

**Congress of the United States**  
**Washington, DC 20515**

May 10, 2018

The Honorable Seema Verma  
Administrator  
Centers for Medicare & Medicaid Services  
7500 Security Boulevard  
Baltimore, MD 21244

RE: Oppose Florida's 1115 Medicaid Waiver Amendment to Eliminate Retroactive Eligibility Due to Potential Extreme Harm to Older and Disabled Floridians

Dear Administrator Verma,

As members of the Florida Congressional Delegation, we write to urge you to oppose provisions of the State of Florida's 1115 Medicaid MMA Waiver Amendment that would directly harm thousands of seniors and neighbors with disabilities in Florida.

Today, critical protections in Medicaid mean beneficiaries can get up to three months of retroactive coverage from the date they apply to enroll in the program as long as these individuals were eligible for Medicaid when they received care. In March, the state proposed eliminating this policy of retroactive eligibility by amending its ongoing Section 1115 demonstration. If approved, this decision could jeopardize the financial security of at least 39,000 of the most vulnerable Floridians and countless providers who treat them. It will also cut at least \$100 million from an already underfunded Medicaid program that is suffering from the state's continued choice to pass up more than \$66 billion in federal funds by refusing to expand its Medicaid program.

Retroactive eligibility is designed to protect Medicaid beneficiaries—including seniors, pregnant women, individuals with disabilities, and parents—and their families from the steep costs of medical services and long-term care. Importantly, this protection was also designed to minimize uncompensated care costs faced by hospitals and other health care providers who take care of our neighbors and are already challenged by the state's low reimbursement rates. Also important to remember is, even though retroactive, folks who end up covered are unquestionably eligible for Medicaid and this existing policy and time frame protects those who are unaware – through no fault of their own – that they qualify.

Applying for Medicaid coverage can be a complicated and sometimes burdensome process, particularly when an individual or family member is dealing with securing admission to a nursing home, addressing a medical emergency, or seeking care for a worsening illness or injury. Leaving Medicaid-eligible applicants without financial protection simply because they have not enrolled is cruel and in direct conflict with the goals of the Medicaid program. This proposal will directly hurt Floridians with disabilities and seniors in nursing homes. If CMS approves this proposal in its current form, it would likely prevent vulnerable populations, especially seniors in nursing homes, from getting the care they need.

It is our duty to ensure eligible individuals have access to care without going into debt to obtain it, which is why retroactive eligibility is so vital. This proposal would not only wipe out many families' pocketbooks, but it would also place a financial burden on health care providers, the state and indeed all Florida taxpayers through increased uncompensated care costs. We fail to see how this proposal will "enhance fiscal predictability" as the state claims when it will increase costs across the board. If the state were serious about securing greater financial security, they should expand Medicaid and accept the \$66 billion in federal funds that Floridians have already paid for with their tax dollars and provide health care to about 700,000 Floridians.

Instead of building barriers to coverage, we need to focus on getting our uninsured and underinsured neighbors quality and affordable health coverage and reducing uncompensated care costs that hurt health care providers' ability to provide needed care and strain Florida's economy. That is why we urge you to reject the State of Florida's proposal to eliminate retroactive eligibility.

Thank you for considering our request.



Bill Nelson  
United States Senator

Sincerely,



Kathy Castor  
United States Representative



Frederica S. Wilson  
United States Representative



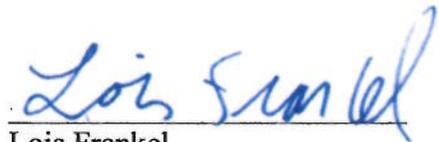
Ted Deutch  
United States Representative



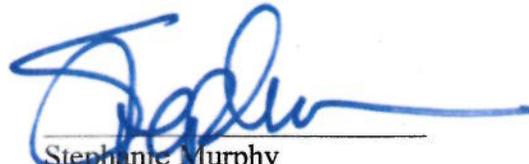
Charlie Crist  
United States Representative



Al Lawson, Jr.  
United States Representative



Lois Frankel  
United States Representative



Stephanie Murphy  
United States Representative

*Debbie Wasserman Schultz*

Debbie Wasserman Schultz  
United States Representative

*Darren Soto*

Darren Soto  
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*Alcee L. Hastings*

Alcee L. Hastings  
United States Representative

*Val B. Demings*

Val Butler Demings  
United States Representative