

From: Rep.Richards
Sent: Tuesday, April 24, 2012 4:09 PM
To: 'cynthia.mann@cms.hhs.gov'
Cc: 'Wachino, Victoria A. (CMS/CMCS)'; 'kenneth.munson@hhs.gov'
Subject: Investigation Request: Suspected violation of BadgerCare Plus Core Plan demonstration / from WI State Reps. Jon Richards and Tamara Grigsby

April 24, 2012

Cindy Mann, Director
Centers for Medicare and Medicaid Services
Center for Medicaid and CHIP Services
7500 Security Boulevard
Baltimore, MD 21244-1850
cynthia.mann@cms.hhs.gov

-Sent via email-

Dear Director Mann:

It has come to our attention that the Wisconsin Department of Health Services (DHS) is not enrolling individuals on the wait list for the BadgerCare Plus Core Plan, in possible violation of its approved section 1115 Medicaid demonstration waiver (11-W-00242/5), amended September 2009.

We request that the Centers for Medicare and Medicaid Services investigate this matter promptly to ensure that DHS is abiding by the terms of the demonstration and not denying uninsured Wisconsin residents the health insurance benefits they are duly eligible to receive. We would also like CMS to investigate whether the DHS' administration of the BadgerCare Plus Core Plan is consistent with the maintenance of effort requirements under the Affordable Care Act.

The BadgerCare Plus Core Plan extends health care coverage to eligible uninsured childless adults. This program was implemented by the previous administration as part of its comprehensive strategy to ensure access to affordable health insurance for virtually all Wisconsin residents.

As you know, CMS permitted Wisconsin to cap enrollment in the BadgerCare Plus Core Plan to 48,500 individuals, effective October 1, 2009, due to significantly higher than anticipated demand for the program. The enrollment cap was necessary to maintain budget neutrality, as required under the demonstration. In your September 29, 2009, letter to then-Wisconsin Medicaid Director Jason Helgeson, in which you approved the state's request to impose an enrollment cap, you wrote: "When slots become available the State will send potential applicants an invitation letter that describes the process to initiate the enrollment process for the demonstration." Your letter concluded: "We look forward to working closely with you to ensure that enrollment figures are closely

monitored such that enrollment may be reopened and additional new individuals may receive coverage as soon as possible.”

To our knowledge, the Department of Health Services has not lifted the enrollment cap on the BadgerCare Plus Core Plan. It is also our understanding that as of last week there are currently over 128,600 individuals on the wait list for the program, even though the number of individuals receiving benefits (26,808) has dropped significantly below the enrollment cap (48,500). Based on the guidance provided in your letter of September 29, 2009, we question how DHS can fail to reopen enrollment and provide coverage to individuals on the wait list until the cap is reached.

Thank you for your attention to this matter. We look forward to hearing from you soon.

Sincerely,



JON RICHARDS
State Representative
Assembly District 19



TAMARA GRIGSBY
State Representative
Assembly District 18

cc: Vikki Wachino, Director, Children and Adults Health Programs Group
Kenneth Munson, Director, HHS Region V