May 15, 2020

Re: Urgent Need to Remove Provision Threatening Medicaid Providers and Enrollees in HEROES Act

Dear Senator Blumenthal, Senator Murphy, Representative Larson, Representative Courtney, Representative DeLauro, Representative Himes and Representative Hayes:

Greater Hartford Legal Aid, Connecticut Legal Services, and New Haven Legal Assistance Association support the increase in the Federal Medicaid Funding (FMAP) included in The HEROES Act. This increase will provide Connecticut with the needed health care dollars to address the Covid-19 Crisis. We were alarmed, however, to find that a provision onto the last page of the bill creates an exception in the maintenance-of-effort requirement for the state of New York.

This exception for New York is a slippery and dangerous slope. First, it will allow New York to make cuts to needed services, most notably for home and community-based services for seniors and people with disabilities. Cuts to home care and hospitals are highly problematic during the pandemic, particularly in states which have been hard hit by COVID-19. Further, it is unlikely the Senate would allow only New York to eliminate the MOE, so this exception will open the door for all states to demand similar deals. Without the MOE protections, states will move to cut eligibility, services, and benefits, leading to drastic increases in the number of uninsured in our country. As we have seen in the past, when states face revenue loss and budget crises, Medicaid is often targeted as a source for funds for other budget line items. In Connecticut, we have seen Medicaid eligibility cut dramatically during the great recession, and we have only recently partially restored eligibility for parents under HUSKY A to their pre-recession levels.

The provision creating an exception for New York in the Medicaid maintenance-of-effort must be removed from the last page before the bill is voted on today. Please let Senator Schumer and Speaker Pelosi know that this provision sets a dangerous precedent that could impact not only our neighbors in...
New York, but also Medicaid programs here in Connecticut and other states as they are confronted with hard fiscal choices in the wake of this pandemic. Please ask them to remove the MOE exception before the vote.

Sincerely,

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