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identification purposes

November 18, 2016

Wendi A. Horwitz
Deputy Attorney General
California Department of Justice
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
Via Email to: wendi.horwitz@doj.ca.gov

**Re: Opposition to Requests for Modification of
Condition XI – minimum level of charity care**

Dear Ms. Horwitz:

Health Access California, the state health care consumer advocacy coalition working for quality, affordable healthcare for all Californians, is opposed to **all** requests from nonprofit hospitals seeking to reduce their obligation to provide a certain level of charity care under Condition XI based upon the impact of the implementation of the 2010 Federal Patient Protection and Affordable Care Act. We are aware that you are receiving more and more of these requests, and urge you to deny all of them.

President-elect Donald Trump and Congressional leaders have made clear their intent to repeal the federal Affordable Care Act (ACA). If they do, millions of Californians will lose their health coverage, rolling back the substantial progress California has made in expanding health coverage to millions of low- and middle-income Californians. Repeal of the Medicaid expansion alone would eliminate coverage to over 3.5 million Californians. House Speaker Paul Ryan has also proposed to undo Medicaid's matching guarantee to California¹, which will result in insufficient funding to cover the ongoing health needs of California's poorest residents. National estimates forecast the Ryan proposal will cut Medicaid funding by a third to half in ten years, endangering coverage for millions more Californians.²

Republican Congressional members have also proposed to eliminate the premium and cost-sharing subsidies that help low- and moderate-income people buy coverage through Covered California. 1.3 million people received coverage through Covered California, and 9 out of 10 of these consumers receive financial help to pay their premiums.³

Many of these proposals could be adopted through Budget Reconciliation in January 2017. Although Trump and Congressional Republicans have said they want to "replace" the ACA, they have provided few details on what a replacement plan might look like. As a result, it is difficult to know how many people will lose coverage or have coverage that is unaffordable to them at this time.

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For your reference, I am attaching some information describing the potential impact that repeal of the ACA and changes to the Medicaid program will have on California:

- Health Access California fact sheet: Our Health Care at Risk (November 2016)
- California Budget and Policy Center blog post: With Trump's Victory, Millions of Californians Are at Risk of Losing Access to Affordable Health Care Coverage (November 15, 2016)
- California Budget and Policy Center fact sheet: Federal Health Care Reform Generated Broad Coverage Gains Through 2015, but These Gains Are Now in Jeopardy (November 2016)
- Western Center on Law and Poverty fact sheet: What is at Stake for Medi-Cal under a Trump Presidency? (November 2016)

Given the changing the landscape we are facing, it is premature for hospitals to request to reduce their charity care obligations on the basis that the number of uninsured people have dropped due to the ACA. For these reasons, we respectfully request you to deny all of these requests to modify Condition XI.

If you have any questions or need further information, please contact me at tma@health-access.org or (916) 497-0923 x. 201.

Sincerely,

Tam M. Ma
Policy Counsel

¹ <http://californiahealthline.org/news/california-faces-major-reversal-if-trump-congress-scrap-health-law/>

² Center for Budget and Policy Priorities: Per Capita Caps or Block Grants Would Lead to Large and Growing Cuts in State Medicaid Programs. See: <http://www.cbpp.org/research/health/per-capita-caps-or-block-grants-would-lead-to-large-and-growing-cuts-in-state>

³ Written Testimony of Peter V. Lee, Executive Director of Covered California to the US House of Representatives Committee on Ways and Means (July 12, 2016). Available at: <http://waysandmeans.house.gov/wp-content/uploads/2016/07/20160712-OS-Testimony-Peter-Lee.pdf>