

Congress of the United States

Washington, DC 20515

March 29, 2023

The Honorable Chiquita Brooks-LaSure
Administrator
Centers for Medicare & Medicaid Services
U.S. Department of Health and Human Services
200 Independence Ave SW
Washington, DC 20510

Dear Administrator Brooks-LaSure,

We write to request that you not approve Georgia's plan to operate its own state-based health insurance exchange for plan year 2024 if the Centers for Medicare and Medicaid Services (CMS) has reason to believe this approval could result in coverage losses for Georgia families. Approving this request may not comply with federal rules, which require a state seeking to set up a state-based exchange to submit an Exchange Blueprint at least 15 months before the state-based exchange's first open enrollment period and to have an approved or conditionally approved Blueprint and operational readiness assessment at least 14 months prior to launching.¹ We are concerned that an exception for Georgia at this time would put Georgians at higher risk of coverage loss.

This fall and in early 2024 when Georgia proposes to launch its exchange, the unwinding of the Medicaid "continuous coverage" provision will be well underway. Georgia will be in the midst of reviewing the eligibility of millions of enrollees and terminating Medicaid coverage for those who are no longer eligible, or who are eligible but do not complete paperwork requirements or are otherwise unable document their eligibility. Many Georgians could be eligible for health coverage through the federal healthcare.gov insurance exchange, and we are concerned that a new, state-based exchange in Georgia would only add to the confusion and complexity for people who are terminated from Medicaid coverage and who will become uninsured unless they take action to transition to an exchange plan.

This summer, the state is also planning to implement a new section 1115 waiver program that will require certain low-income adults to meet a work-reporting requirement in order to obtain and keep Medicaid, further complicating the coverage landscape in Georgia and straining the state's operations during unwinding. Maintaining the federally-run healthcare.gov exchange in Georgia, which successfully provides coverage to more than 800,000 people today, will create greater stability and consistency for Georgians.²

Even without major changes to the state's exchange, coverage losses during this tumultuous period are predicted to be significant. National projections show that children, young adults, and communities of color are likely to be hardest hit. According to the U.S. Department of Health and Human Services' own analysis, nearly 15 percent of those projected to lose coverage during unwinding are Black and one-third are Latino.³

¹ See 45 C.F.R. § 155.106(a)(2) and 45 C.F.R. § 155.106(a)(3).

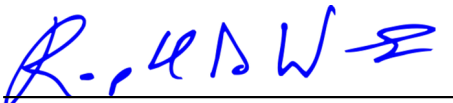
² <https://www.kff.org/health-reform/state-indicator/marketplace-enrollment/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D>

³ "Unwinding the Continuous Enrollment Provision: Projected Effects and Policy Approaches," Assistant Secretary for Planning and Evaluation, Office of Health Policy, August 2022.
https://aspe.hhs.gov/sites/default/files/documents/404a7572048090ec1259d216f3fd617e/aspe-end-mcaid-continuous-coverage_IB.pdf

Georgia's state leadership previously pursued a section 1332 waiver that would have eliminated healthcare.gov entirely and replaced this one-stop shop with a requirement for Georgians to enroll in coverage directly through an insurer, agent, or broker. We opposed this waiver and were relieved to see it suspended. Now, state officials argue that work done to advance that waiver should allow it to quickly set up a state-based exchange. We disagree. The State of Georgia should meet the specific requirements related to establishing a state-based exchange meant to safeguard Georgians from coverage loss, including federal rules designed to make this a deliberate and careful process.

We believe CMS's first priority should be to ensure health coverage for Georgians, and we are committed to doing what we can in Congress to expand health care coverage to all Georgians and to prevent coverage losses for Georgia families. As such, we encourage you not to permit Georgia to transition to a state-based exchange on an accelerated and hasty timeline that could result in the loss of health care coverage for Georgia families.

Sincerely,



Raphael Warnock
United States Senator



Lucy McBath
Member of Congress

Cc: Dr. Ellen Montz, Deputy Administrator and Director, Center for Consumer Information and Insurance Oversight