

United States Senate

WASHINGTON, DC 20510

June 22, 2018

The Honorable Alex Azar
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, DC 20201

The Honorable Seema Verma
Administrator
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Secretary Azar and Administrator Verma:

We are writing to request that you immediately release funding details for the Navigators program for the upcoming Open Enrollment period for 2019. Any further delay would be just another example of the Trump Administration's continued attempts to undermine the health care system, which serves only to hurt Americans who are seeking quality and affordable health insurance to protect themselves and their families.

The Navigator program funds nonprofit entities and health care organizations to assist consumers in navigating, shopping, and enrolling in health insurance coverage. According to the Centers for Medicare & Medicaid Services (CMS) website, Navigators "play a vital role" in the enrollment process.¹ The Navigator program is also required by Federal law.²

Unfortunately, this Administration previously targeted the Navigator program for draconian cuts. In May 2017, CMS notified Navigators in the 34 states that use the federal Marketplace that funding amounts for 2018 would total \$60 million, a comparable amount to the previous year.³ Navigators submitted their work plans and budgets according to these amounts. On August 31,

¹ Centers for Medicare & Medicaid Services, *In-Person Assistance in the Health Insurance Marketplaces* (Accessed on June 18, 2018) (<https://www.cms.gov/CCIIO/Programs-and-Initiatives/Health-Insurance-Marketplaces/assistance.html>).

² The Patient Protection and Affordable Care Act, Pub. L. No. 111-148, 124 STAT 180 & 186; 45 C.F.R. (155.210 & 155.210).

³ ACASignups.net, *Exclusive: I believe this is what's called a 'scoop'*. (Sept. 3, 2017) (<http://acasignups.net/17/09/04/exclusive-i-believe-whats-called-scoop>).

2017, CMS announced it would reduce Navigator funding by more than 40 percent.⁴ Two weeks later, and through a new “formula,” CMS awarded only \$36.8 million in grants for 2018.⁵

The Administration said the funding formula was updated to reflect the ability of Navigators to meet their 2017 enrollment goals.⁶ However, Navigators track a number of actions related to goals, all of which could contribute to enrollment in health coverage. CMS never fully explained what metrics were used in the formula, and how accurately those metrics and accompanying datasets were communicated to and collected by Navigators. This lack of clear guidance to Navigators could have resulted in funding reductions based on inaccurate or incomplete data. Moreover, the Department of Health and Human Services (HHS) has yet to disclose the rationale and analyses behind the funding decrease, even though Congress has asked repeatedly.^{7,8}

The result of CMS’ actions was uneven 2018 funding at the state level: three states received no funding reductions, but others saw more than an 80 percent decrease.⁹ This created widespread uncertainty for Navigators and their customers, and hurt the Navigators’ ability to enroll people for 2018. For example, Covering Wisconsin, the state’s largest federally certified and state-licensed Navigator agency, received a funding reduction of over 42% and, as a result, was forced to cut its service area from 23 counties down to 12 counties. This cut came despite the organization’s success in exceeding enrollment goals outlined in its federal funding proposal.

Additionally, Navigators typically assist underserved populations, such as individuals with limited English proficiency, complex financial circumstances, and those eligible for Medicaid. Therefore, it is possible that the representation of underserved populations enrolled in health care coverage decreased as a result of the decline in Navigator funding.

⁴ Centers for Medicare & Medicaid Services, *Policies Related to the Navigator Program and Enrollment Education for the Upcoming Enrollment Period (August 31, 2017)* (<https://www.cms.gov/CCIIO/Programs-and-Initiatives/Health-Insurance-Marketplaces/Downloads/Policies-Related-Navigator-Program-Enrollment-Education-8-31-2017pdf.pdf>).

⁵ Centers for Medicare & Medicaid Services, *2017 CMS Navigator Grant Recipients* (Accessed June 18, 2018) (<https://www.cms.gov/CCIIO/Programs-and-Initiatives/Health-Insurance-Marketplaces/Downloads/Navigator-Grant-Recipients.pdf>).

⁶ Centers for Medicare & Medicaid Services, *CMS Announcement on ACA Navigator Program and Promotion for Upcoming Open Enrollment (Aug. 31, 2017)* (<https://www.cms.gov/Newsroom/MediaReleaseDatabase/Press-releases/2017-Press-releases-items/2017-08-31-3.html>).

⁷ House Committee on Energy and Commerce, Ranking Members, Letter to Secretary Price and Administrator Verma, dated Sept. 11, 2017. (<https://democrats-energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/HHS.2017.09.11.%20Letter%20re%20ACA%20Navigators..pdf>).

⁸ Senate Committee on Health, Education, Labor, and Pensions and Senate Committee on Finance Ranking Members and Members of the Senate Democratic Caucus, Letter to Secretary Price and Administrator Verma, dated Sept. 22, 2017. (<https://www.aging.senate.gov/imo/media/doc/092217%20-%20Price%20-%20ACA%20Outreach%20and%20Navigators.pdf>).

⁹ Kaiser Family Foundation, *Data Note: Changes in 2017 Federal Navigator Funding* (Oct. 11, 2017) (<https://www.kff.org/health-reform/issue-brief/data-note-changes-in-2017-federal-navigator-funding>).

This year, as of mid-June, CMS has yet to put out a formal call for grant applications or release funding details for the Navigator program for the Open Enrollment period for 2019 coverage. In past years, this federal grant process was underway by April.¹⁰ This only adds to the uncertainty for Navigators and in the health care marketplace.

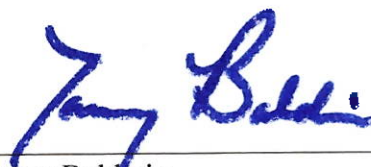
“Timely release of Navigator funding details is essential to effective planning for the next enrollment period so we are prepared to meet the needs of the more than 14,700 individuals who count on us for enrollment assistance,” said Cheri L. Rinehart, who runs the state’s largest Navigator coalition as CEO of the Pennsylvania Association of Community Health Centers. “We have seen firsthand the angst of individuals without coverage and fearful of losing coverage.”

It is clear that the Administration’s attempts to sabotage the health care system continues. We are extremely concerned that these tactics will destabilize the individual market and result in increasing health care costs for Americans. We request that you provide guidance and certainty by releasing the 2019 funding levels and the funding opportunity announcement immediately.

Sincerely,



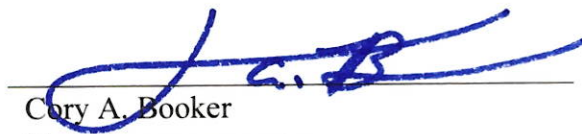
Robert P. Casey, Jr.
United States Senator



Tammy Baldwin
United States Senator



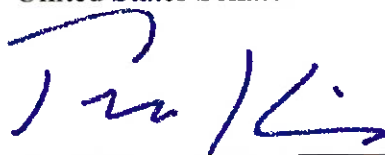
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Cory A. Booker
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Sherrod Brown
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Tim Kaine
United States Senator



Debbie Stabenow
United States Senator



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United States Senator

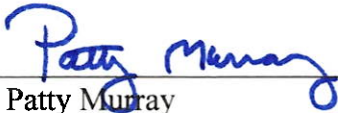
¹⁰ Politico Pro, *Obamacare Navigators in the Dark about 2019* (June 12, 2018) (<https://subscriber.politicopro.com/health-care/article/2018/06/obamacare-navigators-in-the-dark-about-2019-614739>).



Bill Nelson
United States Senator



Mazie K. Hirono
United States Senator



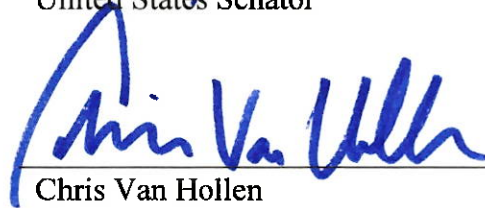
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