



Montana State Legislature

MONTANA HOUSE OF REPRESENTATIVES

Representative Kim Abbott

Minority Leader
House District 83

January 31, 2024

Director Charlie Brereton
Montana Department of Public Health and Human Services
PO Box 4210
Helena, MT 59604-4210

Dear Director Brereton:

I am writing to submit a formal public information request of your Department under the framework set forth by SB 232 from the 68th Legislative session (MCA 2-6-1006). The information I am seeking is a word-for-word copy of the information requested by the entirety of the Children, Families, Health and Human Services (CFHHS) Interim Committee on November 21, 2023. The Committee requested the Department's response by January 8, 2024, but that deadline was not met. During the CFHHS meeting on January 18, 2024, you stated that the Department would not be complying with this request for information from the CFHHS committee.

The data the Committee requested is essential for the public to fully understand the impact your Department's policies and procedures are having on health care coverage in Montana. The redeterminations of Medicaid eligibility that your Department began in April 2023, and the subsequent impact on Montanans' health insurance coverage through Montana Medicaid or Healthy Montana Kids, will cause lasting harm to our state's families, small businesses, and health care system. What scant data your Department has released to date shows that over 120,000 Montanans have lost their health care coverage, but we know little beyond that one number.

Lawmakers like myself and the Montanans we represent do not know how various communities have been affected by this process. We do not know whether all communities are represented proportionally in the tens of thousands of people your Department has stripped of health care. We cannot know if some of the folks who lost their coverage were aged-out foster kids who were forced to go through a red tape-laden process from which they are federally exempt, or parents who responded on time, only to find that your Department's backlog cost them coverage.

You refused to undertake this redetermination process in a responsible way that would minimize coverage losses. Now you refuse to be held accountable for the damage your Department has done. Your attempt to excuse this behavior is unacceptable. If any private business ran this way they would certainly be looking for a new CEO.

My request in this letter serves as an invocation of the provisions of SB 232 (MCA 2-6-1006) and Article II, Section 9 ("Right to Know") of the Montana Constitution, which legally obligates you to produce information for public inspection. The specific information I am requesting is included as an attachment, titled "Medicaid Redeterminations - Requested Data". I look forward to receiving your confirmation that you have received this request by February 7, 2024. I anticipate that confirmation will state whether the Department can fulfill this request within "5 working days of [your] acknowledgement of receipt of the request", or how much additional time you require to fulfill this request, not to exceed 90 days.

Montanans have a Constitutional right to know the information I am requesting concerning Medicaid redeterminations. Any continued refusal to supply this information violates that fundamental right. I appreciate your attention to this important matter.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Kim Abbott', with a stylized, flowing script.

Kim Abbott

Cc: Office of Public Information Requests, Department of Administration
Encl: Medicaid Redeterminations - Requested Information

Medicaid Redeterminations - Requested Information

[I request] any and all data, including disaggregated data, concerning renewals, terminations, and pending eligibility determinations covering the time period up to and including January [31]. There are several specific requests within this request:

- The number of children whose coverage has been terminated, renewed, or for whom eligibility redetermination is still pending, under Medicaid and Healthy Montana Kids (HMK).
- A breakdown by age of how many children have had their coverage terminated, renewed, or for whom eligibility redetermination is still pending, under Medicaid and HMK.
- How many children had coverage terminated in households where a parent's coverage terminated in households where a parent's coverage was also terminated, under Medicaid and HMK?
- A breakdown by age of how many children have had their coverage terminated or renewed, or for whom eligibility redetermination is still pending, under Medicaid and HMK.
- A breakdown by gender of how many children have had their coverage terminated or renewed, or for whom eligibility redetermination is still pending, under Medicaid and HMK.
- How many children had coverage terminated in households where a parent's coverage was renewed, under Medicaid and HMK?
- How many American Indian/Alaska Native children have had their coverage terminated or renewed, or for whom eligibility redetermination is still pending, under Medicaid and HMK?
- How many children covered by traditional Medicaid versus how many children covered by HMK have had their coverage terminated or renewed, or for whom eligibility redetermination is still pending?
- Total terminations, renewals, and redetermination cases still pending by county for all children.
- The number of adults whose coverage has been terminated or renewed, or for whom eligibility redetermination is still pending.
- A breakdown by age of how many adults have had their coverage terminated or renewed, or for whom eligibility redetermination is still pending.
- A breakdown by gender of how many adults have had their coverage terminated or renewed, or for whom eligibility redetermination is still pending, under Medicaid.
- How many adults covered by traditional Medicaid versus how many adults covered by Medicaid expansion have had their coverage terminated or renewed, or for whom eligibility redetermination is still pending?
- How many American Indian/Alaska Native adults have had their coverage terminated or renewed, or for whom eligibility redetermination is still pending?
- Total terminations, renewals, and redetermination cases still pending by county for all adults.