

ONE HUNDRED THIRTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

October 24, 2013

Marilyn Tavenner, Administrator
Centers for Medicare & Medicaid Services
Department of Health and Human Services
Room 445-G, Hubert H. Humphrey Building
200 Independence Avenue SW
Washington, DC 20201

Dear Administrator Tavenner:

There have been reports that the Centers for Medicare & Medicaid Services (CMS) will further delay yet another key feature of the Patient and Protection and Affordable Care Act's (PPACA's) federal exchange (HealthCare.gov). According to these reports, the flawed federal system, "is still unable to perform one of its basic functions: making it easy for low-income Americans to enroll in Medicaid electronically."¹ While such an option was initially deferred by a month to November 1, CMS notified states this week that the transfer of applications for state agency processing would be further delayed, and, consequently, low-income Americans would face ongoing struggles in receiving eligibility determinations for coverage set to begin January 1, 2014.

We write to request the most updated information on the timing of account transfers to states, including responses to these specific requests which seek to ensure the program is protected from any hurried eligibility determinations or improper enrollment due to rushed timelines and flawed operations. Please provide the following:

- (1) a detailed work plan and timeline for when such account transfers will be made to all states to begin processing applications and eligibility for coverage to begin on January 1;
- (2) updated information on the number of pending applications by state that are currently compiled in "batches" that have not yet been released to the states for processing;

¹ Eilperin, J, and Goldstein, A. "Two key parts of online health insurance exchange will take longer to fix than expected." Washington Post. October 22, 2013. Available online at http://www.washingtonpost.com/politics/two-key-parts-of-online-health-insurance-exchange-will-take-longer-to-fix-than-expected/2013/10/22/bb635d64-3b40-11e3-b7ba-503fb5822c3e_print.html

- (3) a deadline, from your perspective, for when all held account transfers must be sent to the states to ensure seamless and appropriate eligibility review for coverage to begin on January 1 for low-income newly eligible Americans;
- (4) detailed plans your Agency has for states to plan for future workloads to enable them to provide customer assistance before the formal account is transferred to the state;
- (5) further information on what systems are in place to ensure that delays to the account transfer option will not force states to ease eligibility review and subsequently, increase the number of erroneous applications filed;
- (6) estimates for the number of people who will initially be determined ineligible for subsidies and referred to states for Medicaid and subsequently found by the states to be ineligible for Medicaid; and
- (7) estimates for the number of appeals that will be made for eligibility determinations.

In a recent statement to the press, the state policy head for the National Association of Medicaid Directors, Kathleen Nolan, expressed growing state frustration with the process: "We're flying blind on what the process is... There's a natural concern that with a major load of data to be sent all at once — there is concern that what has been tested may not be able to handle the volume."² We believe you share the states' concerns and those of federal taxpayers in ensuring eligibility determinations are done efficiently and effectively to protect coverage for those truly eligible.

Thank you for your prompt attention to this matter. We ask that you please respond to the above questions by no later than October 30, 2013. If you have any questions, please contact Monica Popp or Clay Alspach with the committee staff at (202) 225-2927.

Sincerely,



Fred Upton
Chairman



Joseph R. Pitts
Chairman
Subcommittee on Health



Tim Murphy
Chairman
Subcommittee on Oversight and Investigations

² Cheney, Kyle. "Medicaid signups could be next Obamacare mess." Politico. October 23, 2013.

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cc: The Honorable Henry Waxman, Ranking Member

The Honorable Frank Pallone Jr., Ranking Member
Subcommittee on Health

The Honorable Diana DeGette, Ranking Member
Subcommittee on Oversight and Investigations