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Re: Comments on Texas Healthcare Transformation and Quality Improvement Program waiver amendment to extend postpartum Medicaid eligibility

On behalf of the Texas Council on Family Violence (TCFV), we appreciate the opportunity to submit comments on the Texas Health and Human Services Commission's (HHSC) planned amendment to the Texas Healthcare Transformation and Quality Improvement Program (THTQIP) waiver under section 1115 of the Social Security Act to extend Medicaid eligibility for qualified pregnant women for a total of six months postpartum coverage, as announced in the *Texas Register* (47 TexReg 1932-1933, April 8, 2022). We support the THTQIP waiver amendment because extending postpartum Medicaid coverage will promote health for mothers and babies and is especially important for pregnant and postpartum survivors of family violence.

Pregnancy complications, such as postpartum depression, hemorrhage, infection, and cardiac event, remain a significant concern in Texas, leading to long-term health issues for mothers and babies as well as pricey hospital stays or procedures, and higher costs to Medicaid and the state. Pregnant and postpartum women who experience family violence are at even higher risk for pregnancy complications, including increased rates of postpartum depression, preterm birth, low birth weight, and substance use.¹ The Texas Maternal Mortality & Morbidity Review Committee found that “[m]ental disorders, including those associated with substance use disorder (SUD), were a leading underlying cause of pregnancy-related death and occurred most frequently between 43 days to 1 year postpartum.” Further, intimate partner homicide is also one of the leading causes of death among pregnant women.²

¹ Parker, B. et al. “Physical and Emotional Abuse in Pregnancy: A Comparison of Adult and Teenage Women”. *Nursing Research*, Vol 4, No. 2, pg. 80. 2000.

² Campbell JC, Glass N, Sharps PW, Laughon K, Bloom T. (2007). Intimate partner homicide: Review and implications of research and policy. *Trauma Violence Abuse*, 8:246–269

Chang, Jeani, Berg, Cynthia, Saltzman, Linda; and Herndon, Joy. (2005). Homicide: A Leading Cause of Injury Deaths Among Pregnant and Postpartum Women in the United States, 1991-1999. *American Journal of Public Health*, 95(3): 471-477.

Wallace, Maeve PhD; Gillispie-Bell, Veronica MD; Cruz, Kiara MPH; Davis, Kelly MPA; Vilda, Dovile PhD Homicide During Pregnancy and the Postpartum Period in the United States, 2018–2019, *Obstetrics & Gynecology*: November 2021 - Volume 138 - Issue 5 - p 762-769 doi: 10.1097/AOG.0000000000004567

In Texas, maternal mental health conditions affect more than 1 in 8 pregnant and postpartum women. Untreated maternal mental health conditions are costly and have multigenerational consequences for parents and children. A recent Mathematica study found that failing to treat maternal mental health conditions costs Texas \$2.2 billion for one year of births due to productivity losses, child and behavioral and developmental disorders, and maternal health expenditures.³

Access to health insurance is key to addressing these challenges. House Bill (HB) 133, 87th Legislature, Regular Session, 2021 sought to improve access by extending Medicaid health insurance for six months after pregnancy. Extended Medicaid coverage will improve access to medical and mental health care including addressing the costs of untreated postpartum depression in Texas, and support infants and toddlers during the critical early years of brain development.

We commend HHSC for developing the amendment to the THTQIP 1115 waiver as directed by HB 133 and we agree that extending postpartum coverage will have long-term benefits of improving continuity of care across the life cycle. To ensure healthy pregnancies and births and thriving families, increased access to health care coverage for Texas parents – regardless of pregnancy outcome – is needed and this amendment to the THTQIP 1115 waiver is an important first step.

At the time of HB 133’s consideration, a handful of states seeking to extend postpartum Medicaid coverage had 1115 waiver requests pending before the Centers for Medicare & Medicaid Services (CMS). Additionally, the American Rescue Plan Act of 2021 had just created a new option to extend Medicaid postpartum coverage to a full year via a state plan amendment (SPA) that became available on April 1, 2022.⁴

Today, more than half the states are working to extend postpartum Medicaid coverage for a full year after pregnancy or already have it in place, including Louisiana, Florida, West Virginia, South Carolina, and Georgia, among others.⁵ While states have increasingly used the new SPA option⁶, five 1115 waivers have been approved by CMS.⁷ Texas, however, is one of only two states known to be seeking to extend postpartum Medicaid coverage for less than one year⁸ – and Georgia, a state that was cited during the consideration of House Bill 133, is expected to withdraw its waiver following recent legislation to extend coverage to a full year.⁹

³ Mathematica. “Untreated Maternal Mental Health Conditions in Texas: Costs to Society and to Medicaid.” (March 2020).

⁴ [Pub. L. 117-2](#) (March 11, 2021).

⁵ Kaiser Family Foundation. [Medicaid Postpartum Coverage Extension Tracker](#). (April 15, 2022).

⁶ As of April 13, 2022, CMS had approved Louisiana’s SPA and reported that it was actively working with another eleven states and the District of Columbia to extend postpartum coverage for a full year after pregnancy. See White House Fact Sheet, [Biden-Harris Administration Announces Additional Actions in Response to Vice President Harris’s Call to Action on Maternal Health](#) (April 13, 2022).

⁷ In 2021, [Illinois](#), [New Jersey](#), and [Virginia](#) were the first states to use 1115 waivers to provide a full year of continuous postpartum Medicaid coverage. Additionally, [Georgia](#) received 1115 waiver authority to extend the postpartum eligibility period to a more limited six months; however, Georgia recently enacted legislation to extend coverage to a full year and is expected to withdraw its waiver. [Missouri](#) also implemented a limited benefit package for individuals with substance use disorder using an 1115 waiver – but paused implementation in February 2022 following voter approval of Medicaid expansion and pending legislative direction on whether to seek a state plan amendment.

⁸ Following legislative direction to seek an 1115 waiver, [Wisconsin](#) is proposing to extend postpartum Medicaid coverage to three months.

⁹ [Senate Bill 338](#), Georgia General Assembly, 2021-2022 Regular Session.

Regardless of the outcome of the THTQIP waiver amendment, it is our hope that the Texas Legislature and HHSC will continue exploring options to extend Medicaid coverage for new mothers to one year postpartum, as recommended by Texas' Maternal Mortality & Morbidity Review Committee and as proposed by most states.¹⁰

We appreciate the opportunity to submit comments on these important issues affecting Texas mothers. If you have any questions or need more information, please contact Krista Del Gallo at kdelgallo@tcfv.org

Sincerely,

Krista Del Gallo

Krista Del Gallo

Legislative Director

Texas Council on Family Violence

¹⁰ [Maternal Mortality and Morbidity Task Force and Department of State Health Services Joint Biennial Report](#). (December 2020).