



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:

The American Lung Association appreciates the opportunity to submit comments on the Florida 1115 Demonstration Waiver Extension Application – Florida Managed Medical Assistance Program.

The American Lung Association is the oldest voluntary public health association in the United States, currently representing the more than 36 million Americans living with lung diseases including asthma, lung cancer and COPD, including more than 2,683,000 Floridians. The Lung Association is the leading organization working to save lives by improving lung health and preventing lung disease through research, education and advocacy.

The purpose of the Medicaid program is to provide affordable healthcare coverage for low-income individuals and families, and the American Lung Association is 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 lung diseases. The Lung Association urges 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 illness, such as COPD and lung cancer, 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.¹

Health systems could also end up providing more uncompensated care without retroactive coverage. 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.² Once again, the American Lung Association urges CMS to reject this request.

Expanded Benefits

The 1115 Waiver Extension requests lists expanded benefits that health plans may offer to help support the Medicaid Agency's quality goals. While the Lung Association believes these goals are laudable, many services on the list of "expanded benefits" should be covered for all Medicaid enrollees, regardless of the plan that they are in. For example, the list of "expanded benefits" includes both the flu shot and the pneumonia vaccine. By not requiring all Medicaid plans in Florida to cover these essential healthcare services, not only is the health of Medicaid enrollees jeopardized, but the health of all Floridians is put at risk. The Lung Association encourages Florida to require all plans to cover the flu shot and pneumonia vaccine for all enrollees.

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.³

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).

The American Lung Association believes healthcare should be affordable, accessible, and adequate. No patient should face a serious diagnosis without access to care. The Lung Association CMS to reject the elimination of retroactive coverage for all non-pregnant adults in the 1115 MMA Waiver Extension Request and require all plans to cover flu and pneumonia vaccines. Thank you for the opportunity to provide comments.

Sincerely,

A handwritten signature in black ink that reads "Harold Wimmer". The signature is written in a cursive, flowing style.

Harold Wimmer
President and CEO

¹ Paul Shafer, et al. Medicaid Retroactive Eligibility Waivers Will Leave Thousands Responsible For Coronavirus Treatment Costs. May 8, 2020. Accessed at: <https://www.healthaffairs.org/doi/10.1377/hblog20200506.111318/full/>

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

³ 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