

Congress of the United States

Washington, DC 20510

July 1, 2021

The Honorable Xavier Becerra
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Becerra,

We write today to express our dismay that, under your watch, the Centers for Medicare & Medicaid Services (CMS) withdrew authorities enjoyed by the State of Indiana through its Healthy Indiana Plan (HIP) that permit our state to determine appropriate work and community engagement requirements for its Medicaid recipients. We respectfully request additional detail on why the Biden Administration is taking such drastic steps to curb innovation in the Medicaid program in the Hoosier State and across the country.

Indiana's *Gateway to Work* program aims to require Healthy Indiana Plan members to report 20 hours of work, volunteer, school and other activities every month. CMS has not allowed the state of Indiana to fully implement the program, even while our state's Governor has noted that the *Gateway to Work* program has the potential to "help many Hoosiers."¹ CMS is prematurely rescinding these authorities that are otherwise available to Indiana until December 31, 2025, or until the Supreme Court issues a decision in *Azar v. Gresham* around the constitutionality of such requirements.² It is curious that HHS and CMS are curtailing the ability of our state to innovate in the best interest of Hoosiers, and resorting to fear tactics that paint a misleading impression that the *Gateway to Work* program will result in "significant coverage losses and harm to beneficiaries."³ This statement is far from the truth and ignores the extensive list of individuals exempt from participating in *Gateway to Work*, including students, pregnant women, the medically frail or incapacitated, caregivers, the disabled, those over 60, those with a Substance Use Disorder, TANF/SNAP recipients, and others.

The waiver granted by the Trump Administration to Indiana under the Section 1115 waiver program allows our state to design programs that provide Medicaid enrollees with community engagement activities that can improve their quality of life over the long-term—community engagement can mean employment, job training, school enrollment, or volunteer work. Your letter revoking Indiana's authorities state that, "Since that time, the COVID-19

¹ The Associated Press, WTHR.com staff, "Federal agency blocks Indiana's Medicaid work requirements" (June 30, 2021), <https://www.wthr.com/article/news/local/federal-agency-blocks-indianas-medicaid-work-requirements/531-c2a02c04-3f8c-48b3-83c0-363e4c001e67>.

² Letter to Allison Taylor, Medicaid Director, Indiana Family and Social Services Administration from CMS Director, Chiquita Brooks-LaSure, (June 24, 2021), <https://www.medicaid.gov/medicaid/section-1115-demonstrations/downloads/in-healthy-indiana-plan-withdrawal-letter-hip-ce-waiver.pdf>, pg. 4.

³ *Ibid*, pg. 1.

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pandemic and its expected aftermath have made the HIP community engagement requirement infeasible.” As of May, Indiana’s unemployment rate stands at four (4) percent—well below the national average—despite the challenges associated with the pandemic recovery. Our state has low unemployment, employers looking to hire, educational and training opportunities abound, and yet your agency is making decisions to curtail our state’s ability to connect our Medicaid recipients to a network of community engagement that makes sense for Hoosiers.

We respectfully request that you provide, no later than 5 p.m. on Thursday, July 12, 2021, all documents and communications concerning the decision by HHS and CMS to revoke Indiana’s existing authorities prior to the December 31, 2025 expiration of such authorities. Given the impact of your decision on our state, and the authorities provided to you as Secretary for Section 1115 waivers, we request prompt answer to these questions. Thank you in advance for prioritizing this request.

Sincerely,



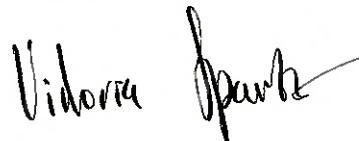
Mike Braun



Todd Young



Trey Hollingsworth



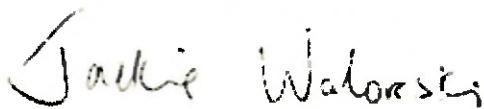
Victoria Spartz



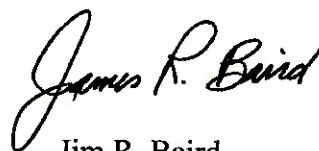
Larry Bucshon, M.D.



Greg Pence



Jackie Walorski



Jim R. Baird



Jim Banks

cc: CMS Director, Chiquita Brooks-LaSure