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MEDICARE RIGHTS CENTER

TESTIMONY

**ON THE HEALTH/MEDICAID BUDGET OF THE
2023-2024 NEW YORK STATE EXECUTIVE BUDGET**

Submitted to

**The Senate Finance Committee
and**

The Assembly Committee on Ways and Means

**TUESDAY, FEBRUARY 28, 2023
NEW YORK, NY
SUBMITTED BY:**

FRED RICCARDI, PRESIDENT

Introduction

The Medicare Rights Center works to ensure access to affordable health care for older adults and people with disabilities through counseling and advocacy, educational programs, and public policy initiatives. Each year, Medicare Rights provides services and resources to over three million people with Medicare, family caregivers, and professionals as they navigate their health insurance, appeal coverage denials, and try to determine which coverage best suits their health needs. We develop education and public policy initiatives and work with New York State and Federal partners to improve the Medicare and Medicaid programs.

We are members of the statewide Managed Care Consumer Assistance Program (MCCAP) and the Community Health Advocates (CHA) networks. Our organization provides technical assistance and support to New York's Health Insurance Information Assistance Program (HIICAP) and community-based organizations across New York State. In addition, Medicare Rights is a specialist agency of the Independent Consumer Advocacy Network (ICAN), which provides consumer assistance to people with long-term care needs who are enrolled in Medicaid managed care plans and the Community Health Access to Mental Health and Addiction Services Project (CHAMP), which provides assistance with access to behavioral health services.

Medicare Rights would like to thank the chairs and members of the respective committees for the opportunity to submit testimony on the Health/Medicaid Budget of the 2023-2024 New York State Executive Budget. Medicare Rights also facilitates the Coalition to Protect the Rights of New York's Dually Eligible, a diverse group of over 50 consumer-based interests, agencies, and perspectives working to shape the managed care programs that coordinate care for older New Yorkers and those with disabilities who are dually eligible for Medicare and Medicaid, and the Medicare Savings Coalition that includes dozens of community-based organizations, and State and Federal partners.

More than 3.4 million New Yorkers rely on Medicare for health insurance coverage. In 2021, 33% of the state's Medicare beneficiaries had incomes below 200% of the federal poverty level. Continuing to provide education and assistance for this population is necessary.

We would like to share with the committees some additional comments regarding the following proposals in the Governor's Budget: funding for MCCAP; funding for CHA; funding for CHAMP, EPIC expansion for individuals enrolled in alternative prescription drug coverage; and the increased budget for the NYSOH.

Medicare Rights supports funding for the Managed Care Consumer Assistance Program, the state's community-based consumer assistance program for people with Medicare.

We would like to thank Governor Hochul for including level funding for the Managed Care Consumer Assistance Program (MCCAP) in her 2023-2024 budget. MCCAP is a statewide program that provides essential assistance to low-income seniors and people with disabilities in accessing health services and reducing their Medicare costs. Medicare Rights has been a member of the MCCAP network of community-based organizations since the program's inception. Along with the other members of the MCCAP, Medicare Rights collaborates with the New York State Office for the Aging (NYSOFA) to take referrals of complicated cases and resolve complex Medicare issues. An additional \$1M in funding, for \$2,767,000 total, would allow MCCAP organizations to expand outreach and enrollment efforts for the Medicare Savings Programs and Extra Help. This is especially important now that close to 300,000 New Yorkers have become eligible for the Medicare Savings Program after its expansion last year. Each enrollment into Medicare cost-saving programs we process saves an individual an estimated \$7,200 in annual out-of-pocket health care costs.

Medicare Rights supports funding for Community Health Advocates, New York State's statewide health care consumer assistance program.

Medicare Rights would like to applaud the Hochul Administration's allocation of \$3.5 million and requests an allocation of \$1.734 million for Community Health Advocates (CHA), shared by both Houses, in the 2023-2024 budget. This appropriation from the Legislature would be added to the \$3.5 million allocated in the Executive Budget, to maintain current funding level at \$5.234 million in FY24.

Community Service Society of New York administers the CHA program in partnership with three specialist agencies: the Medicare Rights Center, Empire Justice Center, and The Legal Aid Society. Together, these agencies have developed a strong, statewide learning community of direct service providers at community by providing training and technical assistance and handling complex health insurance cases. CHA provides local services through community-based organizations in every county in New York State.

Medicare Rights supports the increase in funding for New York State of Health, the state's health insurance marketplace.

Medicare Rights applauds the Executive Budget "\$523 million in total gross funding (18 percent increase from FY 2022) for the operation of the NY State of Health in FY 2023."

NYSOH administers important coverage for many New Yorkers, including Medicaid and the Essential Plan.

We urge upgrading technology for equitable access in the Medicaid program.

During the COVID-19 public health emergency, New York State Department of Health suspended the work-around transition from NYSOH to the local Medicaid offices to process eligibility determinations for the Aged, Blind, and Disabled (ABD) Medicaid category. Currently, local Medicaid offices are using decades-old technology to determine ABD eligibility and manage enrollment. Moving forward, one system through NYSOH should be utilized for Medicaid eligibility and enrollment.

Medicare Rights supports Senate bill S966, which expands eligibility for the EPIC program.

Currently, the Elderly Pharmaceutical Insurance Coverage (EPIC) Program provides prescription drug assistance to New Yorkers age 65+ enrolled in Medicare Part D. EPIC pays prescription drug premiums and lowers copayments for drugs. However, many in this population retain retiree insurance or other forms of prescription drug insurance rather than enroll in Medicare's Part D benefit. And though these individuals meet the income eligibility requirements for EPIC enrollment, they cannot access coverage because they choose to maintain alternative prescription drug insurance.

S966 would allow individuals who have creditable coverage, meaning coverage comparable to a Medicare Part D plan, to also be eligible for EPIC if they otherwise qualify. This change would create savings for older adults across the state. We urge immediate action.

Medicare Rights supports Senate bill S4622, which simplifies enrollment and recertification for Medicaid recipients.

Streamlining enrollment and recertification for Medicaid and Medicare Savings Program enrollees will lead to more New Yorkers receiving and maintaining benefits.

S4622 amends Public Health Law to enable auto assignment in managed long-term care, make recertification less burdensome, allow for attestation, and a number of other improvements for Medicaid and MSP recipients.

Medicare Rights supports repeal of the Medicaid asset test.

Last year, we applauded the Governor for proposing repeal of the Medicaid asset test for older adults and people with disabilities, but that provision fell out during budget negotiations. We urge that the asset test be eliminated so that no one in the state faces onerous eligibility rules for the same coverage and allows for eligibility equity for older adults and people with disabilities. If not eliminated, we urge consideration to increase the asset limit this year from 150% to 600% of the Federal poverty level. Short of full repeal, increasing the liquid asset limit will make access to health care more equitable.

Medicare Rights supports expansion of the Medicaid Buy-In program.

Medicare Rights applauds the Governor for including expansion of the Medicaid Buy-In for Working People with Disabilities (MBI-WPD) in this year's proposed budget. MBI-WPD increases the income limit to allow people with disabilities to earn above the mainstream threshold. This is important because Medicaid covers long term services and supports that are not covered by Medicare and other coverage. The budget proposes to increase the income limit and eliminate the age limit and spousal income limit. We urge the Legislature to enhance the Governor's proposal by eliminating premiums and the proposal to cap the program at 30,000 people.

Medicare Rights supports ending medical debt.

While Medicare Rights applauds the Legislature for outlawing the practice of medical liens and wage garnishments, many New Yorkers continue to avoid necessary medical care because of the costs. New Yorkers must have access to hospital financial assistance through a single application form, as proposed by the Administration's Article VII bill, but expand it to be consistent with the Ounce of Prevention Act (S1366) and also protect New Yorkers with medical debt from adverse credit reporting of medical debts.