



April 9, 2025

[Submitted online electronically via Regulations.gov]

Dr. Mehmet Oz, Administrator
Centers for Medicare & Medicaid Services
Department of Health and Human Services
Attn: CMS-9884-P
7500 Security Boulevard
Baltimore, MD 21244-1850

Submitted online electronically via Regulations.gov

ASHLEY WILKES
President - FL

KEITH MISKIE
Vice-President - NE

MEGAN KIEFER
Secretary - KS

ANDREW PETITT
Treasurer - WV

LAURA LINDSEY
*KS – Business Manager
& Media Inquiries:*
UCOWFmail@gmail.com

*Intergovernmental Committee
& Legislative Inquiries:*

DAWN ROYAL
Dawn.Royal.UCOWF@gmail.com

ANDY McCLENAHAN
Andrew.McClenahan.UCOWF@gmail.com

RE: Comments on Proposed Rule: Patient Protection and Affordable Care Act;
Marketplace Integrity and Affordability (CMS-9884-P)

Dear Dr. Mehmet Oz,

The United Council on Welfare Fraud (UCOWF) appreciates the opportunity to respond to the Proposed Rule CMS-9884-P as published in the Federal Register on March 19, 2025. UCOWF fully supports the mission of promoting program integrity in our nation’s public assistance programs across the nation. After careful consideration, UCOWF supports the Proposed Rule with some suggested improvements.

What Is UCOWF?

For reference, UCOWF is the only national association singularly focused on the prevention, detection and prosecution of welfare fraud. For over fifty years, UCOWF has advocated for stronger policies to strengthen America’s social safety net programs. As a 501(c)(3) nonprofit organization, UCOWF continues to ensure our nation’s critical public assistance programs are safeguarded and that taxpayer resources reach society’s vulnerable citizens while also connecting policymakers, fraud investigators, and key agency personnel to real world practices resulting in outcomes that reflect program purpose and intent. UCOWF members include county and state investigators conducting administrative and criminal investigations into recipient/beneficiary fraud, as well as the attempt to recover funds lost to fraud.

Medicaid Program Integrity

UCOWF supports the Rule’s efforts to strengthen the integrity of the Patient Protection and Affordable Care Act eligibility and enrollment systems to reduce fraud, waste, and abuse. The Rule’s reversal of prior policies made in order to strengthen affordability for unsubscribed customers is admirable, and we support these efforts so long as the eligibility requirements are followed. We also support the “preponderance of evidence” standard for agent/broker/provider noncompliance.

UCOWF Recommendation: On April 9, 2025, UCOWF sent CMS Chief of Staff Stephanie Carlton a list of concerns arising from a Biden Administration memo issued to all states on December 5, 2024 regarding Medicaid Beneficiary fraud and recovery of beneficiary overpayments. Through that memo, CMS threatened to withhold state FMAP money for states seeking to administratively remove beneficiaries, even if they committed fraud – and prohibited the recovery of funds. We strongly encourage CMS not only to rescind SMD #24-005, but to

United Council on Welfare Fraud
PO Box 164
Westmoreland, KS 66549
785.477.5424
www.ucowf.net
[Email icon] [LinkedIn icon]





ASHLEY WILKES
President - FL

KEITH MISKIE
Vice-President - NE

MEGAN KIEFER
Secretary - KS

ANDREW PETITT
Treasurer - WV

LAURA LINDSEY
*KS – Business Manager
& Media Inquiries:*
UCOWFmail@gmail.com

*Intergovernmental Committee
& Legislative Inquiries:*

DAWN ROYAL
Dawn.Royal.UCOWF@gmail.com

ANDY McCLENAHAN
Andrew.McClenahan.UCOWF@gmail.com

**United Council on
Welfare Fraud**
PO Box 164
Westmoreland, KS 66549
785.477.5424
www.ucowf.net



address Medicaid program integrity as it relates to beneficiaries. If CMS opts not to address those issues in this Rule, then the opportunity exists to do so in separate rulemaking. UCOWF is ready to assist and provide any necessary subject matter expertise from our members.

In addition, concerns about ineligible non-citizens, enrollments without household knowledge, high error rates in presumptive eligibility, and the enrollments of synthetic identities has created a free-for-all windfall for fraudsters. We recommend CMS consider these recent developments when implementing this Rule and further strengthening Rule provisions around identity verifications and the use of data.

Fraud Prevention

UCOWF strongly supports the Rule’s attempt to reduce the reliance on self-attestation of income. We also support the use of IRS data-matching, but CMS leaves the door open to a common fraud tactic – the acceptance of applicant uploaded information. Currently, nearly all states accept an applicant’s uploaded driver’s license, income pay stub, or other documents that help verify eligibility. However, as demonstrated during the Covid-PHE, fraudsters create Photoshopped documentation and state eligibility workers accept that as unquestioned facts.

UCOWF Recommendation: The Marketplace is a black hole for welfare fraud investigators unable to obtain applicant information to determine where (or what country) an application originated from, the device information used, or whether any other risk flags exist. Tools to review Marketplace application information for fraud are not currently offered to eligibility workers, quality control auditors, nor fraud investigators. A centralized repository of this information is sorely needed.

While addressing self-attestation in income in the Rule is good, the Rule does not go far enough and fails to address the issue of self-attestation without verifications across all eligibility factors. As UCOWF testified in front of the House DOGE Subcommittee on February 12, 2025, the over-reliance on self-attestation for identity and eligibility factors is a critical vulnerability that must be addressed in both regular and joint Medicaid applications.¹

Dual participation is another concern that is not addressed in the Rule. The failures of the Public Assistance Reporting Information System (PARIS) are well documented. We encourage CMS to address these program integrity issues through executive actions to combat duplication participation fraud and waste.

Closing

UCOWF appreciates CMS’s commitment to improving Marketplace integrity and affordability. This Rule is a solid foundation to build upon, and we hope that our suggestions are considered either separately, or in the Final Rule. For the above reasons, we support Rule CMS-9884-P.

¹ <https://oversight.house.gov/wp-content/uploads/2025/02/Royal-Written-Testimony.pdf>





We appreciate your consideration and stand ready to provide any additional information or assistance you may require in supporting these efforts.

Sincerely,

**Ashley Wilkes, President
United Council on Welfare Fraud**

www.ucowf.net

ASHLEY WILKES

President - FL

KEITH MISKIE

Vice-President - NE

MEGAN KIEFER

Secretary - KS

ANDREW PETITT

Treasurer - WV

LAURA LINDSEY

KS – Business Manager

& Media Inquiries:

UCOWFmail@gmail.com

Intergovernmental Committee

& Legislative Inquiries:

DAWN ROYAL

Dawn.Royal.UCOWF@gmail.com

ANDY McCLENAHAN

Andrew.McClenahan.UCOWF@gmail.com

**United Council on
Welfare Fraud**

PO Box 164

Westmoreland, KS 66549

785.477.5424

www.ucowf.net

