



American Cancer Society
Cancer Action Network
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March 13, 2018

Barbara Sears
Director
Bureau of Health Plan Policy
Ohio Department of Medicaid
50 W. Town St., 5th Floor
Columbus, OH 43215

Re: Group VIII Work Requirements and Community Engagement 1115 Waiver

Dear Director Sears:

The American Cancer Society Cancer Action Network (ACS CAN) appreciates the opportunity to comment on Ohio's Group VIII Work Requirements and Community Engagement 1115 demonstration waiver application. ACS CAN, the nonprofit, nonpartisan advocacy affiliate of the American Cancer Society, supports evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem. As the nation's leading advocate for public policies that are helping to defeat cancer, ACS CAN ensures that cancer patients, survivors, and their families have a voice in public policy matters at all levels of government.

ACS CAN supports Ohio's goal to improve health outcomes for their Group VIII Medicaid beneficiaries, but we believe the proposed work and community engagement requirement could negatively impact the adult Medicaid expansion population, particularly cancer patients, survivors, and those who will be diagnosed with cancer in their lifetime. Over 68,400 Ohioans are expected to be diagnosed with cancer this year¹ – many of whom are receiving health care coverage through the Ohio Medicaid program. ACS CAN wants to ensure that cancer patients and survivors in Ohio will have adequate access and coverage under the Medicaid program, and that specific requirements do not create barriers to care for low-income cancer patients, survivors, and those who will be diagnosed with cancer. We strongly urge the Ohio Department of Medicaid ("the Department") to address the following concerns or reject this waiver in its current form.

The following are our specific comments on the state's Medicaid 1115 waiver application:

Group VIII Work & Community Engagement Requirements

The requirement that all Group VIII ("able-bodied") adults covered under Ohio's Medicaid expansion, must be employed, attending school, or participating in community engagement activities approved by the Department for 20 hours-per-week to maintain eligibility or enrollment in the Medicaid program could have the unintended consequence of disadvantaging patients with serious illnesses, such as cancer. While we understand the intent of the proposal, is to "further encourage employment," many cancer patients in active treatment are often unable to work or require significant work modifications

¹ American Cancer Society. *Cancer Facts & Figures 2018*. Atlanta, GA: American Cancer Society; 2018.

due to their treatment.^{2,3,4} ACS CAN opposes tying access to affordable health care for lower income persons to work or community engagement requirements because cancer patients, survivors, and those who will be diagnosed with the disease - as well as those with other complex chronic conditions - could be seriously disadvantaged and find themselves without Medicaid coverage. Research suggests that between 40 and 85 percent of cancer patients stop working while receiving cancer treatment, with absences from work ranging from 45 days to six months depending on the treatment.⁵ If work and community engagement is required as a condition of eligibility, many cancer patients, recent survivors, and those with other chronic illnesses could find that they are ineligible for the lifesaving care and treatment services provided through the state's Medicaid program.

We appreciate the Department's acknowledgement that not all people are able to work and the decision to include several exemption categories from the work requirement and associated lock-out period. However, we are concerned that the waiver does not go far enough to protect vulnerable individuals, including recent cancer survivors, those with conditions that put them at risk for cancer, and other serious chronic diseases linked to cancer treatments.⁶

The Department estimates that approximately half of the 36,036 individuals that could be subject to the work or community engagement requirements would lose their Medicaid eligibility. Therefore, the State is expecting at least 18,018 Ohioans to lose health care coverage due to this requirement. This is especially concerning, as many cancer patients (who may not realize they could be exempt) and recent survivors could be among those individuals who lose access to health care coverage. Additionally, the increase in administrative requirements for enrollees to attest to their working status would likely decrease the number of individuals with Medicaid coverage, regardless of whether they are exempt or not.

Lock-Out Period

We are also deeply concerned about the proposed lock-out period for non-compliance with the work requirement. The Department offers a re-appraisal period to determine whether the individual has "a good cause reason for not meeting the work and community engagement requirement," but it is unclear how long this re-appraisal period will take and if the beneficiary would lose health coverage during the re-appraisal process. If the individual is locked out of coverage during re-appraisal, this could place a substantial financial burden on enrollees and cause significant disruptions in care, particularly for cancer survivors (who require frequent follow-up visits) and individuals in active cancer treatment. As

² Whitney RL, Bell JF, Reed SC, Lash R, Bold RJ, Kim KK, et al. Predictors of financial difficulties and work modifications among cancer survivors in the United States. *J Cancer Surviv.* 2016; 10:241. doi: 10.1007/s11764-015-0470-y.

³ de Boer AG, Taskila T, Tamminga SJ, et al. Interventions to enhance return to work for cancer patients. *Cochrane Database Syst Rev.* 2011; 16(2): CD007569. doi: 10.1002/14651858.CD007569.pub2.

⁴ Stergiou-Kita M, Pritlove C, van Eerd D, Holness LD, Kirsh B, Duncan A, Jones J. The provision of workplace accommodations following cancer: survivor, provider, and employer perspectives. *J Cancer Surviv.* 2016; 10:480. doi:10.1007/s11764-015-0492-5.

⁵ Ramsey SD, Blough DK, Kirchhoff AC, et al. Washington State Cancer Patients Found to be at Greater Risk for Bankruptcy than People Without a Cancer Diagnosis," *Health Affairs*, 32, no. 6, (2013): 1143-1152.

⁶ Mehta LS, Watson KE, Barac A, Beckie TM, Bittner V, Cruz-Flores S, et al. Cardiovascular disease and breast cancer: Where these entities intersect: A scientific statement from the American Heart Association. *Circulation.* 2018; 137(7): CIR.0000000000000556.

previously mentioned, a significant number of cancer patients stop working while receiving cancer treatment. If they are subject to the proposed lock-out period, they will likely have no access to health care coverage, making it difficult or impossible to continue treatment or pay for their maintenance medication until it is determined that they have "good cause." For those cancer patients who are mid-treatment, a loss of health care coverage could seriously jeopardize their chance of survival. Being denied access to one's cancer care team could be a matter of life or death for a cancer patient or survivor and the financial toll that the lock-out would have on individuals and their families could be devastating.

Request for Enhanced Federal Funding for Work and Community Engagement Requirement

We note that the Department is requesting enhanced federal funding from the Centers for Medicare and Medicaid Services (CMS) to assist with supportive services to help Group VIII enrollees meet the work and community engagement requirements. Federal monies should be focused on Medicaid's and the State's core goal of improving health outcomes for Ohio's low-income residents rather than pay for the administrative costs of an administratively complex work and community engagement requirement. Additionally, CMS' recent State Medicaid Director letter clearly stated that workforce training activities are not eligible for federal Medicaid match.⁷ Therefore, it is unlikely that CMS will accept the Department's request for additional federal monies.

Conclusion

We appreciate the opportunity to provide comments on Ohio's Group VIII Work Requirements and Community Engagement 1115 demonstration waiver application. The preservation of eligibility and coverage through Medicaid remains critically important for many low-income Ohioans who depend on the program for cancer prevention, early detection, diagnostic, and treatment services. We ask the Department to weigh the impact that this policy proposal may have on access to lifesaving health care coverage, particularly for those individuals with cancer, cancer survivors, and those who will be diagnosed with cancer during their lifetime.

Maintaining access to quality, affordable, accessible, and comprehensive health care coverage and services is a matter of life and survivorship for thousands of low-income cancer patients and survivors, and we look forward to working with the state of Ohio to ensure that all Ohioans are positioned to win the fight against cancer. If you have any questions, please feel free to contact me at jeff.stephens@cancer.org or 614.579.1127.

Sincerely,



Jeff Stephens
Ohio Government Relations Director

⁷ Centers for Medicare & Medicaid Services. Opportunities to promote work and community engagement among Medicaid beneficiaries. Baltimore, MD. Department of Health and Human Services. SMD: 18-002. Published January 11, 2018. Accessed January 2018.