

June 23, 2023

VIA ELECTRONIC SUBMISSION

Secretary Xavier Becerra
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, DC 20201

Re: Utah Medicaid Reform 1115 Demonstration Amendment Request

Dear Secretary Becerra,

The Center on Budget and Policy Priorities and the Georgetown University Center for Children and Families appreciate the opportunity to comment on Utah's proposed amendment to its "Utah Medicaid Reform 1115 Demonstration." The proposal would extend postpartum coverage from 60 days to 12 months for certain people.

The Center on Budget and Policy Priorities (CBPP) is a nonpartisan research and policy organization based in Washington, D.C. Founded in 1981, CBPP conducts research and analysis to inform public debates and policymakers about a range of budget, tax and programmatic issues affecting individuals and families with low or moderate incomes. The Georgetown University Center for Children and Families (CCF) is an independent, nonpartisan policy and research center founded in 2005 with a mission to expand and improve high quality, affordable health coverage for America's children and families. As part of the McCourt School of Public Policy, Georgetown CCF conducts research, develops strategies, and offers solutions to improve the health of America's children and families, particularly those with low and moderate incomes.

We write with concern about Utah's requested waiver to extend postpartum coverage for one year for only a limited group of people and urge you to deny the request promptly, which will set Utah on a path to adopt the more expansive 12-month postpartum option provided by the Medicaid statute.

Extending postpartum coverage beyond the 60-day period required by federal Medicaid law is an important policy that reduces the likelihood of individuals becoming uninsured in the year following the end of pregnancy – allowing people to maintain prescribed treatments and recommended check-ups for a longer period after giving birth with little to no disruption of care. As you know, Congress established a state plan amendment (SPA) option for states to extend pregnancy-related Medicaid and the Children's Health Insurance Program (CHIP) coverage to one year following the end of pregnancy. And, just recently, Congress reaffirmed this state plan option by making it permanent as part of P.L. 117-328, the Consolidated Appropriations Act of 2022.

Since Congress created this state plan option for states it has been our consistently held position that the Secretary should not exercise his Section 1115 demonstration authority to permit states to narrow the option by covering a subset of people or a shorter duration of time than provided by the state plan option. We shared our view with the agency on this in April 2021

following the initial passage of the SPA option.¹ Section 1115 demonstration projects are intended to test *new* approaches or experiments; with 42 states having already adopted the state plan option or planning to do so as of this writing² there is no need to consider options that fall short of the statutory standard. Utah's proposal falls into this category.

Thus, we urge you to deny Utah's request promptly. The state's proposal would establish a narrower definition of who would be eligible for extended coverage than the SPA option. Utah should not be allowed to provide any coverage beyond the 60-day cutoff that is more restrictive than the federally authorized option.

Under the state statute directing Utah's proposal, the state must pursue a state plan amendment to extend postpartum coverage if the proposal is denied or not approved by January 1, 2024. CMS should act quickly to deny this amendment so the state Medicaid agency may promptly seek a SPA to extend postpartum coverage to all eligible pregnant people.

Given the current unwinding of the Medicaid continuous enrollment condition, rapid implementation would help ensure individuals who are within the 12-month postpartum period experience minimal disruptions to coverage and continuity of care during this critical period.

Thank you for the consideration of our comments. If you would like any additional information, please contact Joan Alker (jca25@georgetown.edu) or Allison Orris (aorris@cbpp.org).

Sincerely,

Joan Alker
Executive Director and Research Professor, Center for Children and Families
Georgetown University McCourt School of Public Policy

Allison Orris, Senior Fellow, Center on Budget and Policy Priorities

¹ Letter from Center on Budget and Policy Priorities and Georgetown University Center for Children and Families to Acting CMS Administrator Elizabeth Richter, April 5, 2021, https://ccf.georgetown.edu/wp-content/uploads/2017/10/Postpartum-Coverage-Waivers-Letter_CCF_CBPP.pdf.

² Medicaid Postpartum Coverage Extension Tracker, KFF, <https://www.kff.org/medicaid/issue-brief/medicaid-postpartum-coverage-extension-tracker/>.