

United States Senate

SPECIAL COMMITTEE ON AGING

WASHINGTON, DC 20510-6400

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February 14, 2018

The Honorable Alex M. Azar II
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue S.W.
Washington, District of Columbia 20201

Dear Secretary Azar:

As I have consistently conveyed to the Administration in writing, in conversations with senior HHS officials, and during Senate Committee hearings, I am committed to holding the Administration accountable for its sabotage of affordable health care. The U.S. Department of Health and Human Services' (HHS) recent decision to impose restrictions on Medicaid coverage through state waivers is the latest in a long line of actions the Trump Administration has taken to rip health care coverage away from hardworking Americans and their families. These new restrictions and conditions on health coverage for those who need it the most come at the same time as Republicans gave the wealthiest Americans and corporations a tax giveaway that is unconditional. I write to urge you to reject Medicaid waiver applications from states that would further limit, restrict, or block Americans' guaranteed access to affordable coverage.

Since 1965, Medicaid has been a key health care pillar for middle and working-class Americans. It is a promise to the people of Pennsylvania and across the nation. Over 1.1 million children, more than 730,000 people with disabilities, and nearly 270,000 older adults in my state count on Medicaid for access to high-quality health care and supports. While the President vowed to protect Medicaid on the campaign trail, Congressional Republicans and the Administration have celebrated legislation and actions that would betray that promise.

HHS's recent actions would undermine the Medicaid guarantee Congress has made to every American since Medicaid was passed in 1965. By allowing states to erect barriers to Medicaid enrollment, as HHS has done through guidance documents and the blanket approval of harmful waivers, the federal government will be less able to ensure that the care and services needed by children, pregnant women, older Americans, people with disabilities, and others are in fact received. For example, some states intend to limit the amount of time a person can receive Medicaid benefits, deny access to coverage during certain periods, force individuals under a mountain of paperwork to prove eligibility, eliminate retroactive coverage for delays in processing applications, or impose unaffordable premiums and copayments on families. These obstacles will prevent otherwise eligible individuals from receiving the care they need, plain and simple.

Moreover, the actions run contrary to basic protections provided to Americans and their families under the Affordable Care Act (ACA). A recent example of the Administration's blatant disregard for the consumer protections provided under the law comes from reports that some states will likely be allowed to impose lifetime limits on Medicaid coverage. This is unconscionable. Prior to the ACA, over 50 percent of employer-sponsored coverage capped benefits at \$2 million. Thousands of people with complicated medical conditions and costly medical bills eclipsed these limits, sometimes in mere days or months. Millions of Americans and their families were just one accident away from bankruptcy. The ACA eliminated these lifetime limits. This insurance coverage is no longer temporary under the law, and Congress never intended for Medicaid coverage to be temporary. Imposing a lifetime limit on coverage on Medicaid beneficiaries, those individuals who are least likely to be able to afford major medical expenses, directly contradicts the premise of the program.

State Medicaid waivers are intended to be tools for improving the coverage that people receive—expanding access to services and lowering costs. The policies stemming from the Administration are quite the opposite. In order to provide transparency to the Administration's intentions regarding Medicaid, and so that the public can understand the effect Medicaid waivers would have on the health care of hardworking Americans and their families, please provide all documents and communications between the Department of Health and Human Services (including the Office of the Secretary and the Centers for Medicare and Medicaid Services) and Indiana and Kentucky regarding the state Medicaid waivers by February 28, 2018.

I urge you to prevent states from implementing Medicaid waivers that will roll back protections and drive up costs for patients, and once and for all, end your sabotage of affordable coverage for individuals and families.

Sincerely,

A handwritten signature in blue ink that reads "Bob Casey, Jr." The signature is written in a cursive, slightly slanted style.

Robert P. Casey, Jr.
Ranking Member
U.S. Senate Special Committee on Aging