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May 16, 2022

The Honorable Jessica Rosenworcel  
Chairwoman  
Federal Communications Commission  
45 12th Street SW  
Washington, DC 20554

**Re: Comment on CG Docket No. 02-278 Relating to Enrollment in Medicaid and Other Governmental Health Coverage Programs**

Dear Chairwoman Rosenworcel:

The Medicaid and CHIP Payment and Access Commission (MACPAC) appreciates the opportunity to comment on the U.S. Department of Health and Human Services (HHS) and Centers for Medicare & Medicaid Services (CMS) letter to the Federal Communications Commission (FCC) on April 28, 2022. HHS and CMS requested an opinion on the permissibility of Medicaid program representatives and contractors (including local governments, managed care plans, and other entities) using text messages and automated calls to Medicaid and State Children's Health Insurance Program (CHIP) beneficiaries under the Telephone Consumer Protection Act (TCPA, P.L. 102-243). MACPAC is a non-partisan legislative branch agency that provides policy and data analysis and makes recommendations to Congress, the Secretary of HHS, and the states on a wide array of issues affecting Medicaid and CHIP.

In their letter, HHS and CMS state that the use of text messages and automated pre-recorded telephone calls to individuals' cell phones is an important tool for states and their partners to use to reach Medicaid enrollees, particularly as states resume eligibility redeterminations and renewals at the end of the COVID-19 public health emergency (PHE). One estimate suggests that up to 15.8 million individuals could lose Medicaid coverage when the PHE ends (Buettgens and Green 2022).

As HHS and CMS note in their letter, communicating with beneficiaries about the steps they will need to take to confirm their eligibility for Medicaid or other coverage programs is necessary to prevent their loss of coverage due to administrative reasons, even though they remain otherwise eligible. Examples of such reasons include the state not having accurate addresses or beneficiaries not returning needed forms. To reach out to all enrollees in



the short amount of time before the end of the PHE, Medicaid programs will need to use multiple, cost-effective modes of communication. However, HHS and CMS note that concerns about violating the TCPA has hindered efforts by states and their partners in using text messages and automated, prerecorded calls.

MACPAC has recently convened two expert panels to discuss the challenges states face in reaching beneficiaries and the need for effective communication strategies as they prepare for the end of the PHE (MACPAC 2022b, 2020). Speakers on these panels shared CMS' concerns, noting that many of these challenges are not unique to the pandemic but are exacerbated by it, including, for example, having outdated addresses for beneficiaries with unstable housing. In addition, mailed notices may not reach beneficiaries in a timely fashion or even at all, as notices can get lost in the mail (MACPAC 2022a). Moreover, change-of-address requests may not be processed timely by the post office or by Medicaid (PerryUndem 2022).

MACPAC is concerned about the potential for coverage loss by individuals who remain eligible but do not complete renewals because they do not receive mailed notices. MACPAC agrees with CMS that ensuring states have accurate contact information for all beneficiaries is critical. Most Medicaid enrollees own smartphones and many individuals rely on their phone for internet access and to complete tasks such as applying for benefits (Palmer 2019, Majerol and Carroll 2018). The use of text messages and automated phone calls could help ensure beneficiaries update their contact information with the state and receive information about redeterminations and renewals, which could help mitigate coverage losses (Serafi et al. 2022). Text messaging also provides an alternative means of communication for Medicaid enrollees with disabilities or those who have language or communication barriers. For example, texting is a preferred mode of communication for people whose primary means of communication is American Sign Language (Molina Healthcare 2020).

Michigan and Louisiana have already piloted the use of text messages to reach Medicaid beneficiaries. Michigan is piloting the use of multiple modalities to reach applicants, such as the use of two-way texting and phone calls to verify information rather than issuing requests for information via mail (MACPAC 2022a). Preliminary results indicate that caseworkers have greater satisfaction from processing determinations rapidly. Beneficiaries have been generally receptive to communicating with phone and text and like receiving benefits the same day they submit their applications (MAC Learning Collaboratives 2021). Louisiana conducted a pilot in 2019 to send text reminders to beneficiaries during the eligibility and renewal processes and state officials noted that they saw good results in the pilot (MACPAC 2022a, Code for America 2019). Both Michigan and Louisiana's experiences indicate that the use of text messaging and phone calls could be effective tools to communicate with beneficiaries about changes due to the ending of the PHE.

MACPAC also recently conducted focus groups with Medicaid beneficiaries in four states. We learned that their preferences for mode of communication and use of technology vary but many would like to receive text messages from the state regarding their coverage and a smaller number said they thought



automated phone messages would also be useful (PerryUndem 2022). The majority of focus group participants said they receive their renewal notices in the mail, with some also receiving email or text notifications as well. Some participants who do not receive text reminders at renewal expressed that they would like to receive them. Many participants said they would like to receive additional reminders about their renewal (PerryUndem 2022). We note that in its letter to the FCC, CMS indicates that state agencies and their contractors would send such reminders via text message and automated phone calls.

Focus group participants also identified the need for states to use multiple communication methods. For example, some participants preferred phone or mail communication because they were not comfortable with online technology, while others preferred online and mobile technologies. Some individuals thought online notifications were more reliable than mailed notices. Many participants also noted that a combination of different methods (e.g., text messages, emails, postcards or mailed notices, automated phone messages) would be helpful (PerryUndem 2022). Based on this feedback from beneficiaries, it is likely that many beneficiaries will respond positively to the greater use of text messages and automated phone calls, while others will continue to rely on traditional methods such as mailed notices.

We appreciate the chance to comment and hope MACPAC's findings about the need for multiple, effective communication strategies as states prepare for the end of the PHE is helpful as you consider the issues raised in the HHS and CMS request. We encourage the FCC to take this opportunity to help ensure that Medicaid programs have as many modalities as possible to reach members.

Sincerely,



Melanie Bella, MBA  
Chair

Cc:  
Secretary Becerra  
Administrator Brooks-LaSure

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