

October 24, 2007

Kerry N. Weems  
Acting Administrator  
Centers for Medicare and Medicaid Services  
Room 314 G  
200 Independence Avenue, SW  
Washington, DC 20201

Dear Mr. Weems:

We are writing to you to follow up on the report issued by the Government Accountability Office (GAO) on July 24, 2007, which addressed the process for approving Medicaid waivers under Section 1115 of the Social Security Act. In looking at the approval process for waivers submitted by Florida and Vermont, the GAO found that both states took steps to obtain input at the state level, but that the Department of Health and Human Services (HHS) did not provide an opportunity for public input at the federal level.

The undersigned groups representing health care providers, children and parents, seniors, and people with disabilities include many national organizations with members from around the country. Given our direct stake in the Medicaid program, we were pleased to see press accounts of your comments in which you recognized the importance of operating your agency in a transparent manner. The GAO report presents an opportunity for us to work together to enhance public involvement and increase the transparency of the work of CMS.

As noted in the GAO report, HHS issued policy in 1994 stating that it would notify interested organizations when it received a waiver proposal and allow a 30-day public comment period. Although that policy has never been rescinded, the agency now contends that public input is not necessary. The GAO disagreed, pointing out a number of reasons why input is necessary at the federal level, including potential implications of waivers for other states and the fact that the proposals are not final until they reach HHS.

The GAO recommended that an opportunity for public comment be made available at the federal level, and stated that in the absence of action by HHS, Congress should require such a process through legislation. Given your recognition of the importance of transparency and your pledge to conduct the agency's business in the open, we would like to request an opportunity to meet with you to discuss improvements in the waiver process that could respond to the concerns outlined in the GAO report.

Please let us know when we may be able to meet with you by contacting Judith Solomon at 202-408-1080 or [solomon@cbpp.org](mailto:solomon@cbpp.org). Thank you.

AARP

American Federation of State, County and Municipal Employees (AFSCME)

Alzheimer's Association

American Association of People with Disabilities

American Association on Intellectual & Developmental Disabilities

American Health Care Association

American Music Therapy Association

American Network of Community Options and Resources.

Association of Assistive Technology Act Programs (ATAP)

Bazelon Center for Mental Health Law

Child Welfare League of America

Children's Dental Health Project

Council for Health & Human Service Ministries, United Church of Christ, Cleveland Ohio

disAbility Resource Center, N. Charleston, SC

Easter Seals

Families USA

First Focus

HIV Medicine Association

Lutheran Services in America

Mental Health America

National Alliance on Mental Illness

National Association for Children's Behavioral Health

National Association of Community Health Centers

National Center for Assisted Living

National Disability Rights Network

National Council for Community Behavioral Healthcare

National Health Law Program

National Multiple Sclerosis Society

National Rehabilitation Association

National Respite Coalition

National Senior Citizens Law Center

NCCNHR: The National Consumer Voice for Quality Long-Term Care

Rehabilitation Engineering and Assistive Technology Society of North America

Service Employees International Union (SEIU)

The Arc of the United States

Title II Community AIDS National Network (TIICANN)

United Cerebral Palsy