

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

August 17, 2021

The Honorable Chiquita Brooks-LaSure
Administrator
Centers for Medicare and Medicaid Services
200 Independence Avenue, S.W.
Washington D.C. 20201

Dear Administrator Brooks-LaSure:

We are conducting oversight of federal entitlement programs. Republicans on the Committee have consistently sought to identify programs that have high levels of waste, fraud, and abuse.¹ According to the Government Accountability Office (GAO), there is no program with more rampant improper payments than the Medicaid program.²

The Center for Medicare and Medicaid Services' (CMS) own numbers show that in Fiscal Year (FY) 2019, Medicaid made \$57.36 billion³ in improper payments representing 32.8 percent⁴ of all improper payments across the federal government. According to CMS, in FY 2020, improper payments rose to \$86.9 billion, meaning more than 1 out of every 5 Medicaid payments were improper.⁵ This is an unacceptable waste of American taxpayer dollars.

These abuses are even more concerning since from 2015 to 2019 CMS did not audit states' Medicaid eligibility determinations.⁶ While CMS began working on an audit during

¹ See Letter from James Comer, Ranking Member, H. Comm. on Oversight & Reform & Rodney Davis, Ranking Member, H. Comm. on Admin, to Alex Padilla, CA Sec. of State, (Sept. 16, 2020); See also Letter from James Comer, Ranking Member, H. Comm. on Oversight & Reform, Gary Palmer, Chairman, Rep. Policy Committee, and Darrell Issa, Member of Congress, to Carolyn Maloney, Chairwoman, H. Comm. on Oversight & Reform, (Jun. 17, 2021).

² *Improper Payments*, Gov't. Accountability Office, available at <https://www.gao.gov/improper-payments>.

³ *2020 Estimated Improper Payment Rates for Centers for Medicare & Medicaid Services (CMS) Programs*, Cent. Medicare & Medicaid Services, Nov. 16, 2020, available at https://www.cms.gov/newsroom/fact-sheets/2020-estimated-improper-payment-rates-centers-medicare-medicoid-services-cms-programs#_ftn1.

⁴ *Supra* n. 2.

⁵ *Supra* n. 3.

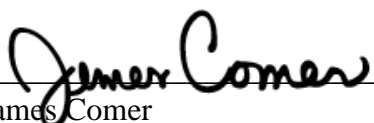
⁶ Brian Blasé and Aaron Yelowitz, *Why Obama Stopped Auditing Medicaid*, WALL STREET JOURNAL, Nov. 18, 2019, available at <https://www.wsj.com/articles/why-obama-stopped-auditing-medicoid-11574121931>.

2020, it was delayed due to the COVID-19 pandemic.⁷ Failing to audit state Medicaid eligibility determinations in the midst of a dramatic expansion of Medicaid under Obamacare has more than tripled the amount of improper spending.⁸ The growth in improper payments is directly linked to states being incentivized to game the system by improperly classifying people as expansion enrollees to receive greater reimbursement rates.⁹ Unfortunately, it appears there are no plans to prevent improper payments from continuing to grow, particularly since Medicaid has been designated by GAO as a high-risk area for the past 18 years.¹⁰

In order for us to conduct oversight of the waste in the Medicaid program, it is vital that we understand the impact of each state's Medicaid policies on their improper payments rates. As such, please produce all state specific Medicaid improper payment rate information from 2015 to 2020 as soon as possible, but no later than August 31, 2021.

To ask any follow-up or related questions, please contact Committee on Oversight and Reform Republican staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Jody Hice
Ranking Member
Subcommittee on Government
Operations



Glenn S. Grothman
Ranking Member
Subcommittee on National Security




Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy

⁷ *Payment Error Rate Measurement (PERM)*, Cent. Medicare and Medicaid Services, Jun. 2021, <https://www.cms.gov/Research-Statistics-Data-and-Systems/Monitoring-Programs/Improper-Payment-Measurement-Programs/PERM>

⁸ *Id.*

⁹ *Id.*

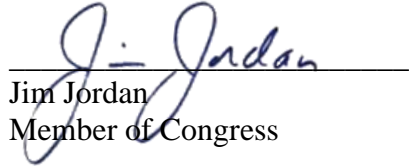
¹⁰ *Medicaid Program Integrity*, Gov't Accountability Office, available at <https://www.gao.gov/highrisk/strengthening-medicaid-program-integrity>.



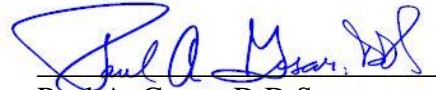
Ralph Norman
Ranking Member
Subcommittee on Environment



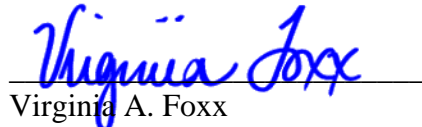
Pete Sessions
Ranking Member
Subcommittee on Civil Rights and
Civil Liberties



Jim Jordan
Member of Congress



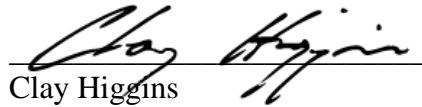
Paul A. Gosar, D.D.S.
Member of Congress



Virginia A. Foxx
Member of Congress



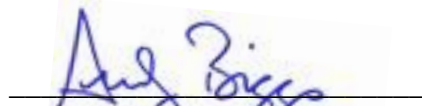
Bob Gibbs
Member of Congress



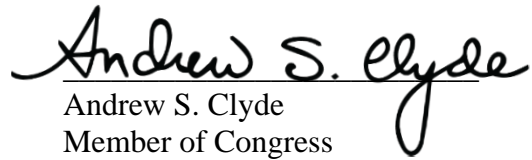
Clay Higgins
Member of Congress



Fred Keller
Member of Congress



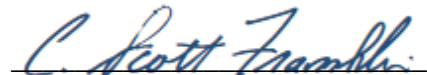
Andy Biggs
Member of Congress



Andrew S. Clyde
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Nancy Mace
Member of Congress



Scott Franklin
Member of Congress




Jake LaTurner
Member of Congress



Pat Fallon
Member of Congress



Yvette Herrell
Member of Congress



Byron Donalds
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna, Chairman
Subcommittee on Environment

The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties