



March 9, 2023

The Honorable Chiquita Brooks-LaSure
Centers for Medicare and Medicaid Services
7500 Security Boulevards
Baltimore, MD

Administrator Brooks-LaSure:

We, the undersigned members of the Consortium for Constituents with Disabilities (CCD) Health and Long-Term Services and Supports Task Forces write regarding the unwinding of the Medicaid continuous coverage requirement. The Consortium for Constituents with Disabilities (CCD) is the largest coalition of national organizations working together to advocate for federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

Renewal Redistribution Plans

CMS guidance has laid out a series of plans, documents and data that states are required to produce. Among these is a Renewal Redistribution Plan where a state must detail how renewals and other eligibility actions will be distributed across the 12-month unwinding period. The plan must mitigate churn, account for workforce and systems capacity limitations, and establish a sustainable renewal schedule for future years.¹

We urge you to make state Renewal Redistribution Plans public. With each state on its own timeline, it is difficult for organizations to inform their stakeholders and affiliates of the timing of actions taken by a specific state. We appreciate that CMS released anticipated state timelines for initiating unwinding-related renewals on March 2. However, stakeholders still need the level of detail provided in the Renewal Redistribution Plans.² The level of transparency varies greatly from state-to-state, with some state websites still only showing resources from before passage of the Consolidated Appropriations Act of 2022. As of February 1, at least three states that we are aware of were already sending renewal notices. Despite these state plans being due February 1, they are not posted on the CMS website. Since then, the remaining plans have become due and are also not posted. Organizations like ours need to know when these notices are coming in order to properly prepare enrollees and staff, including call-center staff and other assisters, and prevent improper Medicaid terminations. Further, advocates serving historically marginalized and underserved communities need this information as soon as

¹ <https://www.medicaid.gov/resources-for-states/downloads/top-10-fundamental-actions-to-prepare-for-unwinding-and-resources-to-support-state-efforts.pdf>

² <https://www.medicaid.gov/resources-for-states/downloads/ant-2023-time-init-unwin-reltd-ren-02242023.pdf>

possible, to provide targeted outreach and support to enrollees who may need greater assistance with renewals, including people with disabilities, older adults, communities of color, and individuals with limited English proficiency.

Provider Fact Sheets and HCBS Unwinding

In addition to preparing for renewals and redeterminations, states and providers are preparing to unwind from public health emergency-related waivers and flexibilities. With the direct care workforce crisis, many home and community-based providers have become reliant on flexibilities within Appendix Ks, Section 1135s, and Medicaid Disaster Relief SPAs to slow the exodus of direct care workers from the field and stabilize remaining services. When and how these flexibilities are terminated will have a significant impact on access to home and community-based services (HCBS).

We appreciate CMS' recent webinar, *Unwinding Home and Community-Based Services (HCBS) Public Health Emergency (PHE) Flexibilities*, which offered an overview of current public health emergency flexibilities and questions for states to consider in the unwinding from flexibilities impacting HCBS. We appreciate CMS repeating the webinar a second time so more people could join, and we also encourage CMS to place a recording of the webinar prominently on its website. We also urge CMS to develop a HCBS provider-specific fact sheet with the information from the webinar to include with the other provider-specific fact sheets on the CMS Emergencies Page.

Thank you for your commitment to providing guidance through the end of the public health emergency and consideration of these requests. For more information contact Lydia Dawson at ldawson@ancor.org.

Sincerely,

Allies for Independence
American Association on Health and Disability
American Network of Community Options and Resources
American Occupational Therapy Association (AOTA)
Autism Society of America
Autism Speaks
Autistic Self Advocacy Network
Epilepsy Foundation
Justice in Aging
Lakeshore Foundation
National Academy of Elder Law Attorneys
National Association of Councils on Developmental Disabilities
National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE)
National Disability Rights Network (NDRN)
National Health Council
National Health Law Program
World Institute on Disability