



March 2, 2016

Vikki Wachino
Director, Centers for Medicaid and CHIP Services
Department of Health and Human Services
Hubert H. Humphrey Building
200 Independence Avenue, SW
Washington, DC 20201

Re: Medicaid Waiver Request to Assist in Addressing Health Impacts From Potential Lead Exposure in Flint, Michigan

Dear Director Wachino,

Thank you for the opportunity to comment on Michigan's Section 1115 Medicaid Demonstration Request to Assist in Addressing Health Impacts from Potential Lead Exposure in Flint, Michigan (hereinafter referred to as "the proposed waiver").

The Center for Children and Families is based at Georgetown University's Health Policy Institute with the mission of improving access to health care coverage among the nation's children and families, particularly those with low and moderate incomes. We support the proposed waiver's goal of expanding health coverage via Medicaid and the Children's Health Insurance Program (CHIP) to vulnerable populations in Flint. We encourage CMS to approve the waiver expeditiously, but offer the following suggestions:

Public comment: We note that federal rules at §431.416 (g) include provisions for CMS to waive the standard public comment procedures in whole or in part in the case of a public health emergency. Michigan has requested such an exemption for the state public comment process. We agree that exemptions to the regular public comment process may be warranted in this case – in particular to shorten the time needed to provide services to affected families in Flint. Nonetheless, we appreciate that CMS is accepting public comment and believe that it is important on issues of such consequence for the public to have an opportunity to comment.

Since this may be the first time since adoption of the new public comment procedures required by the Affordable Care Act that a public health emergency exemption has been requested, we urge CMS to consider procedures to inform the public of the disposition of such a request. One suggestion is for CMS to include, along with the pending application when it is posted on Medicaid.gov, a notice about what CMS intends to do with respect to the public comment process.

Extend coverage to lawfully residing immigrant children in Flint. We support the state's request to extend eligibility to children below 400 percent of the poverty line. We remain concerned though that some children may be excluded from this coverage due to their immigration status. We note that Michigan has not adopted the state option to exempt children who are lawfully residing from the 5-year bar in

its Medicaid and CHIP programs. We believe that all children who have been accessing the Flint water system regardless of immigration status should receive services, but in the context of the Section 1115 negotiations, the state of Michigan should be strongly encouraged to lift the 5-year bar for those lawfully residing children who have been living in Flint and are eligible for federal match.

Premiums: We support the proposed waiver's provision to exempt children under age 19 covered under MICHild with income between 160 and 212 percent of the Federal Poverty Level (FPL) from the premiums that are normally charged. This is essential to remove a barrier to coverage for Flint families seeking care relating to lead exposure.

Buy-in for families whose income exceeds eligibility levels: We believe further information about the buy-in opportunity for families with incomes over 400 percent FPL who may purchase coverage at full cost is needed. The application provides scant detail on what the state's plans are. We believe that the comprehensive services provided through the Early and Periodic Screening, Diagnostic and Treatment Services (EPSDT) benefit and contemplated through the waiver request (for example, lead abatement services) are very unlikely to be covered by employer-sponsored and other forms of private insurance. Families who are over this income threshold will need to be informed about the advantages of Medicaid and its comparison to the private insurance coverage they may be receiving. The state should work with employers and create a streamlined process by which employers could purchase this coverage for their employees who have dependents if families in Flint wish to pursue such coverage.

Pregnant women: We are aware that the American College of Obstetricians and Gynecologists (ACOG) has provided important suggestions on the need to expand eligibility for pregnant women contemplated by the waiver beyond what is currently proposed. We support their proposals to align eligibility for pregnant women with that of children under the waiver as well as the duration of eligibility for pregnant women with the eligibility currently provided categorically eligible pregnant women under Medicaid. We also concur with ACOG on the need to continue to provide services to pregnant women and their newborns after the Flint water system has been deemed safe. Centers for Disease Control and Prevention guidelines regarding blood levels of those exposed to lead should determine Medicaid eligibility rather than lead levels in the water system.

We have also noted that Michigan has adopted the CHIP option to cover unborn children. We urge CMS to examine whether pregnant women in Flint who may be covered through this option are receiving the full range of services needed.

Thank you for your attention to our comments. If you have any questions or would like additional information, please contact Joan Alker, Executive Director, at jca25@georgetown.edu.

Sincerely,

Joan Alker
Executive Director