

Congress of the United States
Washington, DC 20515

March 19, 2021

The Honorable Xavier Becerra
Secretary of Health and Human Services
Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

The Honorable Elizabeth Richter
Acting Administrator
Centers for Medicare and Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Secretary Becerra and Acting Administrator Richter:

We write to request that the Centers for Medicare and Medicaid Services (CMS) issue guidance to states clarifying that emergency Medicaid will provide coverage for emergency medical conditions, including for Coronavirus Disease 2019 (COVID-19) testing, treatment, and vaccinations. This guidance should clarify that the *American Rescue Plan Act of 2021*, signed into law on March 11, 2021, includes a vaccination coverage mandate that includes emergency Medicaid. In light of President Biden's focus on equity in response to the pandemic, we hope that you will move swiftly to ensure that all individuals can receive COVID-19 care, without worrying how they will pay for it.

Emergency Medicaid helps ensure that patients can receive critical care when needed by providing reimbursement for patients who are ineligible for full-scope Medicaid because of their immigration status. Providing clarity about access to care for patients and reimbursement for providers is more important than ever during the COVID-19 pandemic.

There are nearly 11 million individuals in the United States who are undocumented¹ and hundreds of thousands of others who are lawfully present but ineligible for Medicaid because of their immigration status.² Nearly a quarter of lawfully present immigrants and almost half of undocumented immigrants are uninsured.³ Throughout the pandemic, immigrants have served on the frontlines, with more than two-thirds of undocumented immigrant workers holding jobs deemed essential to the recovery and fight against COVID-19.⁴ Workers have been more likely to contract COVID-19 because they provide these essential services. In addition to their workforce contributions, undocumented workers strengthen our economy through the taxes they pay and their spending, including over \$120 billion in federal, state, and local tax contributions.⁵

¹ <https://www.migrationpolicy.org/data/Unauthorized-immigrant-population/state/US>

² https://www.migrationpolicy.org/sites/default/files/publications/UninsuredNoncitizens-FS_Final.pdf

³ <https://www.kff.org/racial-equity-and-health-policy/fact-sheet/health-coverage-of-immigrants/>

⁴ <https://www.fwd.us/wp-content/uploads/2020/12/FWD-essential-worker-report-FINAL-WEB.pdf>

⁵ <https://www.americanprogress.org/issues/immigration/reports/2020/12/02/493307/protecting-undocumented-workers-pandemics-front-lines/>

The availability of emergency Medicaid ensures that these individuals are not burdened with insurmountable bills and that the providers who treat them are not faced with uncompensated care costs.

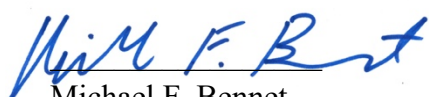
At least 12 states have already determined that their emergency Medicaid programs will cover COVID-19 testing and treatment.⁶ All jurisdictions would benefit from a clear understanding that COVID-19-related care qualifies for federal matching funds.

Therefore, we request that CMS expeditiously issue written guidance that COVID-19 is an “emergency medical condition” under 42 USC §440.255 and 42 USC § 1396b(v)(3). It should clarify that states can allow providers to bill emergency Medicaid for COVID-19 testing, treatment, vaccines, and vaccine administration and that states can receive FMAP for those claims including for longer term effects of the virus. We also request that CMS clarify that the coverage expansion of vaccines and vaccine administration for individuals with limited benefit plans includes coverage under emergency Medicaid under Section 9811(a)(2)(F) of the *American Rescue Plan Act of 2021*.

The COVID-19 public health emergency and the recession have disproportionately harmed immigrant communities, warranting targeted support.⁷ We appreciate the administration’s efforts to center equity in your COVID-19 response and urge you to directly include immigrants in that response effort by issuing this clarification.

We look forward to your response confirming these actions.

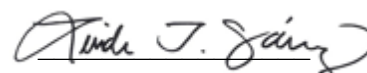
Sincerely,



Michael F. Bennet
United State Senator



Tony Cárdenas
Member of Congress



Linda T. Sánchez
Member of Congress

Cory A. Booker
United States Senator

Nanette Diaz Barragán
Member of Congress

Kirsten Gillibrand
United States Senator

Sanford D. Bishop, Jr.
Member of Congress

⁶ <https://www.kff.org/coronavirus-covid-19/issue-brief/medicaid-emergency-authority-tracker-approved-state-actions-to-address-covid-19/>

⁷ <https://migrationdataportal.org/themes/migration-data-relevant-covid-19-pandemic>

Dianne Feinstein
United States Senator

Lisa Blunt Rochester
Member of Congress

Richard Blumenthal
United States Senator

Julia Brownley
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Robert Menendez
United States Senator

Judy Chu
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