



Instead of reforming Medicaid's unsustainable financing mechanism and targeting public assistance to individuals who really need it, ObamaCare worsens existing problems. ObamaCare's Medicaid expansion will likely add over 600,000 North Carolinians to Medicaid at an *annual* cost to taxpayers (federal taxes plus state taxes) in the state of around \$4 billion. Moreover, the maintenance-of-effort requirement in the law effectively means that states must limit Medicaid spending by cutting provider payment rates or optional benefits. A recent survey of physicians indicated that only 10 percent of them believe individuals who gain Medicaid coverage through ObamaCare will be able to find a suitable primary care physician. Since Medicaid is already too big, the ObamaCare expansion must be repealed.

The most important element of Medicaid reform is to replace the open-ended federal reimbursement with fixed allotments to the states. Doing this will provide states the incentive to reform their programs and stop developing schemes to leverage additional federal dollars. After utilizing its federal allotment, a state would absorb the full cost of additional program spending, so states would form more efficient programs. Fixed allotments would encourage states to control eligibility for their Medicaid programs by limiting the program to individuals who genuinely need public assistance. Greater discipline exercised by states would make future state budget crises less likely.

In order to improve safety net health care, states need flexibility from onerous government rules and mandates. For example, the federal government needs to allow states the ability to reduce the asset exemptions that allow many people to game the rules and qualify for taxpayer-financed long-term care through Medicaid. Greater state freedom to experiment is not only consistent with federalism, it also enables states to be laboratories, where they can adopt a variety of policies and learn from each other about what works and what does not work.

North Carolina should consider a premium assistance model for certain low-income populations in order to increase individual choice and allow improved access to providers. Enrollees would be given a voucher to purchase a private health insurance policy that meets their needs and risk preferences. If federal flexibility is granted, North Carolina needs to impose meaningful income and asset tests for Medicaid on the long-term care side. North Carolina also should increase estate recovery collections after nursing home care to discourage families with means from manipulating the safety net.

One of the most important lessons for state legislators and policymakers is to understand the impact of the open-ended federal reimbursement on state growth and to realize that Medicaid is a national problem, not just a state problem. All states are faced with the same incentive to grow their Medicaid programs because of the federal match. But when all states increase Medicaid enrollment and spending, the result is a very large tax bill. Moreover, unsustainable Medicaid spending is exacerbating the debt crisis at the federal level. If the United States does not get control of this crisis very soon, the problems facing the states now will seem rather trivial. It is paramount that state policymakers put pressure on Washington to reform Medicaid and willingly trade the open-ended federal reimbursement of state spending for freedom from federal roadblocks to make common-sense reforms to their programs.

## **Background**

In the wake of Wisconsin's heated battle over collective bargaining rights, state budget shortfalls leapt into the national headlines. Wisconsin needed to close a \$3.6 billion gap. California faced a \$14 billion shortfall.<sup>1</sup> The

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<sup>1</sup> State Budget Solutions, April 26, 2011, <http://www.statebudgetsolutions.org>

\$3.1 billion Illinois deficit<sup>2</sup> led to a 67 percent hike in its state income tax. For North Carolina, the shortfall stood at \$2 billion.<sup>3</sup> The ledgers of most states across the country told the same story — the states were broke.

With both President Obama's and House Budget Committee Chairman Paul Ryan's (R-Wis.) recent budget proposals, a second concern captured America's attention — the federal government is broke. The United States debt now exceeds \$14.3 trillion. Under President Obama's most recent budget, the Congressional Budget Office (CBO) anticipates the national debt will exceed \$20 trillion by 2020, leaving Americans with hundreds of billions of dollars worth of charges to cover interest on this debt each year.<sup>4</sup>

While each of these crises looms ominously enough when viewed separately, few people fully appreciate how Medicaid binds them together. This is because Washington provides an open-ended reimbursement of state Medicaid spending. Washington covers approximately 60 percent of total Medicaid spending in the form of a federal matching formula. This means if the typical state spends \$1 million on Medicaid, the federal government pays approximately \$600,000 of the tab. The result is that state Medicaid spending actually drives a large portion of federal spending. This is Medicaid's fatal flaw.

The open-ended reimbursement of Medicaid spending is a primary reason for state budget crises and partially explains the federal government debt crisis. The ability to pass costs to taxpayers in other states has fueled Medicaid's growth to an unsustainable level. State Medicaid spending last year usurped state spending on elementary and secondary education as the biggest item in state budgets. Medicaid now consumes 22 percent of the average state budget. And last year Medicaid spending represented over 8 percent of the federal budget.<sup>5</sup>

This is a system designed to fail. Unless the method by which Washington helps states cover Medicaid expenses is changed fundamentally, Medicaid will not only exacerbate the federal budget crisis, it will likely push some states into bankruptcy.

North Carolina's Medicaid problems are in line with those plaguing other states. Over the past two decades, North Carolina's Medicaid spending has soared from just over 10 percent of state spending to just under a quarter of state spending. During this time period, per capita Medicaid spending has grown 20 times faster than spending on education and 10 times faster than state spending on transportation. Unsustainable enrollment growth made North Carolina increasingly dependent on continued federal support for the program. As the recession hit and more individuals were eligible for Medicaid from previous eligibility expansions, states looked to Washington for a bailout.

The bailout came in the form of an increased federal match. For example, as part of the stimulus bill Washington paid for 75 percent of North Carolina's 2009 and 2010 Medicaid expenditures. This meant for every dollar North Carolina spent on Medicaid, Washington sent the state another three. Because North Carolina spent approximately \$2.4 billion on Medicaid, it received \$7.3 billion as a federal match. However, this simply delayed the inevitable day of reckoning. As the overwhelming national debt now forces Washington

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<sup>2</sup> Institute for Illinois' Fiscal Sustainability at the Civic Federation, March 24, 2011, <http://www.civiced.org/iifs/blog/state-deficit-expected-decline-fy2011-due-tax-increases-and-borrowing>

<sup>3</sup> Joseph Coletti, "Budget deficit," Locker Room, May 2, 2011, <http://lockerroom.johnlocke.org/2011/05/02/budget-deficit/>

<sup>4</sup> Letter to Chairman of The Senate Committee on Appropriations Daniel Inouye from Douglas Elmendorf, Director of the Congressional Budget Office, March 18, 2011, at <http://www.cbo.gov/ftpdocs/121xx/doc12103/2011-03-18-APB-PreliminaryReport.pdf> (April 27, 2011).

<sup>5</sup> U.S. Government Printing Office, <http://www.gpoaccess.gov/usbudget/fy10/pdf/budget/summary.pdf>

to trim its budget, the federal government cannot afford to continue to reimburse states at such a large percentage. States must now come to grips with past mistakes that let Medicaid become too big.

For North Carolina, the loss of its “stimulus dollars,” starting July 1, 2011, causes its federal match to drop from 75 percent to 65 percent. This means instead of getting three federal dollars for each dollar the state spent on Medicaid last year, North Carolina will receive \$1.75 for each dollar it spends on Medicaid this coming year. The result? A massive state budget shortfall.

To compound the problem, the Patient Protection and Affordable Care Act, commonly dubbed “ObamaCare,” contained a maintenance-of-effort (MOE) provision that prohibits states from curtailing current eligibility if they are to receive federal dollars. By preventing states from fundamentally restructuring Medicaid, federal guidelines force states to consider slashing already low provider payment rates, thus putting access to care in serious jeopardy

Cutting the Gordian knot requires fundamentally changing the rules:

- 1) If states received a nonfungible Medicaid block grant from the federal government rather than fungible matching funds, each state would have the *incentive* to reign in Medicaid spending.
- 2) If states were freed from the myriad federal mandates (such as the maintenance-of-effort clause of the Patient Protection and Affordable Care Act), they would gain the *ability* to run Medicaid efficiently.

Replacing the current federal financing structure with fixed allotments to the states would help save both state and federal budgets. Without this policy change, states will dig further budgetary holes, and the federal government will face an increased likelihood of a debt crisis.

On April 15, 2011, the House of Representatives passed significant and much-needed Medicaid reform based on House Budget Chairman Paul Ryan’s (R-Wis.) proposal to get control over federal spending. Recognizing that the nation cannot afford the size of the current Medicaid program, Ryan’s proposal repeals the costly ObamaCare expansion of Medicaid (estimated at \$100 billion annually).<sup>6</sup> Ryan’s Medicaid reform ends the open-ended federal reimbursement of state Medicaid spending and allows states greater flexibility to manage their programs without interference from the federal bureaucracy. Ryan’s proposal allows states to experiment with a variety of reform efforts instead of imposing a one-size-fits-all Medicaid program on every state.

Medicaid is now failing because it has become too large to serve efficiently the people it originally was intended to serve. This expansion of eligibility also caused a substantial degree of crowd-out, so taxpayer funds are spent increasingly on individuals who could afford private coverage. This diverts resources from the really poor populations the program serves. Plus there is a lack of evidence that states that have expanded Medicaid have had better health outcomes for their poorer populations. For taxpayers and Medicaid recipients, Congress

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<sup>6</sup> Cost estimates to federal taxpayers for the Medicaid expansion according to the Congressional Budget Office are \$56 billion in FY 2015, \$81 billion in FY 2016, \$87 billion in FY 2017, \$91 billion in FY 2018, and \$97 billion in FY 2019. The Centers for Medicare and Medicaid Services estimates are \$63 billion in FY 2015, \$79 billion in FY 2016, \$72 billion in FY 2017, \$76 billion in FY 2018, and \$81 billion in FY 2019. These estimates do not include the costs to state taxpayers.

Douglas W. Elmendorf, Director, Congressional Budget Office, letter to Nancy Pelosi, Speaker, U.S. House of Representatives, March 20, 2010, at <http://www.cbo.gov/ftpdocs/113xx/doc11379/AmendReconProp.pdf> (June 22, 2010); Centers for Medicare and Medicaid Services, “Estimated Financial Effects of the ‘Patient Protection and Affordable Care Act,’ as Amended,” April 22, 2010, at [https://www.cms.gov/ActuarialStudies/Downloads/PPACA\\_2010-04-22.pdf](https://www.cms.gov/ActuarialStudies/Downloads/PPACA_2010-04-22.pdf) (July 21, 2010).

must chart another course. Washington has to give states greater freedom to determine how to provide a health care safety net within a framework that encourages states to be wise stewards of taxpayer dollars.

*North Carolina's Medicaid Problem*

Over the past two decades, North Carolina's combined state and federal spending per capita has increased 64 percent from roughly \$2,800 to roughly \$4,600 (using inflation-adjusted 2009 dollars), as seen in Table 1.<sup>7</sup> Nearly half of the increase in North Carolina's combined spending is attributable to Medicaid growth. North Carolina's Medicaid spending increased 288 percent over the past two decades, controlling for inflation and population growth. State spending on Medicaid grew over 20 times faster than state education spending and over 10 times faster than state spending on transportation.

In 1989, North Carolina's annual per capita Medicaid total expenditures averaged \$295 (using inflation-adjusted 2009 dollars); in 2009, North Carolina's annual per capita Medicaid expenditures were \$1,143. In 1989, North Carolina spent only \$92 per person (in 2009 dollars) on Medicaid from state revenues, with federal taxpayers paying \$203. By 2009, those amounts had grown to \$432 and \$711, up 370 percent and 251 percent respectively. Medicaid now represents about 25 percent of North Carolina's total government spending, two-and-a-half times the percentage it was 20 years ago.

**Table 1: North Carolina State Per Capita Spending Across Categories**

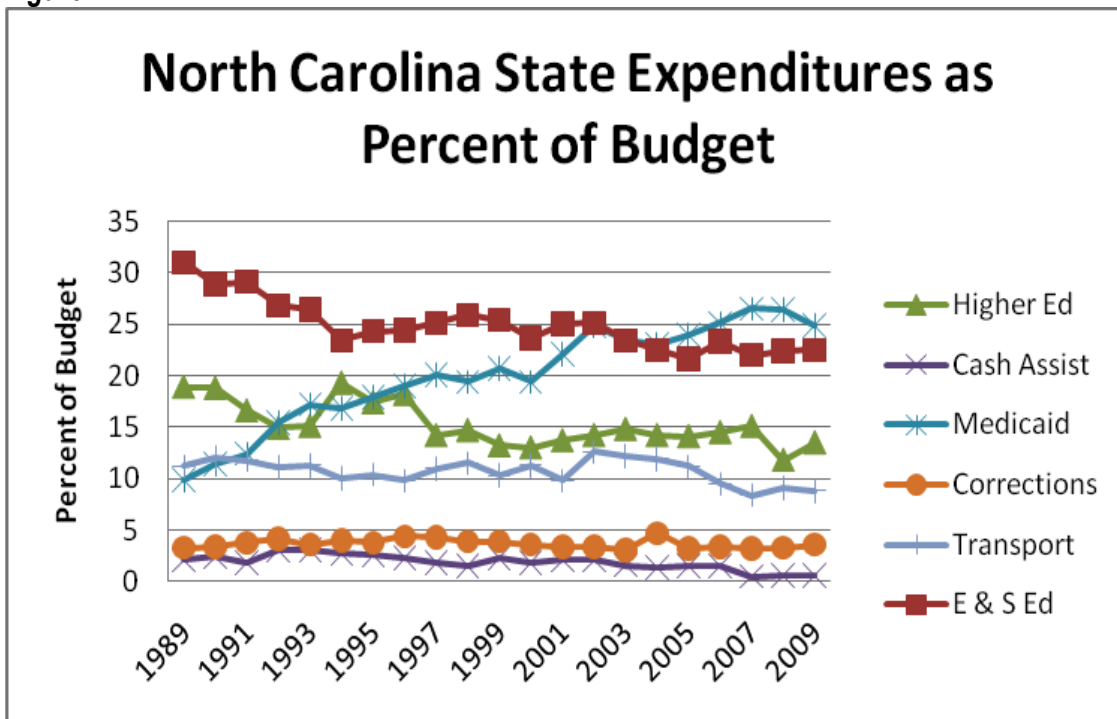
	1989	2009	Growth	Growth Rate
Total State Expenditures	\$2,805	\$4,593	\$1,789	64%
Medicaid	\$295	\$1,143	\$848	288%
Elementary and Secondary Education	\$923	\$1,033	\$109	12%
Higher Education	\$563	\$620	\$57	10%
Transportation	\$334	\$404	\$70	21%
Correction	\$98	\$165	\$67	68%
Cash Assistance	\$63	\$28	-\$35	-56%
Other	\$703	\$1,198	\$495	70%
Source: National Association of State Budget Officers, <i>State Expenditure Report</i> Numbers may not sum due to rounding				

North Carolina's state taxpayers traditionally pay about 36 percent of the state's Medicaid spending, with federal taxpayers paying the remaining 64 percent. In North Carolina an extra dollar of state Medicaid spending brings in an extra \$1.83 in federal spending. The generous federal reimbursement means that Medicaid is one of the last places North Carolina looks for budget savings because each dollar cut from the program results in a loss of federal funds. For example, if North Carolina theoretically cut the Medicaid program in half to save \$1.5 billion of state spending, it would lose an additional \$2.75 billion from Washington.

<sup>7</sup> All spending references in this section are from the National Association of State Budget Officers annual *State Expenditure Report* for years 1990 through 2010.

<http://nasbo.org/Publications/StateExpenditureReport/StateExpenditureReportArchives/tabid/107/Default.aspx>

Figure 1



Despite the impact of the federal Medicaid reimbursement, each dollar North Carolina spends on Medicaid is one less dollar that could have been spent elsewhere or returned to taxpayers. North Carolina’s spending on higher education undoubtedly has been crowded out from increased spending on Medicaid. The percentage of the North Carolina state budget spent on higher education has declined from 8 percent to 5 percent over the past 20 years. Elementary and secondary education has declined from over a third of state spending to less than a quarter of state spending over the same time frame. Figure 1 shows how the makeup of North Carolina’s budget has changed over the past two decades.

#### Medicaid Is in Crisis

Total Medicaid spending soared from \$74 billion in 1990 to an estimated \$427 billion in 2010. Part of the cost increase was driven by Medicaid crowding out private coverage. The crowd-out literature demonstrates that parents with employer-sponsored insurance often remove their children from their policies and enroll them in Medicaid in order to pay less in premiums. Economists Jonathan Gruber and Kosali Simon estimated crowd-out at 60 percent from expansions of Medicaid and the Children’s Health Insurance Program (CHIP) between 1996 and 2002.<sup>8</sup> This means that of 10 individuals who gain Medicaid coverage, about six previously had private health insurance.

In addition to crowding out private coverage, Medicaid also distorts behavior as individuals try to qualify for the program. If a household earns above the Medicaid eligibility cutoff, they lose this coverage. This aspect of Medicaid policy effectively penalizes these households for hard work and earning additional income. Furthermore, since Medicaid benefits are conditional on having few assets, the program discourages personal saving.

<sup>8</sup> Jonathan Gruber and Kosali Simon, “Crowd-out 10 years later: Have recent public insurance expansions crowded out private health insurance?,” *Journal of Health Economics*, Vol. 27 (2008), p. 201-17.

Medicaid also affects behavior in long-term care (LTC) markets since Medicaid reimburses about half of all America's spending on LTC.<sup>9</sup> In fact, LTC now consumes about a third of total Medicaid spending. While there are income and asset requirements for Medicaid LTC eligibility, most states have generous "medical need" income criteria that let applicants deduct health care expenses from their gross income. Given the considerable expense of LTC services, all but very high-income families qualify for Medicaid support.

Generous federal personal asset exemptions also enable many people to qualify for Medicaid LTC without "spending down."<sup>10</sup> In fact, a growing legal industry assists individuals to appear "cash-poor" and qualify for Medicaid LTC.<sup>11</sup> Several recent economics studies demonstrate that Medicaid substantially crowds out the purchase of LTC insurance and personal savings.<sup>12</sup> This distortion of the program's original intent significantly drives up costs and further exacerbates state budget problems.

Medicaid's problems are not limited to the demand side; they are also on the supply side. Most states reimburse physicians at extremely low rates, sometimes lower than one-third of commercial rates. Compounding the problem of low reimbursement, Medicaid requires an inordinate amount of paperwork that drives up doctor's operating costs to the point at which many physicians actually lose money treating patients with Medicaid. Furthermore, the lag time between the date of service and the date of payment is more than twice as long as Medicare or commercial insurance lag times. Finally, the denial rate for Medicaid claims is three times larger than for both Medicare and commercial insurance.<sup>13</sup> These program features reduce the willingness of doctors to treat patients with Medicaid.

As a result, Medicaid patients are increasingly being seen by a smaller subset of doctors. Of physicians accepting new Medicaid patients, only half get more than 30 percent of their total revenue from Medicaid patients. Additionally, small physician practices are increasingly deciding not to see Medicaid enrollees.<sup>14</sup> *New*

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<sup>9</sup>Harriet Kosimar and Lee Shirley Thompson, "National Spending for Long-Term Care," Georgetown University, Long-Term Care Financing Project, February 2006, at <http://ltc.georgetown.edu/pdfs/natspendfeb07.pdf> (July 21, 2010).

<sup>10</sup> Current law allows individuals to exclude certain assets to qualify for Medicaid: a home and all contiguous property with up to \$500,000 in equity (or in some states \$750,000); household goods, regardless of value; one business, including the capital and cash flow of unlimited value; retirement funds such as Individual Retirement Accounts up to \$500,000; one automobile of unlimited value; unlimited prepaid burial plans for the Medicaid recipient and immediate family members; and an unlimited amount of term-life insurance.

<sup>11</sup> The top two results and seven of the top 10 results when searching for "Medicaid" in the books section on Amazon.com are books promoting Medicaid planning techniques. The first book appearing as of January 21, 2011, is *How to Protect Your Family's Assets from Devastating Nursing Home Costs: Medicaid Secrets*. Here is a portion of the product description: "Written by an elder law attorney with over 25 years experience, this book will help anyone with a family member faced with a long-term stay in a nursing home who wishes to preserve at least some of their assets by qualifying for the Medicaid program. You don't have to be broke to qualify! ... The book includes tips on: how to title your home so you do not lose it to the state; how to make transfers to family members that won't disqualify you from Medicaid; how annuities make assets "disappear"; smart tricks for "spending down" your assets; what to change in your will to save thousands of dollars if your spouse ever needs nursing home care; avoiding the state's reimbursement claim following the nursing home resident's death."

<sup>12</sup> Jeffrey R. Brown and Amy Finkelstein, "The Interaction of Public and Private Insurance: Medicaid and the Long-Term Care Insurance Market," *American Economic Review*, Vol. 98, No.3 (2008), pp. 1083–1102; Geena Kim, "Medicaid Crowd-Out of Long-Term Care Insurance with Endogenous Medicaid Enrollment," 12th Annual Joint Conference of the Retirement Research Consortium, 2010.

<sup>13</sup>AthenaHealth, "PayerView 2010: Improving the Way Providers and Payers Work Together," May 2010, at [http://www.athenahealth.com/doc/pdf/whitepapers/PayerView\\_Whitepaper\\_2010\\_Final.pdf](http://www.athenahealth.com/doc/pdf/whitepapers/PayerView_Whitepaper_2010_Final.pdf) (September 29, 2010).

<sup>14</sup>Peter J. Cunningham and Jessica H. May, "Medicaid Patients Increasingly Concentrated Among Physicians," *Health System Change*, August 2006, at <http://hschange.org/CONTENT/866/> (April 7, 2011).

*York Times* health correspondent Robert Pear investigated Medicaid’s access problems, and he quoted one woman as saying that “My Medicaid card is useless for me right now. It’s a useless piece of plastic. I can’t find an orthopedic surgeon or a pain management doctor who will accept Medicaid.”<sup>15</sup>

The experience of one North Carolina physician brings to light how badly Medicaid needs fundamental reform. Dr. Brian Forrest treats only patients who pay out of pocket. By ridding himself of the paperwork and regulatory nightmare of traditional insurance, Medicare, and Medicaid, Dr. Forrest needs only one support staff for every three providers. In contrast, the average family practice office hires four support staff for every provider. This has increased the efficiency of Dr. Forrest’s practice. Rather than needing to see 20 patients a day to break even, Dr. Forrest covers his overhead after seeing just four.

Because of this model’s remarkable efficiency, Dr. Forrest can spend an average of 45 minutes per office visit — even with patients who are on Medicaid. In fact, Medicaid patients who traditionally struggle to find a primary care physician now not only have access to care, they have access to a level of physician dedication that creates truly exceptional outcomes; Dr. Forrest’s clinic was named as one of 26 Cardiovascular Centers of Excellence in the United States.<sup>16</sup>

By contrast, traditional Medicaid recipients not only have poor access to care, but they tend to have worse outcomes for the care they receive. For example, Medicaid enrollees were more likely to experience complications and in-hospital mortality after surgery for colorectal cancer than both privately insured and uninsured patients.<sup>17</sup> Furthermore, a University of Virginia study of nearly 900,000 major operations in the United States found that surgical patients on Medicaid were 13 percent more likely to die in the hospital than *uninsured* individuals, controlling for demographic factors and health status.<sup>18</sup> Studies consistently find that Medicaid enrollees spend more time in the hospital recovering and cost more than both the privately insured and the uninsured.

While other factors unique to Medicaid enrollees likely explain a large portion of these results, there is evidence that suggests Medicaid recipients receive different care than other individuals. One study found that Medicaid patients who suffered a heart attack were significantly less likely than patients with other forms of insurance to receive important clinical interventions.<sup>19</sup> Medicaid patients often receive fewer invasive procedures, such as catheterizations, than do privately insured individuals.<sup>20</sup> Additionally, there are many discharge medications, such as aspirin or Beta-blockers, or interventions such as smoking cessation counseling and rehabilitation, which are much less likely to be given to Medicaid recipients.

One explanation for the different care is that private insurance pays more. A second explanation is that cardiologists are more likely than noncardiologists to use evidence-based therapies to treat heart attacks, and

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<sup>15</sup> Robert Pear, “Cuts Leave Patients with Medicaid Cards, but No Specialist to See,” *New York Times*, April 1, 2011, accessed at <http://www.nytimes.com/2011/04/02/health/policy/02medicaid.html?ref=robertpear> (April 5, 2011).

<sup>16</sup> C.L. Gray, M.D, Brian Forrest, M.D, “A Call to Arms for Doctors... And Patients,” FOXNews.com, Opinion, April 6, 2010.

<sup>17</sup> R. R. Kelz et al., “Morbidity and mortality of colorectal carcinoma surgery differs by insurance status,” *Cancer*, Vol. 101, Issue 10 (2004), pp. 2187-2194.

<sup>18</sup> D. J. LaPar et al., “Primary Payer Status Affects Mortality for Major Surgical Operations,” *Annals of Surgery*, Vol. 252, Issue 3 (2010), pp. 544-551.

<sup>19</sup> E. F. Philibin et al., “Underuse of Invasive Procedures Among Medicaid Patients With Acute Myocardial Infarction,” *American Journal of Public Health*, Vol. 91, No. 7 (2001), pp. 1082-1088.

<sup>20</sup> J. E. Calvin et al., “Insurance Coverage and Care of Patients with Non-ST-Segment Elevation Acute Coronary Syndromes,” *Annals of Internal Medicine*, Vol. 145, No. 10 (2006), pp. 739-748.

Medicaid patients are less likely to be treated by cardiologists.<sup>21</sup> The poor outcomes for Medicaid recipients may also, in part, be the result of Medicaid's role in creating an environment of helplessness and dependency. This may cause some patients on Medicaid to make fewer good decisions regarding their own health.

### *ObamaCare Worsens the Medicaid Dilemma*

Instead of reforming Medicaid to make the program work more efficiently for the people it covers, ObamaCare expands the failing program and prohibits true reform.

By extending eligibility to every individual below 138 percent of the federal poverty level (FPL), The Office of the Actuary at the Centers for Medicare and Medicaid Services estimates that around 25 million new individuals will enroll in the program.<sup>22</sup> A recent economics paper estimates that the law's expansion will have an 82 percent crowd-out rate for working adults and will "shift workers and their families from private to public insurance without reducing the number of uninsured very much."<sup>23</sup> Doctors are generally skeptical of the expansion, and only 10 percent of primary care physicians (PCPs) believe that new Medicaid enrollees in their area will find a suitable PCP after the expansion.<sup>24</sup>

ObamaCare's maintenance-of-effort (MOE) requirement prohibits states from fundamentally restructuring the program. The MOE requirement prevents states from reducing program eligibility, which means states will be forced to cut provider payment rates further or to reduce optional benefits. Given current payment rates are often below the cost of seeing a patient on Medicaid, reducing provider rates further will serve only to exacerbate the access problem and will lead more individuals to seek care in hospital emergency rooms. In many cases, patients on Medicaid simply will not be able to find a physician willing to deal with the new Medicaid guidelines. Some physicians will respond to payment cuts by up-coding, or billing Medicaid for a service that pays more than the service that actually was provided.

States will have little incentive to control the cost of the expansion, as the federal government has agreed to finance 100 percent of the costs of the expansion population for the first three years (2014-2016). However, when Washington reduces the federal subsidy for these new patients (to 90 percent in outlying years), the expansion will again serve to exacerbate state budget shortfalls. At the same time, it will lead states to disregard the true costs of the expansion, as they can pass 90 percent of the cost to out-of-state taxpayers.

One caveat to this increased subsidy is that individuals who apply for Medicaid and who are eligible under the state eligibility criteria in place on July 1, 2008, will not be reimbursed at the enhanced percentage.<sup>25</sup> Rather, for these individuals in North Carolina, the state will be reimbursed at its standard federal medical assistance

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<sup>21</sup> Ibid.

<sup>22</sup> ObamaCare mandates states enroll every applicant in a household at less than 138 percent of the federal poverty level into the program. Rick Foster, chief actuary at the Centers for Medicare and Medicaid Services, recently updated earlier estimates from approximately 20 million to 24.7 million on March 30, 2011, in testimony before the House Energy and Commerce Committee.

<sup>23</sup> Steven D. Pizer, Austin B. Frakt, and Lisa I. Iezzoni, "The Effect of Health Reform on Public and Private Insurance in the Long Run," (March 9, 2011). Available at SSRN: <http://ssrn.com/abstract=1782210>

<sup>24</sup> Doug Trapp, "New Medicaid Patients Will Lack Access, Most Doctors Say," Amednews.com, May 3, 2010, at <http://www.ama-assn.org/amednews/2010/05/03/gvsb0503.htm> (September 30, 2010).

<sup>25</sup> John Holahan and Irene Headen, "Medicaid Coverage and Spending in Health Reform: National and State by State Results for Adults at or Below 133% FPL," Kaiser Family Foundation *Commission on Medicaid and the Uninsured*, May 2010, p. 6, at <http://www.kff.org/healthreform/upload/Medicaid-Coverage-and-Spending-in-Health-Reform-National-and-State-By-State-Results-for-Adults-at-or-Below-133-FPL.pdf> (November 17, 2010).

percentage (FMAP) of 64 percent. This means a key variable determining state costs is how many currently eligible individuals will come out of the woodwork to sign up for Medicaid.

Nationally, about 12 million individuals are eligible for Medicaid but are not yet enrolled.<sup>26</sup> The individual mandate in ObamaCare will serve to push many of them into the program. The bottom line is that ObamaCare's Medicaid expansion results in an enormous increase in both federal and state budgets at the very moment when both levels of government are facing a potential debt crisis. Since ObamaCare worsens Medicaid's financial outlook without any likely beneficial and discernable improvement in health outcomes, Medicaid reform must begin with repealing ObamaCare.

### *ObamaCare's Impact on North Carolina*

In North Carolina, Medicaid currently covers approximately 1.4 million individuals.<sup>27</sup> Utilizing the national estimates released by the Office of the Actuary at The Center for Medicare and Medicaid Services (CMS), The Heritage Foundation estimated that the PPACA will add nearly 630,000 North Carolinians to the program at a seven-year (2014-2020) cost to state taxpayers of nearly \$1.1 billion.<sup>28</sup> The Urban Institute estimated that ObamaCare will cause at least that many North Carolinians to enroll in Medicaid at a higher cost.

There are several reasons to believe the state-only cost estimates are unrealistically low. Several states contracted Milliman Incorporated, an actuarial and econometric consulting firm, to perform state-specific analysis of the Medicaid expansion. Milliman estimated the annual increase in state Medicaid costs would be two to three times more than those estimated by either CMS or the Urban Institute. The Texas Health and Human Services Commission estimated that the annual cost of Medicaid expansion to Texas taxpayers, including a permanent increase in primary care physician rates, would be \$2.7 billion per year; this is about four-and-a-half times greater than the midrange of Urban Institute estimates.<sup>29</sup>

Emphasizing the impact on state budgets diverts attention from the true cost of the expansion. While the vast majority of the expansion will be financed by federal dollars, whether the dollars come from Washington or from the state, taxes will increase — by an estimated \$100 billion (including federal and state funds) each year. And this will have a depressing effect on every state's economy. Taxes — federal and state — paid by North Carolina are estimated to increase by about \$4 billion each year to fund the expansion. When the disappointing care that many Medicaid recipients receive and the perverse incentives created by the program are combined with the \$4 billion in new taxes for North Carolinians, state legislators in North Carolina should question, if not openly fight, the expansion.

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<sup>26</sup>Julie Schoenman, Nancy Chockley, and Brigid Murphy, "Understanding the Uninsured: Tailoring Policy Solutions for Different Subpopulations," National Institute for Health Care Management *Foundation Issue Brief*, April 2008, at <http://www.nihcm.org/pdf/NIHCM-Uninsured-Final.pdf> (November 17, 2010).

<sup>27</sup> Kaiser Family Foundation, *Trends in Medicaid Enrollment, June 2010*, <http://www.statehealthfacts.org/comparetable.jsp?ind=794&cat=4&sub=52&yr=207&typ=1&sort=a> (April 27, 2011)

<sup>28</sup>These figures do not include the federal reimbursement.

Ed Haislmaier and Brian Blase, "PPACA: Impact on States," Heritage Foundation *Backgrounder* No. 2433, July 1, 2010, at <http://www.heritage.org/Research/Reports/2010/07/PPACA-Impact-on-States> (November 18, 2010).

<sup>29</sup>Texas Health and Human Services Commission. "Impact on Texas if Medicaid is Eliminated." December 2010. Available online at [http://www.hhsc.state.tx.us/hb-497\\_122010.pdf](http://www.hhsc.state.tx.us/hb-497_122010.pdf).

## State Medicaid Reform

Common-sense Medicaid reform must occur on two dimensions: financing reform and basic program reforms. Replacing the open-ended federal reimbursement with fixed allotments would discourage states from expanding enrollment to populations that can afford private coverage or that are inappropriate recipients of public assistance. This likely would improve the program for those populations who are genuinely in need of public assistance. Moreover, replacing the current government-centric Medicaid model with a consumer-directed model will likely benefit enrollees and providers.

### *Scrap the Open-Ended Federal Reimbursement*

The open-ended federal reimbursement of state Medicaid spending creates incentives for states to spend carelessly and, in an effort to gain more federal matching funds, to expand the Medicaid program beyond its original mandate. In 2004 Congressional testimony Kathryn Allen, director of Health Care for Medicaid and Private Health Insurance Issues for the U.S. Government Accountability Office, testified that:

For many years states have used varied financing schemes, sometimes involving IGTs (inter-governmental transfers), to inappropriately increase federal Medicaid matching payments. Some states, for example, receive federal matching funds on the basis of large Medicaid payments to certain providers, such as nursing homes operated by local governments, which greatly exceed established Medicaid rates. In reality, the large payments are often temporary, since states can require the local-government providers to return all or most of the money to the states. States can use these funds – which essentially make a round-trip from the states to the providers and back to the states – at their own discretion.<sup>30</sup>

As an illustration of the problem, North Carolina's traditional FMAP is about 65 percent. This means that federal taxpayers kick in \$650,000 for every \$1 million the state spends on a new Medicaid benefit. North Carolina taxpayers pay only \$350,000 of the cost. The real cost of the feature is still \$1 million, but North Carolina policymakers are rational to pursue the feature so long as the added benefit to the state is at least \$350,000. This example illustrates that many Medicaid "benefits" are not worth their corresponding cost. As this example shows, many Medicaid benefits are likely worth less than half the actual cost.

This sets up the classic prisoner's dilemma. If North Carolina policymakers were the only ones to act in this manner, the state would receive a windfall at the expense of taxpayers in other states. However, every state is tempted by the same incentive. In shaping Medicaid policy, state politicians compare the benefits of expanding Medicaid with only the state costs and not the true costs, which include costs to out-of-state taxpayers. When all 50 states expand their Medicaid programs to attract federal dollars, this drives America even deeper into debt. In the end, American taxpayers are left with a bill that far exceeds the actual benefit of the Medicaid program. This marks the epitome of an economic inefficiency.

Medicaid provider taxes are symptomatic of the lengths states will go toward in order to maximize federal support of their program. These taxes are unique because the payers (hospitals and nursing homes) actually seek to be taxed. This is because the state taxes the Medicaid provider and then spends the original tax revenue on the provider. The state then leverages the amount spent on the provider for extra federal matching funds and

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<sup>30</sup> Kathryn Allen, Director of Health Care – Medicaid and Private Health Insurance, "Intergovernmental Transfers Have Facilitated State Financing Schemes," March 18, 2004, testimony before the Subcommittee on Health – Committee on Energy and Commerce.

bumps up the provider payment out of this extra money. This means the state can increase Medicaid spending solely at the expense of federal, but not state, taxpayers. A major benefit of states receiving fixed allotments for their programs is that they would not have any reason to institute these absurd provider taxes. Moreover, state bureaucracies would have no more incentive to attempt to scheme additional taxpayer money through the federal reimbursement.

Washington's persistent state bailouts further encourage the program's unsustainable growth. Over the past decade, each time state budget situations deteriorated, states received a Medicaid bailout — in the form of an increased FMAP.<sup>31</sup> This enabled states to avoid dealing with irresponsible program growth and created a moral hazard in which states looked to Washington to rescue them if their programs grew too expensive.

Medicaid's sizeable crowd-out of private coverage and the lack of evidence that Medicaid delivers quality care underscores the fact that a substantial amount of public spending on Medicaid could be saved without an adverse impact. Putting Medicaid on a fixed budget not only would benefit the American taxpayer, it would provide budget certainty to both the federal and state governments. More importantly, a fixed budget would discourage states from leveraging additional state money to increase their federal Medicaid reimbursement.

This would impose greater discipline on state programs and make future crises less likely. After utilizing its federal allotment, a state would absorb the full cost of additional program spending. Therefore, state policymakers would find a much more efficient level of spending, since additional benefits would be compared to the actual cost of providing them. As an added benefit, states would have a greater incentive to ensure that taxpayer dollars go to individuals who genuinely deserve public assistance. This financing change also would provide states with the incentive to reduce Medicaid fraud, which is estimated in the tens of billions of dollars.

Former UNC president Erskine Bowles and U.S. Senator Alan Simpson, co-chairs of President Obama's Fiscal Commission, proposed converting the federal support of Medicaid long-term care into a capped allotment. This would create a federal budget for Medicaid, out of which states would receive a fixed sum to finance LTC services. The proposal is estimated to save *federal* taxpayers \$89 billion between 2012 and 2020.<sup>32</sup> While the commission's proposal is a step in the right direction, a fixed allotment should encapsulate acute-care services as well. Alice Rivlin, former director of the Congressional Budget Office, and Paul Ryan, chairman of the House Budget Committee (R-Wis.), have proposed state block grants for the entire Medicaid program. The CBO scored the Ryan-Rivlin proposal to save about \$680 billion between 2012 and 2020.<sup>33</sup>

### *Premium Assistance Model*

State Medicaid programs currently pay for health care services that enrollees receive through a one-size-fits-all, fairly comprehensive benefit package. This model is government-centric as state governments choose the

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<sup>31</sup> States received a slightly enhanced FMAP in 2003/2004 and a substantial FMAP increase beginning in July 1, 2008, that is set to expire on June 30, 2011. The bailout in the later period was supposed to expire on December 31, 2010, but it was extended in summer 2010 to last through June 30, 2011.

<sup>32</sup> Co-Chairs of National Commission on Fiscal Responsibility and Reform Proposal, November 10, 2010, at [http://www.fiscalcommission.gov/sites/fiscalcommission.gov/files/documents/CoChair\\_Draft.pdf](http://www.fiscalcommission.gov/sites/fiscalcommission.gov/files/documents/CoChair_Draft.pdf) (April 11, 2011).

<sup>33</sup> CBO scored the Ryan-Rivlin block grant proposal to save \$180 billion from Medicaid, with the repeal of ObamaCare to save another \$500 billion.

Letter to Congressman Ryan, Preliminary Analysis of the Ryan-Rivlin Health Care Proposal, November 17, 2010, at [http://www.cbo.gov/ftpdocs/119xx/doc11966/11-17-Rivlin-Ryan\\_Preliminary\\_Analysis.pdf](http://www.cbo.gov/ftpdocs/119xx/doc11966/11-17-Rivlin-Ryan_Preliminary_Analysis.pdf) (April 11, 2011).

benefit package and set provider payment rates. State flexibility is restricted because the federal government limits the premiums and cost-sharing that enrollees are allowed to pay for services. Instead of utilizing market ideas to control costs by allowing recipients to choose from a variety of benefit packages and out-of-pocket payments, states manage program spending through price and quantity controls. This model causes an overutilization of health services and treats Medicaid enrollees (and parents if only children are enrolled) as children who cannot handle basic choices. Moreover, the current program is unfair to lower-income workers without Medicaid coverage who receive less comprehensive health packages, either as part of their employee compensation or from coverage purchased in the nongroup market.

States should consider a premium assistance model as an alternative to the current Medicaid model.<sup>34</sup> Under premium assistance, a state would provide certain low-income populations with a voucher that could be used to purchase a private health insurance policy, including employer-based coverage, that meets their needs and risk preferences. Enrollees would benefit from increased choice of benefit packages and improved access to providers. If eligibility is controlled, the bulk of the voucher likely would be financed out of the fixed federal allotment.

The voucher should be structured as a fixed amount, with its size depending on household income. For the *lowest*-income households, the voucher should be indexed to a certain percentage of the cost of basic health insurance coverage (around 95 percent) that includes both a “free” annual wellness and dental checkup as well as minimal cost-sharing. The voucher could be increased for a pregnant woman by including a pregnancy rider.<sup>35</sup>

The household is free to take the voucher and buy any type of coverage that it wants, but the more comprehensive the coverage, the more the household would have to pay out-of-pocket. The amount of the voucher should be decreased on a sliding scale as household income rises until reaching a point at which it phases out completely. This type of sliding scale would preserve public funds for those who need them the most and would reduce the implicit marginal tax of losing government benefits as household income increases.<sup>36</sup> Premium assistance introduces a greater sense of cost consciousness among program participants and also greater continuity of coverage, which is a major concern as people tend to transition on and off the program.

States moving toward a premium support model likely would experience administrative savings from reducing the state’s role in directly reimbursing providers, verifying claims, and managing the state Medicaid bureaucracy. Moreover, there likely would be efficiency improvements from covering under a single policy all members of a family who are currently covered separately by different combinations of public or private plans.

In the past two decades, most states have attempted to control costs by enrolling many Medicaid recipients into managed care. Under a Medicaid managed care model, the government pays an insurance company a fixed amount per enrollee, and the insurance company is responsible for coordinating that individual’s health care. Managed care replaces the fee-for-service model, which encourages providers to overtreat patients. Under the

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<sup>34</sup> For an in-depth analysis of how North Carolina can transition to premium support for its Medicaid population, please see Joseph Coletti and Nicole Fisher, “Repair and Reform Medicaid: Even more essential under ObamaCare,” John Locke Foundation Research Report, March 23, 2011, at <http://www.johnlocke.org/research/show/spotlights/260> (April 27, 2011).

<sup>35</sup> An insurance rider provides the policyholder extra protection beyond the provisions contained in a standard insurance agreement.

<sup>36</sup> For a discussion of the implications of this, please see Daniel Kessler, “How Health Reform Punishes Work,” *Wall Street Journal*, April 25, 2011 at <http://online.wsj.com/article/SB10001424052748704628404576265692304582936.html> (April 26, 2011).

premium support model, individuals would be free to choose from a variety of insurance options, including managed care.

In lieu of premium support or in a transition toward that model, state officials can take several actions to be good stewards of taxpayers' dollars while encouraging a more appropriate use of care by Medicaid enrollees.

- **Increase enrollee cost-sharing.** Cost-sharing gives program recipients some “skin in the game” and exerts downward pressure on program spending. Cost-sharing should increase when program beneficiaries utilize expensive care settings, such as the emergency room, for non-emergency-care needs. Cost-sharing also can be scaled for household income with lower-income families paying a lower amount.
- **Sliding scale for premiums.** The availability of tax dollars is limited, and a sliding scale for premiums would provide greater funds to households that need them more. Households with greater amounts of income would pay a greater portion of the premium. And the sliding scale would reduce perverse behavior that discourages work and productivity when individuals reach the income threshold at which they risk losing all program benefits. Moreover, adjusting premiums by household income minimizes the amount of crowd-out for individuals at the top of eligibility thresholds.
- **Manage program eligibility.** Within federal guidelines, states should limit program eligibility to individuals who truly need public assistance. States will want to minimize the crowd-out effect that passes private costs to taxpayers. Eligibility should include a strong income and asset test that is reviewed several times a year to ensure the temporary nature of Medicaid as a safety net program. Additionally, states may also wish to tighten retroactive eligibility.

#### *Reform Medicaid for the Disabled and Elderly*

Roughly two-thirds of national Medicaid spending goes to the elderly and disabled, with about half of that amount spent on long-term care services.<sup>37</sup> Currently, nursing home coverage is a mandatory benefit under Medicaid, but states need a waiver in order to provide Medicaid-financed services in the home and community. This creates a program bias toward nursing home care. Fortunately, states can take several actions to lower government spending, encourage private financing of LTC, and improve care for individuals receiving Medicaid LTC services.<sup>38</sup>

- **Reduce eligibility exemptions.** Given the federally mandated asset exemptions, qualifying for Medicaid LTC support is not difficult. As discussed (see footnote 9) current federal law allows individuals to exclude most assets and still qualify for Medicaid. Eliminating or reducing these exemptions would lower government spending and better conserve public resources for those who truly need assistance. Moreover, tightening eligibility for LTC will encourage individuals to plan for these types of expenses through savings and the purchase of LTC insurance.
- **Move away from the nursing home model.** The nursing home bias exists even though average nursing home costs far exceed costs for services provided in the home or community. And indeed, most individuals prefer to avoid nursing homes. In an effort to control Medicaid spending, many states have

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<sup>37</sup> See StateHealthFacts.org, “Distribution of Medicaid Spending by Service, FY2009,” at <http://www.statehealthfacts.org/comparetable.jsp?ind=178&cat=4>, and “Distribution of Medicaid Payments by Enrollment Group (in millions), FY2007,” at <http://www.statehealthfacts.org/comparetable.jsp?ind=858&cat=4> (February 24, 2011).

<sup>38</sup> For an in-depth analysis of North Carolina’s long-term care problem, please see Stephen Moses, “Long-Term Care Financing in North Carolina: Good Intentions, Ambitious Efforts, Unintended Consequences,” John Locke Foundation Research Report, January 21, 2008, at <http://www.johnlocke.org/research/show/policy%20reports/145> (April 27, 2011).

attempted to “rebalance” Medicaid LTC by moving individuals from nursing homes to the home or community. Because of the federal exemptions and loopholes for Medicaid LTC, states that have rebalanced more aggressively have had relatively large increases in Medicaid LTC spending. This is because demand for Medicaid increased when states began paying for services in the home and community. This suggests that controlling eligibility for Medicaid is a necessary first step for rebalancing to lower state Medicaid spending.

- **Increase Estate Recovery Efforts.** The Deficit Reduction Act of 2005 allowed states to look back up to five years on asset transfers and impose penalties on individuals who transferred assets below fair market value for the purpose of qualifying for Medicaid. This is necessary because less than 1 percent of Medicaid spending on nursing facilities is recovered by state governments.<sup>39</sup> In North Carolina, even less is recovered. In fiscal year 2004, North Carolina spent in excess of \$1.1 billion on Medicaid nursing facility expenditures, yet only recovered \$5.5 million, or one-half of 1 percent of payments.<sup>40</sup> Increasing estate recovery would remove a portion of the taxpayer burden for funding LTC expenses. This in turn would encourage LTC insurance via the private market.
- **Improve care coordination.** Care coordination for recipients of LTC services is often lacking. Less than 10 percent of spending for dual-eligible individuals (those with both Medicare and Medicaid) is covered under coordinated care arrangements. The Lewin Group has estimated that states could save around 8 percent of current expenditures by transitioning enrollees with disabilities into managed care.<sup>41</sup>

## Getting to Reform

The reforms outlined above represent just a small set of ideas on how to incorporate the principles of limited government into health policy.<sup>42</sup> States currently have the flexibility to make some reforms to their Medicaid programs, but the open-ended reimbursement reduces their incentive to do so, and the federal bureaucracy is often a great hindrance. States must submit either Medicaid State Plan Amendments or waiver requests to the Centers for Medicare and Medicaid Services in order to make changes to their programs. It is not unusual for requests to take months or even years to navigate the bureaucratic process. The high cost in time and effort and the frustrating delays that state officials encounter dull their enthusiasm to pursue Medicaid reform. This is why financing reform must be coupled with measures that increase states’ flexibility to design and run their programs. Greater state freedom to experiment is consistent with federalism, and it also enables states to be laboratories where they can adopt a variety of policies and learn from each other about what works and what does not work.

### *Trade Money for Flexibility*

States are wise to consider trading the open-ended reimbursement of Medicaid spending (which creates long-term fiscal headaches for states) for the flexibility to manage their programs better. In early 2009, Rhode Island received a Global Waiver for operating its Medicaid program. Rhode Island is still under the traditional FMAP reimbursement structure, but it agreed to a budget cap as part of the waiver. While Rhode Island’s Global

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<sup>39</sup>Julie Stone-Axelrad, “Medicaid Asset Transfers and Estate Planning Testimony Before the Senate Committee on Finance,” Congressional Research Service, June 29, 2005.

<sup>40</sup>Julie Stone, “Medicaid Coverage for Long-Term Care: Eligibility, Asset Transfers, and Estate Recovery,” Congressional Research Service, January 31, 2008.

<sup>41</sup>UnitedHealth Center for Health Reform and Modernization, “Coverage for Consumers, Savings for States: Options for Modernizing Medicaid,” April 2010, p. 26, at [http://www.unitedhealthgroup.com/hrm/UNH\\_WorkingPaper3.pdf](http://www.unitedhealthgroup.com/hrm/UNH_WorkingPaper3.pdf) (February 25, 2011).

<sup>42</sup>The Buckeye Institute published “Reforming Medicaid in Ohio: A Framework for Using Consumer Choice and Competition to Spur Improved Outcomes,” which would be of interest for readers who are interested in a comprehensive list of ideas for reforming Medicaid. The report is available in PDF format at <http://www.buckeyeinstitute.org/reports>.

Waiver is a promising start, the budget cap was set too high for it to impose meaningful discipline on the state program. Additionally CMS granted Rhode Island only a modicum of additional flexibility. The waiver, however, does give Rhode Island greater freedom to change aspects of its program. If Rhode Island submits a program change to CMS and does not hear back within 45 days, the change is deemed approved (at least until CMS does respond).

Since there is an urgent need to trim the federal budget, Congress would be wise to offer states increased flexibility in exchange for agreeing to replace the open-ended reimbursement with fixed allotments set closer to prerecession federal spending levels. Of course, the first key element of such an arrangement for states is the ability to make changes to their programs without seeking approval from the federal bureaucracy. There are three additional areas where states need increased flexibility now. First, states need the flexibility to decide which populations in the state most urgently need taxpayer support. Second, states need the flexibility to eliminate federal exemptions and loopholes for Medicaid long-term care. Third, states need the flexibility to opt out of the ObamaCare Medicaid expansion.

ObamaCare should be repealed. But while that effort is underway, states cannot tighten Medicaid eligibility if the maintenance-of-effort requirement in ObamaCare stays in place. Many states cannot reduce provider payment rates much further if they want Medicaid enrollees to have anything other than access to emergency rooms. Further cuts to provider payments might also face legal challenges. For example, providers in the state of California successfully received an injunction of a proposal to cut Medicaid payment rates 10 percent.<sup>43</sup> The providers presented evidence that the cuts would lead to an exodus of providers serving Medicaid patients. This case will be decided by the Supreme Court and will have major ramifications for state Medicaid programs.<sup>44</sup> States can further cut Medicaid benefits, but they are unlikely to save nearly enough money — without touching eligibility or fundamentally restructuring the program — to avoid crippling tax increases or major cuts in other state priorities.

In January, all 29 Republican governors sent a letter to the White House and Congress asking for the MOE requirement in the PPACA to be repealed. “States are unable to afford the current Medicaid program, yet our hands are tied by the maintenance of effort requirements,” the governors wrote. “The effect of the federal requirements is unconscionable; the federal requirements force governors to cut other critical state programs, such as education, in order to fund a ‘one-size-fits-all’ approach to Medicaid. Again, we ask you to lift the MOE requirements so that states may make difficult budget decisions in ways that reflect the needs of their residents.”<sup>45</sup>

Although the letter was signed by only Republicans, Medicaid is generally a greater problem in more liberal states, which tend to have more expansive programs. For example, the governor of New York, Andrew Cuomo, has proposed cutting \$4 billion of projected spending on Medicaid (this savings will be split between the state

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<sup>43</sup> Michael Doyle, “Supreme Court takes on states’ plans to cut Medicaid payments,” McClatchy Newspapers, January 18, 2011, at <http://www.mcclatchydc.com/2011/01/18/107002/supreme-court-takes-on-states.html> (April 11, 2011).

<sup>44</sup> The case, *Maxwell-Jolly v. Independent Living Center of Southern California*, revolves around the issue of whether state authorities have the right to reduce Medicaid reimbursements even though federal law states that payments must be “consistent with efficiency, economy, and quality of care and are sufficient to enlist enough providers so that care and services are available ... to the general population.”

<sup>45</sup> The maintenance-of-effort requirements in the health care law indicate that a state could lose all of its federal Medicaid support if it drops out of the program. Republican Governors Association, “GOP Governors Ask Feds to Ease Healthcare Mandates,” January 7, 2011 at <http://www.rga.org/homepage/gop-governors-ask-feds-to-ease-healthcare-mandates/> (February 23, 2011).

and the federal government) to help close a \$10 billion budget gap.<sup>46</sup> Most New York taxpayers would benefit greatly from the state limiting federal exemptions for Medicaid LTC. If states get this flexibility, then they can tailor their programs to their own preferences and can experiment with policy improvements that lower spending.

## Conclusion

Medicaid needs to be reformed fundamentally because it is failing both current enrollees and taxpayers. Although taxpayers spend 3 percent of total national income (Gross Domestic Product) on Medicaid,<sup>47</sup> there is a lack of academic studies showing that the program provides recipients with quality health care. The observational studies show that uninsured individuals often have better outcomes than individuals with Medicaid, even after controlling for the kind of surgical procedure performed and characteristics of the patients and hospitals.<sup>48</sup> In many areas of the country, Medicaid cards already represent little more than a worthless piece of plastic.

States can improve care for genuinely deserving populations while simultaneously reducing Medicaid spending. The reason is that Medicaid has grown too large to serve those individuals who would benefit most from the public assistance. The key takeaway from a fair reading of the research on the quality of Medicaid is that carefully targeted public assistance can have a beneficial impact on net, but that broad eligibility expansions likely do more harm than good when all the effects, including crowd-out and budget shortfalls, are considered. And the open-ended federal reimbursement of state Medicaid spending is largely to blame for the irresponsible growth in program eligibility.

The reforms laid out in this paper are central to Congressman Ryan's Medicaid component of the budget proposal that passed the House of Representatives. If his proposal becomes law, states will be encouraged to target taxpayer assistance to those most in need and give recipients incentives to become more cost-conscious consumers, which will preserve the program for those who need it the most in the future. This seems both more practical and more humane than expanding the program at great expense to taxpayers and imposing cost and quantity controls on recipients with the side effect of a low quality of care for many program recipients.

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<sup>46</sup> Jacob Gershman, "Cuomo Targeting Medicaid Spending," *Wall Street Journal*, January 4, 2011, at <http://online.wsj.com/article/SB10001424052748704111504576060280154691892.html> (April 11, 2011).

<sup>47</sup> This is nearly two-and-a-half times greater than the comparative burden from two decades earlier. The United States gross domestic product in 1990 was \$5.755 trillion, and the gross domestic product in 2010 was about \$14.2 trillion. Medicaid spending in 1990 was \$73.7 billion, and in 2010 it was \$427.3 billion. Therefore, Medicaid as a percentage of GDP was 1.28 percent in 1990 and is about 3.01 percent today.

<sup>48</sup> D. J. LaPar et al., "Primary Payer Status Affects Mortality for Major Surgical Operations," *Annals of Surgery*, Vol. 252, Issue 3 (2010), pp. 544-551.

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