April 1, 2021

Acting Administrator Elizabeth Richter
Centers for Medicare and Medicaid Services
7500 Security Boulevard
Baltimore, Maryland 21244-1850

Re: Request to Rescind Ohio’s Group VIII Work Requirement and Community Engagement 1115 Demonstration Waiver

Acting Administrator Richter:

We write in response to Ohio Medicaid Director Maureen Corcoran’s March 11, 2021 letter responding to your notice that CMS was considering withdrawing Ohio’s 1115 work reporting requirements waiver. Though the Ohio Department of Medicaid (ODM) attempted to provide additional justification for the current 1115 waiver and wishes to proceed in imposing work reporting requirements, Advocates for Ohio’s Future (AOF) does not believe there is any evidence that would counter the already documented harm that the waiver would cause and ask that you move forward to withdraw Ohio’s Group VIII Work Requirement and Community Engagement 1115 Demonstration Waiver.

AOF is a nonprofit, nonpartisan coalition of over 500 state and local health and human services policy, advocacy and provider organizations that strive to strengthen families and communities through public funding for health, human services, and early care & education. We work to empower and support nonprofit organizations in the critical work they do, especially as it relates to lifting up the most vulnerable among us. At our core, AOF and our partner organizations believe all people should have access to high quality, affordable health care.

In public statements, Ohio Governor Mike DeWine has argued that Ohio should still move forward with the work requirements, “This is not a punitive thing. This is something to help people.” Whatever the Governor’s intention, there should be no mistake that establishing work reporting requirements in Ohio and the consequential disenrollment for those who are not compliant will be very harmful, both to those individuals and to our communities. Ohio may not intend to punish people who can’t comply with the requirements, but those who fail to correctly report their work, those unable to successfully report exemptions, and those who can’t find work will be punished with the loss of critical health care benefits under Ohio’s 1115 waiver.

Ohio’s 1115 waiver should be withdrawn because work requirements approved by the previous administration are contrary to the core purpose of the Medicaid program and do not promote health. The statutory purpose of Medicaid is “to furnish...medical assistance” to individuals “whose income and resources are insufficient to meet the costs of necessary medical services.” Denying eligibility based on work status or an enrollee’s ability to report work inherently marginalizes racialized communities who are systemically displaced from legal work, education, or the financial infrastructure of markets for trade.

The Ohio Department of Medicaid estimated that of the 36,000 Ohioans who do not meet the exemptions for reporting, 18,000 people would lose their health care coverage endangering their health and the stability of their families. The 18,000 people, or vastly more, who would lose coverage will undoubtedly have worse health
outcomes. They are unlikely to receive preventive care, timely treatment and access to a medical home. We can accurately predict their health outcomes will decline. This is contrary to the purpose of Medicaid.

The Ohio Department of Medicaid’s own study of Group VIII Ohio Medicaid enrollees gets it right - health care coverage allows people to work. Dropping tens of thousands of people from health care coverage will hurt the health of workers in a state that already has some of the worst health outcomes in the nation and significant racial health disparities.

The Ohio 1115 waiver also deepens inequities between those who are and are not eligible for healthcare because of their income. At its heart, this waiver allows government to determine whether a person is worthy to have health care coverage. In other words, some people must meet work reporting requirements while others are exempt from the needless burden. This is contrary to the purpose of Medicaid.

Medicaid and the Group VIII “expansion” is about ensuring people without sufficient income have access to care. Medicaid’s purpose is not about measuring or enforcing the labor value of low-income people or increasing the risk of losing health care coverage. What ODM proposes is that amongst people with little money, but not those with lots of money, some will be given access to health care and others will have to pass growing bureaucratic hurdles. The values inherent in Ohio’s work requirement are that

- a 50-year-old (exempted from reporting) is more deserving of health care than an 18-year-old;
- a person in a rural county (exempted from reporting because of high unemployment) is more deserving of health care than a person in one of our large cities where local unemployment or racially inequitable unemployment can be just as high;
- a person in treatment struggling with addiction is exempt from work reporting and deserves health care more than someone who is houseless/experiencing homelessness

All of these positions would intensify the systemic issue of racism in our country. We can expound in detail on each issue, but prefer to keep this message crystal clear: everyone deserves access to health care coverage without burdensome barriers. This waiver would not “help people” get back to work, and will carry with it great harm to our families, neighbors, and communities.

Thousands of comments submitted by consumers, including AOF and many of our partner organizations, as part of the waiver approval’s public comment period (state and federal) reinforced that the work reporting requirements would be a burden that could cause thousands of Ohioans to lose their medical coverage. We cannot lose an inch more coverage in our communities, nor any more lives to disease caused by lack of access to health care.

We urge you to withdraw Ohio’s 1115 waiver to protect those who depend on Medicaid for health care coverage in Ohio.

If you have further questions, please contact Kelsey Bergfeld, Coalition Manager of Advocates for Ohio’s Future by email at kbergfeld@communitysolutions.com.
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