

**Submit a comment, save a life:
Why and How to Respond to
TennCare Reporting Proposal**

January 17, 2019

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What We'll Cover:

- Quick overview of Medicaid (TennCare)'s role as Tennessee's health care safety net
- Description of TennCare Waiver Amendment to condition eligibility on new Work Reporting Requirement
- What to expect if amendment is approved
- The importance of public comments to CMS
- How to make a difference

TennCare (Medicaid) = TN's Safety Net

- Medicaid is over 50 years old.
- States administer program within the framework of the federal Medicaid Act.
- Feds pay 65% of the cost of TennCare costs; State pays 35%.

TennCare Covers 1.3 Million Tennesseans

- Over half of TN births
- Half of TN children
- Two-thirds of TN nursing home care
- Vital funding for public and rural hospitals
- 95% of services for Tennesseans with Intellectual or Developmental Disabilities
- Largest payer for Addiction Treatment
- Supplements Medicare for low-income seniors

Work Reporting Requirements

- Never before authorized during 50 year history of Medicaid.
- Treats health coverage as welfare.
- Is a way to eliminate coverage.
- Being pushed by White House since Congress refused to cut eligibility for Medicaid.

Tennessee's proposal

- State legislature passed law in 2018 to “put TennCare beneficiaries to work”.
- Unless exempt, adults must regularly report and document work to keep coverage.
- TennCare has submitted Waiver Amendment 38 to CMS as required by legislation.

A Solution in Search of a Problem

- The overwhelming majority of TennCare's 1.3 million beneficiaries are children, pregnant mothers, the aged or people with disabilities.
- Of the remainder, nearly three fourths are already employed. Those who aren't have school age children or other family responsibilities.

Catch 22

- Rationale for work requirements is to move people to employment with private insurance.
- BUT only about half of TN businesses provide insurance to their employees. In low-paying jobs, affordable health insurance is seldom provided.
- AND Tennessee has not expanded Medicaid to cover low-wage workers just above the poverty level.

Lose, Lose

- Currently unemployed parents who go to work or increase their hours and make just above the poverty level will make too much for TennCare, but their jobs typically won't provide private coverage.
- Therefore, parents will lose coverage either way:
 - if they comply AND
 - if they don't comply.

A Bureaucratic Nightmare

- The Beacon Center estimated that 4% of TennCare's 1.3 million beneficiaries would be forced to go to work, and 2% would be cut off.
- But TennCare would have to correctly identify and exempt over 1 million kids, seniors, and people with disabilities.
- 200,000 parents would have to document their work *every month*, burdening employers.

VERY Expensive Red Tape



- The legislature estimated that the new law will save \$10 Million but will COST taxpayers \$44 million to implement.

More than TennCare can handle

- **No computer system:** Computer system due in 2013 still incomplete. Work Reporting will require a major do-over.
- **No in-person assistance:** TN is only state with no local Medicaid caseworkers.
- **A troubled record:** 50,000 children & tens of thousands of seniors cut off over past 2 years, most in error.

No one is protected!

- Exempt beneficiaries may not be able to claim exemptions due to accessibility issues of reporting process.
- People who meet the requirements may not be able to document compliance due to reporting process.
- State contractors or systems errors will result in wrongful terminations.

Arkansas – A Cautionary Tale

- AR started reporting requirements on a pilot basis in mid-2018.
- The experience of our neighbor tells us what to expect.

AR's Advantages over TN

- Arkansas has expanded coverage to cover workers above poverty. TN has not.
- AR exempts all parents of children under 18 from work reporting requirements. TN law targets both parents of school age kids.
- AR Medicaid has a mature computer system. TN is the only state without one.
- AR has Medicaid caseworkers in every county. TN is the only state that does not.

The Arkansas Disaster

- 17,000 people quickly lost coverage.
- Only 15% who were subject to reporting were able to overcome computer and bureaucratic problems to document their compliance.

Move over, AR. Here comes TN!



The Federal Comment Process

- The federal Centers for Medicare and Medicaid Services (CMS) is accepting public comments until February 7th from individuals as well as organizations.
- Must repeat comment even if you already submitted comment to the state during the fall.

Public Comments Matter!

- CMS must demonstrate that it has considered all comments.
- Kentucky waiver approval was overturned by federal court because CMS did not adequately consider public comments.
- Two sets of comments are needed: to State and to CMS

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The importance of public comments in
Kentucky.

“The Secretary [of HHS] never adequately considered whether [Kentucky’s proposal] would in fact help the state furnish medical assistance to its citizens, a central objective of Medicaid. This signal omission renders his determination arbitrary and capricious.”

Stewart v. Azar

Ask **EVERYONE** to fill out **3-min survey!**

- We will be sending out quick, 3-min survey.
Ask **EVERYONE** to fill it out!
- We are inputting answers from survey into comment portal.
- **Organize your church group, club, etc. – commit to getting people in your network to submit 100 comments!**
- **We need volunteers!!! (Phone banking, etc.)**

Organizations

- Please write a comment about how the proposal would harm your constituency!
- TJC can help! Reach out to Keila at kfranks@tnjustice.org
- **Please send out survey to your list!** TJC can work with you to create Google form for your organization.

Do's and Don'ts for comments

- Express unequivocal opposition to work requirements as harmful.
- Explain with as much detail as possible how the proposal would harm your constituency.
- Point out ambiguities or missing details (there are lots!)
- Do not propose fixes or tweaks. The damage is inherent and cannot be fixed.

