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Bridging Science, Policy and Public Health

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October 28, 2011

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Dear Ms. DeLone and Ms. Kaminsky:

On behalf of the National Alliance of State and Territorial AIDS Directors (NASTAD), the organization which represents the public health officials that administer state and territorial HIV/AIDS and adult viral hepatitis prevention and care programs nationwide, I am writing to provide comments regarding proposed rule, CMS-2349-P, Medicaid Program; Eligibility Changes Under the Affordable Care Act of 2010.

NASTAD believes that Medicaid must be integrated with the Exchange Eligibility System and supports the requirement that the state Medicaid agency works with the Exchange and other agencies administering insurance affordability programs to coordinate application and enrollment into these programs, including through data sharing agreements. We believe that the coordination between agencies must include explicit protections and safeguards to ensure that applicants are able to access appropriate benefits packages. These protections are particularly important in states that opt to provide a lesser benchmark benefits package to newly-eligible Medicaid beneficiaries. In such states, there need to be screening requirements for every agency tasked with making eligibility determinations for Medicaid and insurance affordability programs so that these agencies are able to capture non-modified adjusted gross income (MAGI) eligibility criteria (e.g., disability) that may entitle an applicant to a benefits package that best meets his/her care and treatment needs.

- *Internet Website (§ 435.1200(d))*
NASTAD supports the creation of a website linking Medicaid with other insurance affordability programs available in the state. We also support robust requirements for accessibility to individuals with disabilities, individuals with limited English proficiency, and other vulnerable populations.
- *Evaluation of Eligibility for Other Insurance Affordability Programs (§435.1200(g)(2))*
NASTAD supports allowing an individual whose income exceeds the MAGI standard but whose Medicaid application on the basis of disability is pending to be evaluated for coverage under other insurance affordability programs.

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We believe it is important for people living with HIV and AIDS to maintain continuous coverage by utilizing subsidies on the Exchange for coverage while an application for Medicaid based on disability is pending.

In addition, for those states that adopt a benchmark benefits package for the MAGI Medicaid enrollees that is less generous than their traditional Medicaid benefits packages, regulations must require the state Medicaid agency to conduct a basic screen for characteristics that could make someone eligible for Medicaid on a non-MAGI basis (e.g., disability).

Thank you again for the opportunity to provide comments on the proposed rule CMS-2349-P, Medicaid Program; Eligibility Changes Under the Affordable Care Act of 2010. We appreciate your attention to the comments above. If you have questions related to our comments, please do not hesitate to contact me at (202) 434-8090 or by email at jscofield@NASTAD.org.

Sincerely,

A handwritten signature in black ink that reads "Julie M. Scofield". The signature is written in a cursive, flowing style.

Julie M. Scofield
Executive Director