The Colorado Health Foundation™

Public comment on the interim final rule, Medicaid Program; Community Engagement Requirement for Certain Individuals

The Foundation strongly opposes this IFR. We respectfully urge CMS to withdraw it and issue a revised rule that implements Section 71119 of the One Big Beautiful Bill Act (H.R. 1) in alignment with Congressional intent and CMS's previous guidance to states. We urge CMS to develop regulations that minimize coverage losses, honor Congress' broad protections for medically frail individuals, reduce administrative burdens and costs, streamline processes for new and renewing Medicaid enrollees, and allow states to proceed with the planning that was already underway – including the use of existing data sources to streamline exemption determinations, as required by H.R. 1.

The Foundation is concerned that:

- The community engagement requirements will make Coloradans – and Americans nationwide – less healthy and economically secure, with disproportionate impacts on communities already facing the greatest barriers to health and well-being;
- The IFR will increase the number of Coloradans and individuals nationwide who lose Medicaid coverage, resulting in even higher coverage losses than CBO estimated when H.R. 1 was passed;
- CMS' approach to medical frailty exemptions – including narrow definitions and the creation of a new requirement that individuals prove their medical

condition “significantly impairs” their ability to meet community engagement requirements – will jeopardize health coverage for medically frail individuals whom Congress intended to protect;

- The IFR is unlikely to achieve the policy’s goal of increasing workforce participation, just as similar approaches have failed to do so in Arkansas and Georgia;
- The rule will increase the time, cost, and complexity of implementation for Colorado and other states, making many burdensome good-faith waiver extensions ultimately necessary;
- The regulation as written appears to exceed CMS’ authority under Section 71119 of the underlying statute. We are concerned the requirement that medically frail individuals prove that their medical condition impairs their ability to meet community engagement requirements is likely unlawful as it was not created by Congress; and
- The IFR conflicts with prior guidance provided by CMS and the executive branch to states.

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TYPE

Announcements

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BY

The Colorado Health Foundation