

**YOUR COMMENTS ARE NEEDED TO STOP MEDICAID WORK REQUIREMENTS
THAT WILL CAUSE HUGE NUMBERS OF PEOPLE TO LOSE HEALTH CARE:
DEADLINE, AUGUST 18.**

Kentucky submitted a request to the federal Centers for Medicare and Medicaid Services (CMS) to waive existing Medicaid rules by including a work requirement and charging premiums for certain Medicaid enrollees, and terminating benefits if work requirements were not met, if monthly documentation of compliance were not provided, or if premiums were not paid.

Kentucky's waiver request was approved by CMS, but federal District Court Judge James E.

Boasberg ruled against it, saying that the decision was "arbitrary and capricious" because it did not sufficiently take into account the evidence that such changes would result in large numbers of people losing health care, and that would be contrary to the basic purpose of Medicaid, which is to provide health care to low-income people. He sent it back to HHS.

Secretary of Health and Human Services Alex Azar, who oversees CMS, remains intent on approving work requirement requests, and has reopened comment periods for **Kentucky** and **Mississippi**, both with deadlines of August 18. He is interpreting the judge as simply looking for evidence that CMS has considered the comments, but is ignoring the part of the ruling that judged the waiver request contrary to Medicaid's basic purpose (and therefore unallowable with congressional action to change the law).

It is very important that groups or individuals comment, to underscore the considerable evidence that work requirements, documentation burdens, and premiums all result in people losing Medicaid, without a move to a job with affordable health insurance. The evidence further demonstrates that many of those who will lose Medicaid would actually be eligible to receive it (either working or exempt from the requirement because they are caring for a child, are a student, or have a sickness or disability), but will fail to provide the required documentation or pay the premium. Kentucky has estimated that 95,000 people will be removed from its Medicaid program if the waiver takes effect. Your comments can emphasize that the vast majority of these people will not be able to replace Medicaid with private insurance. Their loss of Medicaid will result in halted treatments for chronic conditions and more debt from medical bills. These problems may make it harder to find a job or stay employed.

Mississippi's work requirement proposal needs comments too. Please see the separate steps below for commenting on Mississippi's waiver request. MS's request is particularly onerous because MS has not expanded its Medicaid program. Adults with incomes above 27 percent of the federal poverty line have too much money to qualify for Medicaid. If they work at the minimum wage for the required 80 hours per month, they will earn too much to qualify for Medicaid, and will lose health coverage. Their incomes will almost certainly remain **too low** to qualify for Affordable Care Act subsidies. If they don't work those hours, they will lose Medicaid coverage. It is very important that comments come in pointing out this cruel Catch-22.

You can submit comments online – we will give you step-by-step instructions. You can type or paste comments into a box provided, or you can attach them.

We have provided sample language to incorporate in your comments, but it is very important that you insert a description of the organization you represent and why you are commenting. (Or if you are commenting as an individual, information about your profession, role in your community, or other expertise/experience.) We encourage you to add other evidence or arguments, perhaps from your own

experience. (For example, if you are a physician, teacher, social service provider, or employer, you can describe what you know about the difficulties low-income families face when they lose Medicaid. If you are a low-income parent, you can describe the difficulties of maintaining employment without affordable child care, or if no medical treatment is available for chronic conditions.)

Judge Boasberg said in his ruling against the Kentucky waiver that he was guided by the comments initially received, which provided important evidence that the policy changes sought would result in many people losing access to health care. Your comments will help confirm that his initial objections are warranted – the Kentucky proposals will result in loss of health care for thousands of people, directly contrary to Medicaid’s purposes.

STEP-BY-STEP INSTRUCTIONS FOR KENTUCKY COMMENTS:

- 1) Click here:
<https://public.medicaid.gov/connect.ti/public.comments/viewQuestionnaire?gid=1897699>. Right-clicking on this link and selecting “Open link in new tab” will allow you to keep this page open at the same time.
- 2) Before you can log on, you must register.
If you are representing an organization, be sure to include that organization’s name in the display name you indicate (you can write your last name and the organization’s name). After you fill out the required information, CMS will send you an email. (If you don’t see it right away, check your junk folder and forward it to your in-box.) Click on the link they provide, and you’ll be able to log on and comment. You can come back and comment later, as long as you do it by August 18, 11:00 p.m. ET.
- 3) The Medicaid.gov website you’ve gone back to will say **“answer the questionnaire.”** Click on that and you’ll see a box to type in or paste your comments, or you can attach a document with your comments.
- 4) Click [here](#) for template comments for Kentucky’s waiver request. These will download as a Word document.

STEP-BY-STEP INSTRUCTIONS FOR MISSISSIPPI COMMENTS:

- 1) Click here:
<https://public.medicaid.gov/connect.ti/public.comments/viewQuestionnaire?gid=1897411>. Right-clicking on this link and selecting “Open link in new tab” will allow you to keep this page open at the same time.
- 2) Before you can log on, you must register. (If you registered to submit Kentucky comments, you do not have to do it again. Log in with the email address and password you previously entered, and click again on the link in step 1.
(If you haven’t yet registered: If you are representing an organization, be sure to include that organization’s name in the display name you indicate (you can write your last name and the organization’s name). After you fill out the required information, CMS will send you an email. (If you don’t see it right away, check your junk folder and forward it to your in-box.) Click on the link they provide, and you’ll be able to log on and comment. You can come back and comment later, as long as you do it by August 18, 11:00 p.m. ET.)

- 3) The Medicaid.gov website you've gone back to will say **"answer the questionnaire."** Click on that and you'll see a box to type in or paste your comments, or you can attach a document with your comments.
- 5) Click [here](#) for template comments for Mississippi's waiver request. These will download as a Word document.