

# United States Senate

WASHINGTON, DC 20510

July 27, 2021

## VIA ELECTRONIC DELIVERY

The Honorable Chiquita Brooks-LaSure  
Administrator  
Centers for Medicare and Medicaid Services  
200 Independence Avenue, SW  
Washington, DC 20210

Dear Administrator Brooks-LaSure:

Congratulations on your recent confirmation as Administrator for the Centers for Medicare and Medicaid Services (CMS). We look forward to working with you to address health disparities, and specifically to reduce our Nation's dismal maternal mortality rate and the racial, ethnic and economic disparities in maternal health outcomes, and we write to encourage you to take immediate steps to implement the new State plan option authority granted by Congress in the American Rescue Plan to provide 12 months of postpartum Medicaid coverage so that new mothers in States nationwide can be assured of quality, continuous, accessible health care.

While we applaud U.S. Department of Health and Human Services (HHS) Secretary Xavier Becerra and CMS for the recent approval of Medicaid demonstration waivers to extend postpartum coverage for women who rely on Medicaid for pregnancy-related care, we remain concerned by the maternal health crisis facing our Nation.

Despite considerable technological advancements and increased spending on maternal care in recent decades, pregnancy-related deaths in the United States continue to climb. Roughly 700 American women die per year from pregnancy-related causes or childbirth, which translates to 17 maternal deaths for every 100,000 live births in the U.S. – more than double the ratio of deaths related to maternal mortality in other high-income countries. It is even more distressing that a majority of the deaths related to childbirth in the U.S. occur during the postpartum period – between 43 days and 365 days after the end of pregnancy. The danger is even greater for women of color. Black and Indigenous women are two to three times more likely than their non-Hispanic White counterparts to die from a pregnancy-related complication.<sup>1</sup>

In 2018, the Medicaid program paid for nearly half of the Nation's births.<sup>2</sup> Under longstanding Federal law, Medicaid eligibility based on pregnancy status has been limited to just 60 days of

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<sup>1</sup> Petersen EE, Davis NL, Goodman D, et al. Racial/Ethnic Disparities in Pregnancy-Related Deaths — United States, 2007–2016. *MMWR Morb Mortal Wkly Rep* 2019;68:762–765. DOI: <http://dx.doi.org/10.15585/mmwr.mm6835a3>

<sup>2</sup> Medicaid and CHIP Payment and Access Commission. Medicaid's Role in Financing Maternity Care. January 2020. Available at: <https://www.macpac.gov/wp-content/uploads/2020/01/Medicaid%E2%80%99s-Role-in-Financing-Maternity-Care.pdf>

postpartum coverage. Too many women who rely on Medicaid are forced to forgo access to essential care only 61 days after experiencing a major medical event. A recent study found that half of all uninsured new mothers became uninsured after losing Medicaid just 60 days after giving birth.<sup>3</sup> The broad consensus of the medical community, led by clinical guidance from the American College of Obstetricians and Gynecologists, is that Medicaid coverage should be available through a postpartum period of one year.<sup>45</sup> This is also the leading recommendation by State maternal mortality review committees.

Earlier this year, Congress took a critical step in addressing the maternal health crisis and postpartum coverage gap by passing the American Rescue Plan Act, which included a vital provision similar to a policy included in the Mothers and Offspring Mortality and Morbidity Awareness (MOMMA) Act and the Maximizing Outcomes for Moms through Medicaid Improvement and Enhancement of Services (MOMMIES) Act. Signed into law by President Biden on March 11, 2021, the American Rescue Plan Act gave States the option of extending Medicaid health coverage for new mothers from 60 days to one year postpartum. This provision will become available to States on April 1, 2022, and will remain available for five years.

The success of this policy is dependent on uptake by the States. Fortunately, interest among States in extending postpartum coverage has grown significantly in recent years. On April 12, 2021, Illinois became the first State to offer yearlong postpartum coverage for all Medicaid-eligible individuals after Secretary Becerra announced the approval of Illinois' waiver. Building on the momentum and model from Illinois, several States have submitted Medicaid demonstration waivers to CMS, seeking authority to extend postpartum coverage. In addition, several States, including California, Florida, Minnesota and Maryland, have passed legislation to implement the State plan option upon its effective date. And other States, including Ohio, have passed legislation obligating their State Medicaid departments to take up this new State option.<sup>6</sup>

However, the success of the State plan option is also dependent on strong Federal guidance and a meaningful partnership with CMS in regards to the adoption, implementation, oversight and evaluation of the program.

To help facilitate postpartum coverage extensions across the country, we urge CMS to swiftly issue guidance to State Medicaid programs on this new option. We strongly encourage CMS to

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<sup>3</sup> Urban Institute. Uninsured New Mothers' Health and Health Care Challenges Highlight the Benefits of Increasing Postpartum Medicaid Coverage. May 28, 2020. Available at: <https://www.urban.org/research/publication/uninsured-new-mothers-health-and-health-care-challenges-highlight-benefits-increasing-postpartum-medicaid-coverage>

<sup>4</sup> American College of Obstetricians and Gynecologists. ACOG Statement on AMA Support for 12 Months of Postpartum Coverage Under Medicaid. June 12, 2019. Available at: <https://www.acog.org/news/news-releases/2019/06/acog-statement-on-ama-support-for-12-months-of-postpartum-coverage-under-medicaid>

<sup>5</sup> American Academy of Family Physicians, American Academy of Pediatrics, American College of Obstetricians and Gynecologists, American College of Physicians, American Osteopathic Association, American Psychiatric Association. Helping Ensure Healthy Mothers and Healthy Babies: Eliminating Preventable Maternal Mortality and Morbidity. September 2019. Available at: <https://www.aafp.org/dam/AAFP/documents/advocacy/prevention/women/ST-G6-MaternalMortality-091619.pdf>

<sup>6</sup> WPCO Cincinnati. Ohio to expand Medicaid coverage for new moms. July 12, 2021. Available at: <https://www.wcpo.com/news/government/state-government/ohio-state-government-news/ohio-to-expand-medicaid-coverage-for-new-moms>

issue such guidance in the form of a State Medicaid Director Letter, or other similarly effective communication, and an accompanying toolkit for States to facilitate implementation of the State plan option no later than April 1, 2022. Such communication and toolkit materials should include:

- Considerations around the need for State legislation and financing;
- Options for the States to provide continuous coverage to postpartum women between the end of the COVID-19 public health emergency and the effective date of the State plan option; and
- Other topics of importance as determined by CMS and relevant stakeholders.

One of the top priorities of the United States Congress is to improve the health of our Nation's mothers, including those covered by the Medicaid program. We look forward to working with you to address our Nation's maternal mortality crisis. Thank you for your attention to this timely request.

Sincerely,



Tammy Duckworth  
United States Senator



Richard J. Durbin  
United States Senator



Cory A. Booker  
United States Senator



Sherrod Brown  
United States Senator



Tammy Baldwin  
United States Senator



Elizabeth Warren  
United States Senator



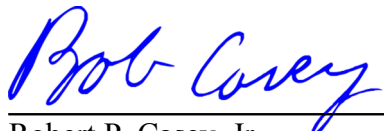
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Dianne Feinstein  
United States Senator



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Chris Van Hollen  
United States Senator



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Robert P. Casey, Jr.  
United States Senator



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Mark R. Warner  
United States Senator



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Raphael G. Warnock  
United States Senator



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Tina Smith  
United States Senator



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Mark Kelly  
United States Senator



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Maggie Hassan  
Margaret Wood Hassan  
United States Senator