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July 10, 2018

The Honorable Alex M. Azar II
Secretary
Department of Health and Human Services
Hubert H. Humphrey Building
200 Independence Ave, SW
Washington, DC 20201

Dear Secretary Azar:

As you are aware, Governor Matt Bevin of my home state of Kentucky submitted a Section 1115 Medicaid waiver application to the Centers for Medicare and Medicaid Services (CMS), which was approved in January. Approval of that waiver was vacated on June 29 by United States District Judge James Boasberg largely on the grounds that CMS failed to consider the dramatic loss in coverage that would result from Governor Bevin's plan.

That same day, Governor Bevin's administration abruptly announced that they would immediately end dental and vision coverage for the Commonwealth's entire Medicaid expansion, which includes more than 500,000 Kentuckians. The Bevin administration blamed the court's ruling as the reason for this retaliation.

I write to you today to seek clarification regarding these changes. Specifically:

1. Can Governor Bevin restrict or eliminate coverage for services provided under Medicaid without explicit approval from CMS, and without any prior notification to the public?
2. Did CMS approve a State Plan Amendment for Kentucky eliminating vision and dental services for our Medicaid expansion population prior to Governor Bevin's announcement that coverage for those services would be eliminated?
3. The court ruling vacated the waiver in its entirety, explicitly maintaining existing coverage while the waiver is remanded back to CMS for further review. Given the Court's continuation of the status quo, how can the funding mechanism for dental and vision benefits that were already part of the current State Plan and Alternative Benefit Plan be eliminated?
4. Has CMS approved any other requests by the Bevin Administration to restrict or end coverage for Medicaid services in Kentucky?

In his haste to strip these services away from families across Kentucky, Governor Bevin gave no warning to patients or guidance to providers, resulting in chaos and reports of men, women, and children being denied access to the treatments they need – forced to walk away from appointments

and scheduled procedures. Given that the federal government covers 94 percent of all Medicaid expansion costs in Kentucky, the dysfunction Governor Bevin has brought to this critical health care system should be of great concern to you and your agency.

Kentucky's Medicaid expansion was once a national model of success, so I hope you can provide answers to the questions above. Health care coverage for the people of Kentucky is too important to be jeopardized by politics and dysfunction.

Thank you for your attention to this request. I will await your response.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Yarmuth", with a stylized flourish at the end.

John Yarmuth
Member of Congress