



January 8, 2023

Centers for Medicare & Medicaid Services
Department of Health and Human Services
Attn: CMS-9895-P
7500 Security Boulevard
Baltimore, MD 21244-1850

Submitted via regulations.gov online portal

RE: CMS Notice of Proposed Rulemaking #2023-25576

Dear Administrator Chiquita Brooks-LaSure,

The United Council on Welfare Fraud (UCOWF) is grateful for the opportunity to respond to the November 24, 2023, Notice of Proposed Rulemaking (NPRM) #2023-25576 as published in the Federal Register. UCOWF is the exclusive national organization with a singular focus on detecting, preventing, prosecuting, and recovering welfare fraud. Our member jurisdiction includes, but is not limited to, program integrity staff in the Medicaid, Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance to Needy Families (TANF), and the Women Infant Children (WIC) programs.

There are elements in the NPRM that precipitate our concern; specifically, amendments to 42 CFR Part 435 (income and resources), and 45 CFR Part 155 (self-attestations for incarceration). The plan to do away with income and resource verification seems to us to be nothing more than a direct route—one that circumvents both PAYGO and the legislative process—to wider national healthcare coverage. Medicaid was established to give low-income residents access to health care.

This proposed regulation runs the risk of materially altering the goal of the law, which is to provide health coverage for the most economically disadvantaged and vulnerable citizens of our country, by eliminating (disregarding) the requirement for income and resource verifications. By giving the taxpayers more financial responsibility for their family's medical expenses, it welcomes people who can afford health insurance. The income and resources requirements are expressly stated in the legislation; it is not ambiguous in any way, nor does it require proposed rulemaking or interpretations as addressed by the Chevron Doctrine. This was not the intention of the Social Security Act or the Affordable Care Act.

Additionally, the proposed amendments state that Federal and State Exchanges can accept applicant incarceration status attestations without further verification. As stated above, self-attestation opens the door to improper payments and fraud. Providing agencies better access to accurate incarceration records to verify the status of an individual requesting assistance is a much better practice to protect the applicant, the program and the taxpayers as numerous Government Accountability Office audits/reports demonstrate.

In conclusion, we still have issues with the concepts and regulations that don't work to safeguard taxpayers. Public assistance programs are subject to fraud, and Medicaid has far larger financial losses for taxpayers than other social safety net programs. We support initiatives aimed at enhancing service delivery and encourage any and all attempts to curtail

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and/or do away with erroneous payments. Nonetheless, it is crucial that those in need who ask taxpayers for help confirm that they actually need it. The verification requirement safeguards not just the nation's most vulnerable residents who are in real need of aid, but also the taxpayers who pay for it.

For the reasons provided, we respectfully suggest this proposed rule be withdrawn. If you have any questions, please contact us at UCOWFmail@gmail.com.

Sincerely,

Carrol Christian
President
United Council on Welfare Fraud

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