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February 21, 2023

The Honorable Xavier Becerra
Secretary
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201
xavier.becerra@hhs.gov

The Honorable Chiquita Brooks-LaSure
Administrator
Centers for Medicare & Medicaid Services
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201
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Delivered via email

Subject: Medicaid Unwinding

Dear Secretary Becerra and Administrator Brooks-LaSure:

First Focus on Children is a bipartisan advocacy organization that prioritizes children and families in federal budget and policy decisions. We advocate for the over 41 million children covered by Medicaid and the Children’s Health Insurance Program (CHIP) to ensure they have access to timely, affordable, and high-quality care. No child should be without access to health coverage and necessary physical and behavioral health care services. We thank both of you for your dedication and efforts to ensure children have stable access to Medicaid and CHIP. To continue those efforts as the Medicaid “unwinding” begins, we ask that you do everything within the authorities of the Department of Health and Human Services (HHS) and the Centers for Medicare & Medicaid Services (CMS) to protect children from losing their Medicaid or CHIP coverage.

As you know, as of April 1, 2023, states can begin to “unwind” COVID-19 era Medicaid coverage protections and disenroll children and families, from Medicaid and CHIP, who no longer qualify for or do not renew their coverage. [Estimates show that 6.7 million children – disproportionately children of color – could lose their coverage during the unwinding.](#) Even short gaps in a child’s health coverage can significantly impact their health and disrupt their timely access to necessary physical and behavioral health services. Therefore, it is absolutely critical that the federal government do all that it can to hold states accountable for mitigating children’s coverage losses. To do this, the federal government must:

- **Ensure all federal requirements related to unwinding are met:** In the Consolidated Appropriations Act, 2023 (CAA), Congress included several guardrails to mitigate coverage loss during the unwinding. States must comply with all federal requirements related to renewals, update enrollee contact information, and make good faith efforts to contact enrollees before disenrolling them based on returned mail. Additionally, Congress added monthly data reporting requirements for states to submit to CMS regarding renewals, disenrollments, call center information, etc. **It is paramount that CMS safeguard children’s coverage by being vigilant over state unwinding activities and data reporting as well as providing additional guidance as necessary. For states that struggle with unwinding, the Secretary must use his authority to ensure they swiftly implement a correction action plan, are penalized (where applicable and as allowed by law), and/or suspend eligibility determination activities in states where non-compliance with unwinding requirements is especially egregious.**
- **Encourage states and work with them to implement 12 months of continuous eligibility for children:** While the CAA requires every state to provide 12 months of continuous coverage for children in Medicaid and CHIP, that requirement does not start until January 1, 2024. [As of 2022, only 24 states have adopted some form of 12 months of continuous eligibility for kids as a state option in Medicaid and/or CHIP.](#) Continuous eligibility helps reduce churning between coverage and reduces the likelihood that children will not be able to access timely and appropriate health care services. **CMS should work with the states that have not yet implemented 12 months of continuous eligibility for children in Medicaid and CHIP to do so prior to their unwinding.**
- **Partner with states to implement the Express Lane Eligibility option:** Express Lane Eligibility (ELE) allows states to use information from other public programs, such as the Supplemental Nutrition Assistance Program (SNAP), to enroll and renew children’s coverage in Medicaid and CHIP. This is a great way for states to eliminate administrative barriers for families when enrolling in and/or renewing their Medicaid or CHIP coverage. [However, not enough states have taken up the option.](#) **CMS should work with states to encourage and facilitate their adoption of ELE to ensure that eligible children and their families do not have to jump through burdensome hoops to enroll in or maintain a child’s coverage in Medicaid or CHIP.**

We thank you for your actions to protect children from losing their health care coverage during this critical period.

Respectfully,



Bruce Lesley
President, First Focus on Children

CC: The Honorable Daniel Tsai, Deputy Administrator and Director of Center for Medicaid and CHIP Services (CMCS)
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