(6) 25 U.S.C. § 1680c(b)