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June 15, 2017

The Honorable Tom Price
Secretary
Department of Health and Human Services
Hubert H. Humphrey Building
200 Independence Ave, SW
Washington, DC 20201

Dear Secretary Price:

As you are aware, Governor Matt Bevin of my home state of Kentucky has submitted a Section 1115 Medicaid waiver application to the Centers for Medicare and Medicaid Services (CMS). I am writing to request an update on the status of this request.

As you know, Section 1115 of the Social Security Act gives you the authority to approve waivers that further the objectives of the Medicaid program. These include “strengthening or increasing coverage for low-income individuals in the state; improving health outcomes for low-income individuals in the state; strengthening providers and provider networks available to serve Medicaid and low-income populations in the state; or otherwise increasing the efficiency and quality of care provided to Medicaid beneficiaries or other low-income populations in the state.”¹

Not only does Governor Bevin’s waiver request explicitly not further Medicaid’s objectives, it harms them significantly. Under the Governor’s own estimates, his plan would rob 17,000 Kentuckians of their coverage immediately, and a total of 85,000 Kentuckians would lose coverage after five years.

That alone requires CMS to reject Governor Bevin’s waiver request, but his plan also violates many other provisions that have been explicitly denied by CMS in past waiver proposals. These include charging premiums for individuals living below the poverty line, a work requirement – which CMS has never approved – and excluding individuals from coverage for six months for non-payment of monthly premiums, among other provisions. Because Kentucky is heavily rural and the poorest of all the states asking for a Medicaid waiver, each of these provisions will bear disproportionate personal and economic pain on our residents. Further, requiring Kentuckians to be employed in order to receive needed health care will have a particularly severe impact in coal regions of our state, which are struggling with high unemployment rates and poor job prospects. Kentucky also faces a deadly opioid epidemic that would be exacerbated by this waiver by making it more difficult for people with substance use and behavioral health disorders to keep their coverage.

¹ <https://www.medicaid.gov/medicaid/section-1115-demo/about-1115/index.html>

Despite his flagrantly unviable request, Governor Bevin is holding our Commonwealth's Medicaid recipients for ransom, pledging to end Kentucky's Medicaid expansion and terminate coverage for 440,000 Kentuckians if his waiver is not approved. He has created a no-win situation for the people of Kentucky. At a minimum, tens of thousands of Kentuckians will lose life-saving health coverage because of his actions. To be clear, Governor Bevin has chosen to request this waiver, this is not something that he is being forced to do. This was a decision he made out of political expediency, not to improve the health of Kentuckians.

I understand that Governor Bevin has put HHS in a difficult situation, and I urge you to push back by making clear to the Governor that the health and well-being of our citizens are not chips to bargain with. Allowing our governor to use Kentucky's most vulnerable citizens as leverage against your agency would set a dangerous precedent with devastating consequences for years to come.

I have met people whose lives have been saved because of the care they received through the Medicaid expansion, and many more who are currently undergoing treatment for serious or life-threatening medical conditions. They will be harmed irreparably and in many cases catastrophically if Governor Bevin does not change course. The future of thousands of Kentucky families hangs in the balance and they deserve better than this untenable situation our Governor has created. It is my hope that he will withdraw his waiver request, but as of yet he has given no indication he is willing to do so. I, therefore, ask that you provide an update on where this waiver currently stands and when we can expect your final decision.

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

Sincerely,



John Yarmuth
Member of Congress