

# United States Senate

December 9, 2021

Ms. Chiquita Brooks-LaSure  
Administrator  
Centers for Medicare & Medicaid Services  
7500 Security Boulevard, Baltimore, MD 21244

Dear Administrator Brooks-LaSure,

I am writing to you today deeply concerned by the Biden Administration's plans regarding Texas' Medicaid 1115 Waiver as well as the Biden Administration targeting of states that have chosen not to expand Medicaid, including Texas, in its Build Back Better Act.

As you know, your agency decided on Friday, April 16, 2021, to rescind the 10-year extension of Texas' Medicaid 1115 Waiver. The Trump Administration's extension of this waiver on January 15, 2021, through September 30, 2030, provided much-needed certainty to Texas healthcare providers to plan for future years of medical care for the state's most vulnerable citizens. This unprecedented action jeopardized billions of dollars in funding for Texas' Medicaid program and has threatened the integrity of the state's Medicaid program. The rescission of this previously approved waiver extension has undermined the safety net and the ability of hospitals to provide quality care to Medicaid and uninsured patients in Texas. Since this decision, Texas has re-applied for a waiver but still has not heard a decision from the Centers for Medicare & Medicaid Services (CMS).

Now, the Build Back Better Act put forth by Democrats in the House of Representatives and supported by the Biden Administration contains multiple provisions that further undermine Texas' Medicaid program and threaten Texas' low-income and rural serving hospitals. The bill proposes to cut 12.5 percent from Disproportionate Share Hospital Payments annually and reduce payments to Texas' Uncompensated Care Pool (UCP) by 40-65 percent annually. This is a massive cut to Medicaid, which will only exacerbate the struggle that hospitals in Texas have experienced since your agency decided to rescind Texas' waiver extension. Disproportionate Share Hospitals (DSH) are hospitals that serve large numbers of low-income individuals who rely on the care provided by these hospitals.

With this plan, the Biden Administration is targeting not just Texas, but the 11 other states that have chosen to not expand their Medicaid programs. Under the Biden Administration's Build Back Better plan, Texas will be hit with at least \$150 million reduction in Disproportionate Share Hospital Payments. Out of the proposed \$450 million reduction in payments for Disproportionate Share Hospital Payments nationwide, one-third of the nationwide cuts are coming from Texas' allocated funds. These cuts will be devastating for thousands of Texans.

The state of Texas is directly and blatantly being targeted by the Biden Administration. This is unacceptable. Texas' most vulnerable patients should not lose access to healthcare because of partisan politics. I ask that you immediately approve Texas' Medicaid 1115 waiver so that no

Texan loses access to the care they need. I also urge you to work with congressional leadership to remove the 12.5 percent cut from Disproportionate Share Hospital Payments as well as reduced payments from states' Uncompensated Care Pools.

I look forward to hearing from you as soon as possible regarding these important matters.

Sincerely,



Ted Cruz  
United States Senator



Michael Cloud  
Member of Congress



Ronny L. Jackson, M.D  
Member of Congress



Jake Ellzey  
Member of Congress



Beth Van Duyne  
Member of Congress



Pat Fallon  
Member of Congress



Van Taylor  
Member of Congress