

Congress of the United States
Washington, DC 20515

April 30, 2020

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515

The Honorable Charles Schumer
Democratic Leader
U.S. Senate
Washington, DC 20515

Dear Speaker Pelosi and Leader Schumer,

Under your leadership, the Families First Coronavirus Response Act provided an important temporary boost in federal Medicaid spending to states (the federal medical assistance percentage, “FMAP”) to help them cope with mounting health care costs in this pandemic. Like prior temporary FMAP increases, Families First includes “maintenance of effort” (MOE) protections that require states receiving the additional federal funding to protect Medicaid coverage. We write to express our strong opposition to efforts underway to weaken these protections, which would endanger coverage and access to care for millions of Hispanic and Black beneficiaries in states that would likely act to restrict Medicaid eligibility. We also urge you to provide additional FMAP increases that continue beyond the public health emergency, until the economy has truly recovered, and to ensure that MOE protections continue as well.

The federal Medicaid MOE protections in the Families First Act prevent states from making it harder for people to qualify for Medicaid and from terminating people’s coverage during the public health emergency. We thank you for your efforts in maintaining these provisions in the prior package, and respectfully ask you to ensure that they remain in place as is for the duration of the economic downturn. This virus does not discriminate, and our government should not turn a blind eye to our neighbors who depend the most on their Medicaid coverage in the midst of a pandemic and economic downturn. The attempts to weaken or completely eliminate Medicaid beneficiary protections could cost hundreds of thousands of people – or more – their health insurance while they may need it most.¹ MOE requirements have prevented the states from introducing restrictive eligibility rules and completely terminating coverage for the duration of a public health emergency. The consequences of eliminating these provisions pose a particular risk in southern states and those with conservative governors, many of whom have sought to cut Medicaid even before the recession. With the added pressure of budget shortfalls and the requirement to balance their budgets annually, they would almost certainly take advantage of a weaker MOE to restrict access to Medicaid, at the cost of many becoming uninsured.²

This threat is especially acute for Hispanic and Black communities, who make up a disproportionate share of those relying on Medicaid for coverage in the states that are most likely to cut the program without MOE requirements in place. Before the recession, there were 6.8 million Hispanic and 6.2 million Black Medicaid enrollees in states with Republican governors, including 4.5 million Hispanic and 4.8 million Black enrollees in southern states with Republican governors. Many more Hispanic and Black people in these states – both adults and children – will need Medicaid coverage in the months ahead, as the economic downturn causes millions of people to lose jobs or substantial income.

¹ <https://www.cbpp.org/blog/congress-should-reject-attempts-to-weaken-medicaid-protections-enacted-in-bipartisan-covid-19>

² <https://ccf.georgetown.edu/2020/03/18/cms-should-withdraw-medicaid-state-financing-and-supplemental-payment-rule-that-undercuts-covid-19-relief-bills-enhanced-federal-medicaid-match/>

Although several states have not reported the racial breakdown of confirmed cases, public health experts warn that the official statistics may be underestimating the COVID-19 toll on Hispanic and Black communities.³ And because people in these communities are more likely to be uninsured, they are less likely to get needed, appropriate care – a problem that will only get worse if people lose or cannot access Medicaid in the months ahead. Our nation can only remain healthy and prosperous as long as the most vulnerable among us are taken care of. In order to protect vulnerable families, it's critical to prevent states from taking away Medicaid coverage from current enrollees or creating new barriers to coverage for people who lose their jobs or income in the months ahead. MOE requirements are crucial in assuring that those who are experiencing the downturns of this pandemic receive the necessary coverage as they face uncertainty. We ask that you do everything possible to protect these provisions in upcoming legislation packages in order to prevent barriers to health assistance for those who need it most and to categorically reject harmful changes to the MOE protections already in law.

Sincerely,

Joaquin Castro
Member of Congress

Cedric L. Richmond
Member of Congress

Bobby L. Rush
Member of Congress

Karen Bass
Member of Congress

Ayanna Pressley
Member of Congress

Barbara Lee
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Member of Congress

Eddie Bernice Johnson
Member of Congress

³ <https://www.theguardian.com/commentisfree/2020/apr/17/coronavirus-discriminate-humans-racism-sexism-inequality>

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