



September 11, 2020

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

**Re: Renewal Request for the Florida Managed Medical Assistance Program Section 1115 Waiver (Project Number 11-W-00296/5)**

Dear Secretary Azar:

Thank you for the opportunity to submit comments on Florida’s extension application for the Managed Medical Assistance Program Section 1115 Waiver (Project Number 11-W-00296/5).

The undersigned organizations represent millions of individuals facing serious, acute and chronic health conditions across the country. Our organizations have a unique perspective on what individuals need to prevent disease, cure illness and manage chronic health conditions. The diversity of our groups and the patients and consumers we represent enables us to draw upon a wealth of knowledge and expertise and serve as an invaluable resource regarding any decisions affecting the Medicaid program and the people that it serves. We urge the Department of Health and Human Services (HHS) to make the best use of the recommendations, knowledge and experience our organizations offer here.

The purpose of the Medicaid program is to provide affordable healthcare coverage for low-income individuals and families, and our organizations are committed to ensuring that Medicaid provides adequate, affordable and accessible healthcare coverage. Unfortunately, Florida’s proposal to continue to eliminate retroactive coverage for all non-pregnant adults does not meet this objective and will instead continue to create administrative barriers that jeopardize access to healthcare for patients with serious and chronic diseases. Our organizations urge the Centers for Medicare and Medicaid Services (CMS) to reject this provision from Florida’s Section 1115 Demonstration Waiver Extension Application.

Waiving Retroactive Eligibility

Retroactive eligibility in Medicaid prevents gaps in coverage by covering individuals for up to 90 days prior to the month of application, assuming the individual is eligible for Medicaid coverage during that time frame. It is common that individuals are unaware they are eligible for Medicaid until a medical event or diagnosis occurs. Retroactive eligibility allows patients who have been diagnosed with a serious, acute and chronic illness to begin treatment without being burdened by medical debt prior to their official eligibility determination.

Medicaid paperwork can be burdensome and often confusing. A Medicaid enrollee may not have understood or received a notice of Medicaid renewal and only discovered the coverage lapse when picking up a prescription or going to see their doctor. Without retroactive eligibility, Medicaid enrollees could then face substantial costs at their doctor's office or pharmacy. These challenges are especially concerning in the midst of the COVID-19 pandemic, when millions of Americans have lost employer-sponsored coverage and gathering the necessary paperwork to apply for Medicaid coverage may be even more challenging than usual.<sup>1</sup>

Health systems could also end up providing more uncompensated care without retroactive eligibility. For example, when Ohio was considering a similar provision in 2016, a consulting firm advised the state that hospitals could accrue as much as \$2.5 billion more in uncompensated care as a result of the waiver.<sup>2</sup> Once again, our organizations urge CMS to reject this request.

#### Waiving Evaluation Requirement

While the Agency for Health Care Administration (AHCA) did update the extension application with the evaluation design, the 1115 MMA Waiver Extension request still fails to outline the impact of the current demonstration. Florida previously estimated only a small proportion of the total Medicaid population will be impacted by the policy change, however, there has been no clear evaluation data since the implementation on February 1, 2019. Per a January 2020 report to the Florida Legislature by AHCA, data is currently inconclusive on the impact of eliminating Medicaid retroactive eligibility, including incomplete data on current applicants who have outstanding medical debt at the time of application.<sup>3</sup>

Per the current approved waiver, Florida is required to provide a full evaluation report of the MMA program to CMS by January 1, 2022. The University of Florida is anticipated to complete an evaluation of the Florida Medicaid 1115 waiver in September 2020 that should include data on the change to the retroactive eligibility policy. Without an evaluation report, Florida is failing to meet one of the aims of the demonstration. Given the lack of a current evaluation of the policy, consideration for this renewal request should be delayed until AHCA is able to meet the evaluation requirement outlined in CMS regulation 42 CFR 431.412(c)(2)(vi).

Our organizations believe healthcare should be affordable, accessible, and adequate. No patient should face a serious diagnosis without access to care. Our organizations urge CMS to reject the elimination of retroactive coverage for all non-pregnant adults in the 1115 MMA Waiver Extension Request as it will harm patients in the state. Thank you for the opportunity to provide comments.

Sincerely,

American Cancer Society Cancer Action Network  
American Heart Association

American Lung Association  
Cancer Support Community  
Epilepsy Foundation  
Hemophilia Federation of America  
Leukemia & Lymphoma Society  
National Multiple Sclerosis Society  
National Organization for Rare Disorders  
National Psoriasis Foundation  
The AIDS InSTITUTE

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<sup>1</sup> Paul Shafer, Nicole Huberfeld, Ezra Golberstein, “Medicaid Retroactive Eligibility Waivers Will Leave Thousands Responsible For Coronavirus Treatment Costs,” Health Affairs, May 8, 2020. Available at:

<https://www.healthaffairs.org/doi/10.1377/hblog20200506.111318/full/>

<sup>2</sup> Virgil Dickson, “Ohio Medicaid waiver could cost hospitals \$2.5 billion”, Modern Healthcare, April 22, 2016. (<http://www.modernhealthcare.com/article/20160422/NEWS/160429965>)

<sup>3</sup> Florida Agency for Health Care Administration, Florida Medicaid Retroactive Eligibility Legislative Report, January 10, 2020. Accessed at

[https://ahca.myflorida.com/Medicaid/recent\\_presentations/2020/Retroactive\\_Eligibility\\_Report\\_20200110.pdf](https://ahca.myflorida.com/Medicaid/recent_presentations/2020/Retroactive_Eligibility_Report_20200110.pdf)