



January 30, 2015

Gene L. Dodaro
Comptroller General of the United States
Government Accountability Office
441 G St., NW
Washington, DC 20548

Dear Mr. Dodaro:

We the undersigned organizations representing the interests of women and infants write today to express concern over recent appointments to the Medicaid and CHIP Payment and Access Commission (MACPAC). Specifically, we believe the statutory requirement that the Commission include a representative of pregnant women has not been fulfilled through recent GAO appointments to the Commission.

Medicaid is the most important provider of health coverage for pregnant women in the United States, covering nearly half of all births.¹ For this reason, when drafting statutory language describing the commissioners to hold seats on MACPAC, the Congress specified that, “Such membership shall also include representatives of children, pregnant women, the elderly, individuals with disabilities, caregivers, and dually eligible individuals, current or former representatives of State agencies responsible for administering Medicaid, and current or former representatives of State agencies responsible for administering CHIP.”²

On December 19, 2014, the GAO announced new appointments to MACPAC for 2015.³ Notably, one of the commissioners replaced by the newly announced appointees was Denise Henning, CNM, MSN, a certified nurse-midwife with many years of experience caring for pregnant women and their newborns. Unfortunately, none of the commissioners selected by GAO to replace Ms. Henning, or any of the other commissioners who had completed their terms, appears to have had substantive experience either caring for pregnant women as a provider, or

¹ Markus, et. al., “Medicaid Covered Births, 2008 to 2010, in the Context of the Implementation of Health Reform,” *Women’s Health Issues*, vol. 23, issue 5, e273-e280. Available at:

<http://www.whijournal.com/article/PIIS1049386713000558/fulltext#tbl1>

² 42 USC §1396(c)(2)(B)

³ See: http://www.gao.gov/press/macpac_appointments_2015.html

advocating on their behalf in some other stakeholder capacity. Further, a review of the biographies for other existing commissioners reveals a similar situation.⁴

Some current commissioners have had responsibilities that included services to pregnant women, for example, three are former state Medicaid directors. However, the responsibility for serving pregnant women has been only one portion of their larger set of responsibilities and it is doubtful these commissioners would understand their role on MACPAC to be specific representatives of pregnant women. Without that clear understanding, they are not likely to keep this key Medicaid constituency at the forefront of their thoughts as they serve on MACPAC.

We are very concerned that the advisory body to the Congress for the most important insurance program for pregnant women in this country does not appear to have a representative of that population who is well versed in both the care they require and concerns they face. We believe this to be a significant shortcoming in the makeup of the Commission and are dismayed the GAO did not select an appropriate representative of pregnant women, as required by the authorizing statute, from among qualified nominees who were put forward.

We strongly urge the GAO to rectify this situation and ensure that its selection of commissioners aligns with the statutory requirement. We would expect that a representative of pregnant women be given a seat on the Commission no later than the next annual opportunity to replace individuals rotating off of the Commission.

Should you have any questions about these matters, please contact Jesse Bushman, ACNM's Director of Advocacy and Government Affairs, at jbushman@acnm.org or 240 485-1843, or Lucia DiVenere, ACOG's Officer of Government and Political Affairs at ldivenere@acog.org, 202-863-2509.

Sincerely,

American Association of Birth Centers
American College of Nurse-Midwives
American Congress of Obstetricians and Gynecologists
Association of Women's Health, Obstetric and Neonatal Nurses
Centering Healthcare Institute
International Center for Traditional Childbearing
Lamaze International
Midwives Alliance of North America
National Association of Certified Professional Midwives
National Women's Health Network
Society for Maternal-Fetal Medicine

cc:

Rep. Fred Upton, Chair, House Committee on Energy & Commerce
Rep. Frank Pallone, Jr., Ranking Member, House Committee on Energy & Commerce

⁴ See commissioner biographies available at: <http://www.macpac.gov/home/commissioners-bios>

Rep. Paul Ryan, Chair, House Committee on Ways & Means
Rep. Sander Levin, Ranking Member, House Committee on Ways & Means
Sen. Lamar Alexander, Chair, Senate Committee on Health, Education, Labor & Pensions
Sen. Patty Murray, Ranking Member, Senate Committee on Health, Education, Labor & Pensions
Sen. Orrin Hatch, Chair, Senate Committee on Finance
Sen. Ron Wyden, Ranking, Senate Committee on Finance
Anne L. Schwartz, PhD, Executive Director, MACPAC