

July 7, 2015

Ms. Vikki Wachino, Director  
Center for Medicaid and CHIP Services  
Centers for Medicare and Medicaid Services  
7500 Security Boulevard  
Baltimore, MD 21244

Dear Ms. Wachino:

The undersigned members of the Waiver Task Force are writing to express our concerns regarding the unavailability of section 1115 demonstration information on Medicaid.gov. In particular, we are concerned that important documents, such as operational protocols, quarterly and annual reports, and other significant deliverables required in special terms and conditions (STCs), are not publicly available on Medicaid.gov in accordance with the administrative record provisions set forth in 42 CFR 431.416(f).

We appreciate the progress the Centers for Medicare and Medicaid Services (CMS) has made in improving the transparency of the waiver process by posting section 1115 applications and extension requests and approved STCs as well as CMS' efforts to update Medicaid.gov to make information on demonstration projects more accessible to the public. However, operational protocols and other required deliverables, such as quarterly and annual reports, are just as important to allow interested parties to effectively monitor demonstration projects and to see their progress.

Post-approval deliverables are particularly important in Medicaid expansion demonstration projects due to the complexity of these projects, and the precedent-setting policies that are being tested. For example, Indiana is required to submit a protocol on the implementation of its non-emergent emergency room copay, which is the first-ever use of waiver authority under section 1916(f). The state submitted this protocol to CMS on May 1, 2015, but it still has not been posted on Medicaid.gov. Moreover, none of the quarterly or annual reports for the six Medicaid expansion demonstration projects approved by CMS have been posted. This leaves a significant gap in the availability of basic information on these demonstrations, including enrollment data, in addition to progress and implementation updates.

Making post-approval deliverables and quarterly and annual reports available will give stakeholders an understanding of how the demonstrations are progressing and allow them to stay abreast of implementation issues as they arise.

Thank you for your willingness to consider our request for increased transparency regarding section 1115 demonstration projects. If you would like any additional information, please contact Judy Solomon ([solomon@cbpp.org](mailto:solomon@cbpp.org)) or Joan Alker ([jca25@georgetown.edu](mailto:jca25@georgetown.edu)).

American Association on Health and Disability  
American Cancer Society Cancer Action Network  
American Congress of Obstetricians and Gynecologists  
American Diabetes Association  
American Federation of State, County and Municipal Employees

American Health Care Association  
American Heart Association  
American Stroke Association  
Association for Community Affiliated Plans  
Center for Public Policy Priorities  
Center on Budget and Policy Priorities  
Children's Hospital Association  
Community Access National Network  
Community Catalyst  
Easter Seals, Inc.  
First Focus  
Georgetown University Center for Children and Families  
HIV Medicine Association  
Lakeshore Foundation  
LeadingAge  
National Association of Community Health Centers  
National Association of Pediatric Nurse Practitioners  
National Council for Behavioral Health  
National Council of La Raza  
National Health Law Program  
National Women's Law Center  
Services Employees International Union  
The Arc of the United States