

## IMPLICATIONS OF THE 2020 ELECTIONS FOR MEDICAID POLICY

### EXECUTIVE SUMMARY

On Friday, December 11, 2020, the Medicaid and CHIP Payment Access Commission (MACPAC) convened a [session](#) to discuss the implications of the 2020 congressional and presidential elections for Medicaid policy. MACPAC staff provided a brief review of expected priorities of the Biden Administration, and then posed the question to Commissioners whether to send a letter to leaders of the 117th Congress and the Biden Administration, and the specific policy issues they might choose to may highlight.

Commissioners agreed that, in keeping with MACPAC's typical actions during a presidential transition, they support the idea to send a letter to both the incoming Administration and Congress. Commissioners agreed that certain time-sensitive policies relating to the COVID-19 public health emergency (PHE) should be the most pressing matters raised in both letters, but deferred to MACPAC staff to assist in prioritizing other policy areas based on their discussion and feedback.

### STAFF PRESENTATION

**MACPAC Executive Director Anne Schwartz** delivered the presentation ([slides](#)) to Commissioners. She noted that among the incoming Biden Administration's Medicaid priorities are: (1) the COVID-19 response allowed for under the PHE; (2) a plan to create 3 million new caregiving jobs, expanding home and community-based services (HCBS), and paying home health workers more; (3) combatting substance use disorders; and (4) administrative actions specific to enacting (or reversing) Medicaid policies.

Regarding the 117<sup>th</sup> Congress, Ms. Schwartz shared that unfinished business from the current Congress is likely to dominate future actions. She noted the transition presents an opportunity for MACPAC to educate new members on prior MACPAC recommendations that have not been implemented, and other policy issues of interest. In particular, Ms. Schwartz cited the need for additional federal funding in the Medicaid program and the issue of COVID-19 vaccine coverage after the PHE ends.

Unimplemented MACPAC recommendations that Ms. Schwartz suggested the Commission highlight for the incoming Congress include those pertaining to:

- State capacity to integrate care for dually eligible beneficiaries;
- Medicare Savings Programs;
- Medicaid Drug Rebate Program;
- Coordination of benefits with TRICARE;
- Recovery audit contractors; and
- Disproportionate share hospital (DSH) allotments.

## COMMISSIONER DISCUSSION

**MACPAC Chair Melanie Bella** let Ms. Schwartz and other commissioners know that she was in support of sending letters to both the Biden Administration and Congress at the same time. She noted that this was in line with MACPAC's typical actions during an administrative or congressional transition, and added that they would also extend a customary offer to meet in person with incoming leadership.

**Commissioner Kit Gorton** commented on the importance of timing in regards to when the letters are received, given that we can expect the incoming administration to issue a number of executive orders immediately following Inauguration Day. Later, **Commissioner Chuck Milligan** noted the same consideration for the new Congress, pointing out that they would want to weigh in before hearings, legislative drafting, and bill introductions are underway.

Commissioner Gorton added that the three main priorities he would hope to see addressed include: (1) highlighting the impact of the pandemic on Medicaid providers, particularly in rural areas; (2) the reinstatement of eligibility determinations in Medicaid following the expiration of the PHE-related maintenance of effort (MOE) provisions; and (3) the necessary extension of the Centers for Disease Control and Prevention's (CDC) moratorium on evictions.

Commissioner Milligan reiterated the hope that policymakers can resist the urge to return to 'business as usual' immediately following the PHE. He stated that states should be given as much time as possible to resume eligibility determination activities without the risk of program integrity audits or the impetus to push people immediately off their rolls. **Commissioner Darin Gordon** pointed out that, following the PHE, as states are restarting the process to verify beneficiary eligibility they will at the same time be losing the 6.2 percent enhanced federal medical assistance percentage (FMAP). He said states will have a "fairly significant build up of enrollment due to the MOE," which will put pressure on them to limit their financial exposure once the match rate returns to normal.

Ms. Schwartz clarified that eligibility redeterminations will have to start immediately following the end of the PHE, while the enhanced match rate will end at the end of the quarter in which the PHE ends. Commissioner Gordon thanked her for the helpful clarification, but suggested that that is still likely not enough time. He suggested that MACPAC form a recommendation for Congress that the FMAP rate remain at the enhanced level for some time following the PHE. **Commissioner Tricia Brooks** agreed, noting that the economic impact of COVID-19 is likely to have long-lasting effects.

**Commissioner Toby Douglas** stated that he supported the suggestion to "plant the seeds" on unimplemented recommendations as well as what they have in mind for longer-term goals – i.e. alluding to recommendations that the commission will be working through in the year ahead.

In this regard, **Commissioner Kisha Davis** added that she would like to see MACPAC take the opportunity to highlight the work they've begun on health equity, and in particular how the Biden Administration can look to the Medicaid program to improve equity. Commissioner Brooks raised the need to recruit people of color within the Medicaid workforce to best address these issues. Both she and **Commissioner Tom**

**Barker** raised the issue of public charge, saying they hoped to see the pressing issue among the Biden Administration's immigration reform efforts.

As commissioners continued to call out and raise various policy issues in Medicaid and CHIP, Chairwoman Bella noted that these initial letters would not be MACPAC's only communication with incoming federal leadership. She suggested that some additional time was needed to determine who exactly will be appointed to various positions in the new cabinet, and therefore who will be receiving their message. Ms. Bella tasked Ms. Schwartz with collating that commissioners comments and assisting them to prioritize which topics should be raised in the letters, noting of course that PHE-related issues should be given top billing.