



August 15, 2013

Kevin Concannon
Under Secretary
Food, Nutrition and Consumer Services
U.S. Department of Agriculture

George Sheldon
Acting Assistant Secretary
Administration for Children and Families
U.S. Department of Health and Human Services

Cindy Mann
Deputy Administrator/Director
Center for Medicaid and CHIP Services
Centers for Medicare and Medicaid Services
U.S. Department of Health and Human Services

Re: Sharing of Verifiable Data Received from Federal Data Hub

Dear Mr. Concannon, Mr. Sheldon and Ms. Mann:

The American Public Human Services Association (APHSA) through its IT Solutions Management (ISM) affiliate, and TechAmerica's Human Services Information Technology Technical Advisory Group (HSITAG), comprised of health and human services industry partners and other stakeholders, respectfully request your three agencies clarify and provide additional guidance around the sharing of federal data (e.g. SSA, DHS and IRS) that is verified through the Federal Data Services Hub (the Hub). Current guidance suggests that data already known to the agency but subsequently verified through the hub may *not* be shared with other state human service programs¹. We believe this interpretation unnecessarily restricts information sharing that otherwise enables more efficient and less costly verification of applicants seeking to be determined eligible for, and enrolled in, appropriate programs.

As you know, many people who are eligible for Medicaid/CHIP are also eligible for human services benefits and services. Sharing of application information can reduce administrative duplication of effort, save money, and increase the likelihood that clients will receive appropriate and timely benefits aimed at reducing long term costs to the system.

¹ *Federal Data Hub Services Frequently Asked Questions*, Centers for Medicare and Medicaid Services, May 17, 2013.

Under current regulation², state Medicaid agencies or other designated state agencies responsible for determining an individuals' eligibility for Medicaid or other affordable insurance programs, are legally allowed to obtain information received from the Hub which will be used to verify income, citizenship and immigration status from the Internal Revenue Service (IRS), Social Security Administration (SSA), and the Department of Homeland Security (DHS)³. The regulations, "allow state Medicaid agencies to release data, or request data from certain *other state agencies* pending it is sent and received by secure electronic interfaces and once written agreements outlining the safeguards limiting use and disclosure of information required by federal or state law or regulations are in place. *Other state agencies* are defined in regulation as ones' determining eligibility for other insurance affordability programs; child support programs; and Social Security Old-Age, Survivors and Disability Insurance Benefits as well as Supplemental Security Income benefits." There is no mention of other human service programs such as child welfare, child care, Temporary Assistance for Needy Families (TANF), Low Income Heating and Energy Assistance Program (LIHEAP), vocational rehabilitation, and public health programs like behavioral health.

Section 1561 of the Affordable Care Act, and subsequent guidance⁴ released by the Administration, encourages, and, in some instances, requires interoperability between health and human service programs. We are concerned that if states cannot use federal data verified through the Hub for programs other than Medicaid, CHIP and state-based Marketplaces, the following unintended negative consequences will occur:

- Clients will not be served most effectively
- Public resources will not be used efficiently due to duplication of efforts
- There will be a significant breakdown in states' ability to provide early detection of systemic problems and provide the necessary intervention.
- The ability to further reduce, prevent and detect fraud, waste and abuse in these programs could be impacted

Issues of agency and workforce capacity are also paramount; human service agencies will remain key portals for individuals and families seeking assistance both for human services and health. Many people have traditionally turned first to human services in time of need and can be expected to continue to do so; thus as new health programs are using verifiable data obtained from the Hub, the inability for them to share the data with human services will create inefficiencies for these agencies serving the same clients by producing duplicative systems incurring increased cost and effort to states to administer.

The ability for data-sharing across state agencies designated to determine Medicaid eligibility and human service agencies provides states with an unprecedented chance to achieve significantly more effective outcomes at less cost and in a far more accessible manner for those being served. In the present fiscal climate, such opportunities are rare and the next such opportunity may be far into the future.

² §42 CFR Parts 431.10 & 431.11

³ §42 CFR Part 435, section 949

⁴ *Enhanced Funding Requirements: Seven Conditions and Standards: Medicaid IT Supplement (MITS-1101-v1.0)*. Centers for Medicare and Medicaid Services, April 2011.

If we do not do all we can to encourage states to expand their data utilization and information sharing and institutionalize this process, we may miss this critical opportunity to impact the operations of state human service programs.

Thank you in advance for your joint efforts to address this important matter. We would greatly appreciate your timely review of this issue. We would hope that states could receive a clarification in time to guide operations starting in October 1, 2013.

If you have any questions please contact Megan Lape, APHSA's Coordinator for the National Workgroup on Integration at (202)682-0100,x265/(mlape@aphsa.org) or Pam Walker, TechAmerica's Senior Director, Homeland Security at (202)[682-4422](tel:682-4422)/pamela.walker@techamerica.org.

Sincerely,



Tracy L. Wareing
Executive Director
American Public Human Services Association

&



Jerry Friedman
Chair
HSITAG
TechAmerica

CC:

Audrey Rowe
Administrator
Food and Nutrition Services
U.S. Department of Agriculture

Jessica Shahin
Associate Administrator
Food and Nutrition Services

U.S. Department of Agriculture

Jessica Kahn
Senior IT Director
Center for Medicaid and CHIP Services
Centers for Medicare and Medicaid Services
U.S. Department of Health and Human Services

Joseph Bodmer
Director
Division of State and Tribal Systems
Administration for Children and Families
U.S. Department of Health and Human Services