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August 15, 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:

I am writing to once again express my strong opposition to Kentucky's Section 1115 Medicaid waiver application and to urge you to protect the health coverage of more than 500,000 Kentuckians.

Since I last formally submitted a comment on this proposal, a new administration has entered the White House, the Section 1115 waiver (Kentucky HEALTH) was approved, and District Judge James Boasberg struck it down. While a lot has changed, one thing remains the same – Governor Matt Bevin's waiver puts Kentuckians at risk of losing life-saving health care, and there have been no revisions submitted to his proposal that would change that fact.

Instead of expanding coverage and health outcomes for low-income individuals in the state, as is the goal of Medicaid and the 1115 waiver program, Governor Bevin chose to unilaterally reform the law, attempting to turn a health care program into a jobs program – contrary to the long-standing intent of Congress. As Judge Boasberg stated in his decision, “(to) the extent Congress sought to ‘promote health’ and ‘well-being’ here, it chose a specific method: covering the costs of medical services.”

Yet, with your approval, Governor Bevin's waiver request instead took health coverage away from individuals. While there are certainly benefits to employment, work requirements have long been proven ineffective in meeting this goal, and are particularly cruel given the challenges many low-income Kentucky families face in the job market. In fact, as was recently reported in the Wall Street Journal, “(taking) medical care away from low-wage workers in unstable jobs is not only ineffective in promoting employment, it may be counterproductive, since losing access to regular treatment can make it harder for people with serious health needs to look for and keep a job.” Taking health care away from 95,000 people, as Kentucky HEALTH would do, would not make them healthier or increase their employment prospects.

While I appreciate that CMS is allowing additional comments to be made, the fact remains that under Governor Bevin's waiver plan tens of thousands of Kentuckians will be dropped from their health insurance entirely, and hundreds of thousands more will lose access to needed services.

The fact that Governor Bevin is pursuing these dangerous changes for purely political reasons is immoral, and on its own should cause for the rejection of the waiver. But the Governor's waiver plan also clearly violates the law, as it fails, according to Judge Boasberg, to furnish medical assistance to Kentucky's citizens, which is "a central objective of Medicaid." The Bevin waiver, through its arbitrary red tape and punitive eligibility hurdles, fails to deliver health care in a way consistent with Medicaid law.

I, therefore, urge you to follow the law and reject Governor Bevin's 1115 waiver request. The health and well-being of Kentucky residents who rely on Medicaid is at stake.

Sincerely,

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

John Yarmuth
Member of Congress