

**Testimony of Andrew Patterson
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**Before the Committee on Health
Council of the District of Columbia**

Performance Oversight Hearing Regarding the Department of Health Care Finance

March 4, 2021

The Legal Aid Society of the District of Columbia¹ submits the following testimony to urge the Mayor and the Council to ensure that unnecessary barriers to accessing and maintaining enrollment in the District’s Health Care Alliance Program are permanently removed. The Healthcare Alliance Program serves a vital purpose in the District’s public health system, offering health coverage to members of the District’s immigrant communities with low incomes, who might not otherwise be covered. In her upcoming budget, the Mayor should fund the permanent repeal of the Alliance’s six-month, in-person recertification requirement and align the program’s renewal requirements with Medicaid.

We commend the Council and the Department of Health Care Finance (DHCF) for the steps that were taken at the start of the pandemic to ensure that individuals enrolled in public health insurance programs, such as Medicaid and the Alliance, did not lose access to those crucially important services. These measures have included temporarily suspending recertification requirements for both programs as the public health emergency has continued. As we are hopefully moving past the worst days of the pandemic, it is important that DHCF and the Council put in place permanent policy changes to ensure that gaps in our public health and safety net programs do not return when temporary public health emergency protections expire.

¹ The Legal Aid Society of the District of Columbia was formed in 1932 to “provide legal aid and counsel to indigent persons in civil law matters and to encourage measures by which the law may better protect and serve their needs.” Legal Aid is the oldest and largest general civil legal services program in the District of Columbia. Over the last 89 years, Legal Aid staff and volunteers have been making justice real – in individual and systemic ways – for tens of thousands of persons living in poverty in the District. The largest part of our work is comprised of individual representation in housing, domestic violence/family, public benefits, and consumer law. We also work on immigration law matters and help individuals with the collateral consequences of their involvement with the criminal justice system. From the experiences of our clients, we identify opportunities for court and law reform, public policy advocacy, and systemic litigation. More information about Legal Aid can be obtained from our website, www.LegalAidDC.org, and our blog, www.MakingJusticeReal.org.

Fully Funding Bill 23-0890's Alliance Provisions Will Permanently Ease the Burden on Both Vulnerable District Residents and Overburdened District Agencies

In December, the Council passed Bill 23-0890, the Prescription Drug Monitoring Program Query and Omnibus Health Amendments Act of 2020. This Act contains language that, if funded, would shift the Alliance to an annual recertification schedule and end the requirement that recertifications be done in person with the Department of Human Services. Legal Aid strongly supports B23-0890's Alliance provisions, and we urge the Mayor to ensure that this law is fully funded in the District's FY22 budget.

As the Committee is no doubt aware, Legal Aid and other advocates have raised concerns about the burdensome Alliance enrollment and recertification procedures in prior years.² In each of these years, we discussed the unconscionably long lines at Economic Security Administration (ESA) Service Centers – with people attempting to complete face-to-face interviews for Alliance coverage making up a significant proportion of these lines. On multiple dates, Legal Aid discovered scores of people queuing up in front of a Service Center early in the morning, with some people reporting that they arrived before 4:00 a.m., and in weather as cold as 22 degrees.³ We have also testified about numerous people being unable to complete the required face-to-face recertification after being turned away from ESA Service Centers due to limited capacity. Despite these concerns – concerns which are shared by many on the Council as well – prior legislation to permanently end the six-month, in-person recertification requirement was not funded by either the Mayor or the Council.

B23-0890's Alliance provisions fix critical and long-standing problems with the DC Health Care Alliance by: 1) removing the requirement for a face-to-face interview while applying for / recertifying for Alliance coverage; 2) extending the certification period for Alliance enrollees to 12 months; and 3) allowing for recertifications to be completed by phone and online.⁴ By moving to a one-year recertification period and removing the face-to-face interview requirement, DHS will substantially reduce the likelihood of people losing their DC Health Care Alliance coverage – not because they do not qualify – but because they were unable to comply with excessively burdensome administrative barriers.

² See, e.g., Legal Aid Testimony Regarding Agency Performance Oversight for the Department of Human Services (Jan. 29, 2020), <https://www.legalaiddc.org/wp-content/uploads/2020/02/Legal-Aid-DHS-Oversight-Testimony-FY19-FY20YTD-Alliance-FINAL.pdf>; Legal Aid Testimony Regarding Agency Performance Oversight for the Department of Health Care Finance (Feb. 6, 2019), <https://www.legalaiddc.org/wp-content/uploads/2019/02/Legal-Aid-FY18-19-DCHF-Oversight-Testimony-Health-Care-Alliance-FINAL.pdf>

³ Legal Aid Testimony Regarding Agency Performance Oversight for the Department of Human Services (Jan. 29, 2020), <https://www.legalaiddc.org/wp-content/uploads/2020/02/Legal-Aid-DHS-Oversight-Testimony-FY19-FY20YTD-Alliance-FINAL.pdf>

⁴ B23-0890, Title II D.C. Health Care Alliance Reform.

B23-0890 will end the onerous application and recertification requirements that have been imposed for years on some of the District's most vulnerable residents. The Mayor and Council must ensure that the Act's Alliance provisions are fully funded to finally address these long-standing concerns about the DC Health Care Alliance program.

Conclusion

It is critical that the District not return to the pre-pandemic normal where scores of District residents are waiting in early morning lines at ESA Service Centers to get or maintain Alliance coverage, or where eligible beneficiaries are regularly losing their Alliance coverage because they are unable to navigate these administrative hurdles. We hope the Mayor's budget will include full funding for B23-0890's Alliance provisions, and we strongly urge the Council to provide that funding if the Mayor does not.