

Congress of the United States
Washington, DC 20510

September 3, 2020

The Honorable Alex Azar
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Azar:

We write to respectfully request that you provide flexibility for state Medicaid programs and Basic Health Programs at the end of the COVID-19 Public Health Emergency to help reduce confusion for enrollees in these programs.

The Families First Coronavirus Response Act, which became law on March 18, provided a temporary increase to states' federal medical assistance percentage (FMAP) for the duration of the Public Health Emergency regarding the COVID-19 pandemic—which is currently scheduled to expire on October 22, 2020.¹ Like other states across the country, Minnesota submitted a series of waivers to bring its programs into compliance with these requirements and receive this enhanced FMAP—including a state plan amendment, Home & Community Based 1915(c) Appendix K waiver, and a Basic Health Program blueprint amendment.²

With Medicaid enrollment increasing by at least 1.7 million people nationally during the initial months of the COVID-19 pandemic, this enhanced FMAP has proven critical in helping state Medicaid plans support our most vulnerable citizens during the ongoing public health crisis.³ Additionally, provisions accompanying the FMAP increase have ensured that people enrolled in Medicaid before the pandemic are able to remain on the program throughout the duration of the Public Health Emergency—including about 25,000 Minnesotans per month receiving care through the state's Medicaid program and Basic Health Program, who would have otherwise had to reapply or recertify their eligibility for these programs, a process that is inherently difficult to complete during a pandemic.⁴

When the Public Health Emergency declaration ends, states receiving the enhanced FMAP are required to notify Medicaid and Basic Health Program enrollees whose coverage would have otherwise been terminated or who would have needed to reapply for these programs. States

¹Public Law No: 116-127, and *Renewal of Determination That A Public Health Emergency Exists*. (July 23, 2020). Department of Health and Human Services. Retrieved from <https://www.phe.gov/emergency/news/healthactions/phe/Pages/covid19-23June2020.aspx> (the Secretary retains discretion to terminate the Public Health Emergency prior to this date)

² *Coronavirus waivers & flexibilities*. (Accessed on September 3, 2020). Centers for Medicare and Medicaid Services. Retrieved from <https://www.cms.gov/about-cms/emergency-preparedness-response-operations/current-emergencies/coronavirus-waivers>

³ Frenier, Chris; Nikpay, Sayeh; and Golberstein, Ezra. (August 10, 2020). *COVID-19 Has Increased Medicaid Enrollment, But Short-Term Enrollment Changes Are Unrelated To Job Losses*. Health Affairs. Retrieved from <https://www.healthaffairs.org/doi/full/10.1377/hlthaff.2020.00900>

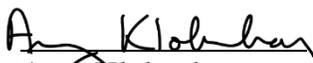
⁴ Estimates from the Minnesota Department of Human Services.

face different deadlines by which they must notify enrollees about upcoming changes in their coverage—with some deadlines coming as early as 75 days prior to expiration.

In order to avoid causing unnecessary confusion or encouraging enrollees to prematurely terminate their coverage under these programs, we believe that state Medicaid programs and Basic Health Programs should be given flexibility regarding these deadlines. Therefore, we respectfully request that you provide a flexibility period of at least 90 days after the termination of the Public Health Emergency for state Medicaid programs and Basic Health Programs to establish organized structures to notify enrollees who need to recertify their eligibility or who will no longer be eligible for coverage through these programs, and to allow those enrollees to take the steps necessary to document their continued eligibility.

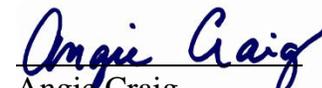
Thank you for your time and attention to this important measure. We look forward to working with you to help ensuring that the American people are able to receive the certainty and health care coverage they need as we continue to address the COVID-19 pandemic.

Sincerely,

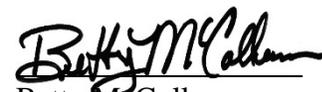

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United States Senator


Tina Smith
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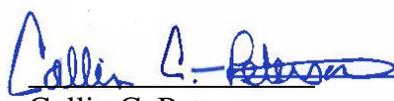

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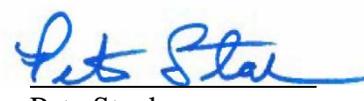

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