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Congress of the United States
House of Representatives
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October 21, 2016

The Honorable Sylvia Mathews Burwell
Secretary
Department of Health and Human Services
Hubert H. Humphrey Building
200 Independence Ave, SW
Washington, DC 20201

Dear Secretary Burwell:

I am writing to express my opposition to Kentucky's Section 1115 Medicaid waiver application and to urge you to do anything you can to convince Governor Matt Bevin not to end Medicaid coverage for 440,000 Kentuckians.

The Patient Protection and Affordable Care Act has been instrumental in transforming access to affordable health coverage in Kentucky. Thanks to our state-based exchange and Medicaid expansion, our uninsured rate has been cut in half and more than 500,000 Kentuckians have health coverage, many for the first time. That's more than a half a million people with new coverage in a state with a population of just 4.4 million. We have been a national model of success and it is extremely concerning that Governor Bevin has submitted a waiver request that would not only reverse much of this progress, but is intended to fail.

As you know, Kentucky's plan includes many provisions that have been explicitly denied by CMS in waiver requests by other states. These include charging premiums for individuals living below the poverty line, a work requirement – which CMS has never approved – and excluding individuals from coverage for six months for non-payment of monthly premiums, among other provisions.

As CMS has pointed out, section 1115 waivers must “strengthen coverage or health outcomes for low-income individuals in the state, increase access to providers, or otherwise increase the efficiency and quality of care provided to Medicaid beneficiaries or other low-income populations in the state.” Kentucky's Medicaid waiver request meets none of these standards. In fact, Gov. Bevin's own plan estimates that 17,000 Kentuckians would lose coverage immediately and a total of 85,000 would lose coverage after five years.

But what is more alarming is that, unlike these other states, Kentucky's Governor has said it's all or nothing – if he does not get his way on every provision in his plan, he will end our Medicaid expansion and terminate coverage for 440,000 Kentuckians. This is shocking, but it is important to know that this situation and pending public health crisis is not borne from disputes about policy. Policy differences can be negotiated and compromises can be reached, as CMS and the Governor of Arizona were able to do in that state's waiver request. This is about politics and

cowardice. In the heat of Governor Bevin's campaign for office, he committed to ending Obamacare and the Medicaid expansion in Kentucky. He has already dismantled kynect, our highly-successful state-based exchange. But he does not have the courage to terminate coverage for 440,000 Kentuckians and live with the human and political fallout. He is hoping to blame that on you and the Obama Administration. That is why he submitted a plan that he knows, and was told, CMS will not be able to approve. That is why he is refusing to negotiate with CMS, despite the compromise Arizona's governor was able to reach with the agency.

Governor Bevin is counting on the people of Kentucky to fall for his plan. I, along with other elected officials and community leaders, are doing all we can to make sure the people of Kentucky are aware of what Governor Bevin is trying to do. It is my hope that recent media coverage on his tactics to terminate coverage for 440,000 Kentuckians will force the Governor to the negotiating table.

I know CMS has made clear that they are eager to negotiate with the Governor's office. I ask that you continue trying. There is still hope that Governor Bevin will not turn his back on the hundreds of thousands of Kentucky residents whose health and well-being depend on Medicaid.

Sincerely,



John Yarmuth
Member of Congress