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**Testimony of Andrew Patterson
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**Before the Committee on Health
Council of the District of Columbia**

Public Oversight Roundtable on Medicaid Renewal and Redetermination

September 11, 2023 – 9:30 a.m.

Introduction

Good morning Councilmember Henderson and members of the Committee on Health. My name is Andrew Patterson, and I am a senior staff attorney with Legal Aid of DC. We represent clients in a number of public benefits areas, including Medical Assistance programs.

We appreciate the efforts of Department of Healthcare Finance (DHCF) and Department of Human Services (DHS) staff to ensure that the return to Medicaid renewals is done in a way that protects beneficiaries. We also appreciate the information DHCF has shared about the number and percentage of beneficiaries who have renewed their Medicaid, including the number of people who are due to recertify each month, broken down by different eligibility groups, as well as the number of actual completed renewals for those groups. The most recent figures provided by DHCF raise concerns about the number of Medicaid enrollees who have not been able to renew their coverage.

Current Status of DC Medicaid Renewals

Figures from August 11, 2023 show that that only 61% to 68% of Medicaid renewals started between May and July of this year were completed (depending on the Ward). Additionally, in an August 9 letter to DHCF from CMS (the federal Medicaid agency),¹ CMS noted that 23% of Medicaid terminations in May 2023 were for procedural reasons (i.e., not because it was demonstrated that the person was no longer eligible).

Of greater concern are DHCF's figures also show that the completed renewal rate for some Medicaid eligibility groups is much lower. For example, according to DHCF's

¹ Available at: https://www.medicaid.gov/sites/default/files/2023-08/dc-may-2023-unwinding-data-ltr_0.pdf

figures, only 36% of the recipients of Aged, Blind, Disabled (ABD) / Long-Term Care Medicaid² who initiated their renewals between May and July were able to successfully renew their coverage.³ ABD and Long-Term Care Medicaid groups are some of the most vulnerable enrollees in the District's Medicaid program. These eligibility groups utilize more health care services than the Medicaid population at large on an individual basis,⁴ and are at much greater risk of injury or health complications if their access to care is interrupted by losing their Medicaid coverage.

Many beneficiaries who are enrolled in the District's Long-Term Care Medicaid programs, such as the Elderly and Persons with Physical Disabilities (EPD) waiver, rely heavily on Medicaid-funded services – especially Personal Care Aid services -- to complete even basic activities of daily living, such as walking, eating, bathing, dressing and toileting. If waiver enrollees lose access to their Personal Care Aides, they may attempt these activities on their own, increasing their risk of injury. Prior to the continuous eligibility requirements during the pandemic, Legal Aid saw a substantial rise in the number of applications for assistance with reductions or terminations from Personal Care Aide services, many of whom were in the EPD waiver program. Some of those cases involved terminations simply due to their EPD waiver case manager not completing the renewal on time.

Recommendations for Improvements to Medicaid Renewals

Legal Aid is pleased to make the following recommendations designed to increase the number of individuals who are able to keep their Medicaid without interruption.

First, we encourage the Council and Mayor to ensure that the Department of Human Services/Economic Security Administration has the necessary personnel to process renewals on time. I recently helped an elderly Medicaid recipient submit her renewal documents a week before her scheduled termination, but when I called to check

² An individual's Medicaid coverage type is based, in part, on their eligibility group. Examples of different eligibility groups include: 1) Aged/Blind/Disabled (ABD); 2) Long-Term Care; 3) Childless Adult; 4) Parents / Caretaker Relatives; and 5) Children. A full list of Medicaid eligibility groups is available on DHCF's website: <https://dhcf.dc.gov/service/who-may-be-eligible-medicaid>

³ Medicaid and Alliance Recertification Outcomes Powerpoint (April to July 2023) – Report for August 2023, Slide #20

⁴ See Kaiser Family Foundation figures on DC Medicaid spending per enrollee. 2019 figures show annual spending of \$19,532 for Seniors, \$31,189 for People With Disabilities, \$6,089 for Adults, and \$4,011 for Children. Figures available at: <https://www.kff.org/medicaid/state-indicator/medicaid-spending-per-enrollee/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D>

on the status of her renewal, I was told her Medicaid would likely still terminate since it takes 45 days to process the renewal. This has resulted in a hearing request (needed to preserve coverage while the renewal is being processed) that could have been avoided if the renewal had been processed on time. These types of delays in processing documents for Medicaid renewals have been a problem for years. Therefore, we encourage the Council and Mayor to ensure that DHS/ ESA has the staffing necessary to process all timely-submitted renewals, even those that may be submitted close to the termination date.

Second, we request that DHCF work with the Department of Human Services and the Economic Security Administration (the entities responsible for processing renewals) to ensure that the 90 day grace period for providing renewal information is meaningful. DHCF is giving beneficiaries 90 days from the date of a Medicaid termination for failure to recertify to reestablish their coverage retroactively back to their termination date by submitting their renewal information. The grace period is an important part of helping people keep their Medicaid, and we appreciate its implementation by DHCF. For instance, DHCF / DHS could continue to reach out to enrollees whose Medicaid coverage lapsed during the 90 day period via mail or other methods to encourage renewals during this 90 days and avoid gaps in coverage.

Finally, Legal Aid endorses the proposals made by the DC Coalition on Long Term Care with respect to changes that would specifically address concerns about renewal rates among Long-Term Care Medicaid enrollees. Among the proposed changes were: addressing the issue of non-performing case managers (who are responsible for renewing the Medicaid benefits of individuals who receive Medicaid through the EPD waiver); granting access to the DC Direct Partner Portal to beneficiary-designated assisters; shortening/simplifying the renewal documents, which are dozens of pages long.

Legal Aid supports these proposals, believing strongly that the current system (of only allowing renewals by case managers) has been a longstanding barrier to Medicaid renewals which is being exacerbated by the renewal barriers impacting the entire Medicaid population. DHCF has refused to allow anyone but EPD waiver case managers to submit renewal documents, while stating that other people may assist enrollees with parts of the renewal process (such as gathering required documents or proof of changes). We urge DHCF to reconsider this position. Long term care Medicaid enrollees often have relationships with people in medical provider's offices, case managers / social workers at core service agencies or other providers, and others who would be willing and able to help them not only gather information, but actually submit renewals online. Indeed, an enrollee in most Medicaid programs can log-in to their District Direct, or share their log-in with a case manager or designated representative they trust, and have that person upload necessary documents on their behalf.

This change would be particularly useful for the Long-Term Care Medicaid population because they are more likely to have difficulty understanding the long renewal forms (some of which are 40+ pages long), and may be less familiar with (or have less access to) some methods of renewal, such as online submission of completed renewals. It would also benefit those Long-Term Care enrollees who cannot trust their case managers to complete the renewal on time because, as noted in the coalition's letter, there remains a problem of EPD waiver case managers who do not timely complete and submit renewals.

Thank you again to the Committee for your commitment to ensuring that the District's Medicaid program works for all eligible District residents and for the opportunity to submit this testimony.