

February 21, 2013

The Honorable Kathleen Sebelius, Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, DC 20201

RE: CHIP Waiting Periods in Proposed Rule pertaining to Medicaid, Children's Health Insurance Programs, and Exchanges (CMS-2334-P)

As organizations that share a strong commitment to the health of our nation's children, we appreciate the opportunity to comment on the recently proposed rule pertaining to Medicaid, Children's Health Insurance Programs, and Exchanges. While additional comments will address the complete rule, the children's community chose to respond jointly and separately on the proposed procedures to address substitution under group health plans (§457.805), which allows for continuation of waiting periods in the Children's Health Insurance Program (CHIP).

We very strongly disagree with the continuation of any waiting period in CHIP for children who have been recently enrolled in a group health insurance plan. The proposed policy is inconsistent with the vision of universal coverage under the Affordable Care Act (ACA). In practice, the proposed policy, which requires families to wait up to 90 days to enroll their children in CHIP, may result in many of them remaining uninsured during critical periods in their healthy development.

Waiting periods – which may be as long as one quarter of a year - are fundamentally illogical in a world where all Americans are expected to easily access continuous health care coverage. As we move into a culture of coverage for all Americans in 2014, this outdated policy would create significant red tape burdens for families and pose challenging administrative complexities —especially given the complicated interaction between state and federal roles across federally facilitated exchanges and state Medicaid policies. Allowing waiting periods to continue in the 38 states that use them today risks many children falling through the cracks and experiencing gaps in their health care.

No child should be at any risk of interrupted health care access in a reformed health system. Lack of continuous coverage impacts the health status of children who are left uninsured for any period or have to find a new medical home, disrupting continuity of care when they move from one plan's provider panel to another. While the proposed rule suggests that uninsured children could temporarily enroll in Advanced Premium Tax Credit (APTC)-funded coverage while awaiting CHIP, we see no evidence that either the federal government or states have the capacity to smoothly implement such a plan. In addition, the proposed policy allows for gaps in coverage that will remain even if it could be administered flawlessly. Moreover, even if children are able to temporarily secure coverage via the Exchange while awaiting CHIP, it is deeply problematic to design such a disjointed system of

coverage for CHIP-eligible children, which promotes unnecessary disruptions in the continuity of their care.

This country has made a historic commitment to covering children, evidenced by the success of Medicaid and CHIP in bringing the rate of uninsured children to all-time lows. In a post-ACA environment, CHIP waiting periods would mean that some children face more stringent enrollment barriers than any other group. We urge you to disallow the use of any CHIP waiting periods in the final rule. This policy should be a relic of the past in a world where all Americans, especially children, are expected to have timely access to uninterrupted health care.

Sincerely,

AIDS Alliance for Women, Infants, Children, Youth & Families
American Academy of Pediatrics
American Congress of Obstetricians and Gynecologists
Association for Community Affiliated Plans
Child Care Aware® of America
Child Welfare League of America
Children's Defense Fund
Children's Dental Health Project
The Children's Health Fund
Children's Hospital Association
The Children's Partnership
Coalition on Human Needs
Community Catalyst
Easter Seals
Family Voices
Families USA
First Focus
Georgetown University Center for Children and Families
March of Dimes
National Health Law Program
National Assembly on School-Based Health Care
Voices for America's Children
ZERO TO THREE