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July 7, 2020

Seema Verma, Administrator  
Centers for Medicare & Medicaid Services  
U.S. Department of Health and Human Services  
Hubert H. Humphrey Building, Room 445-G  
200 Independence Ave., S.W.  
Washington, D.C. 20201

Also submitted via email: [seema.verma@cms.hhs.gov](mailto:seema.verma@cms.hhs.gov)

**Re: Oklahoma SoonerCare 2.0 Section 1115  
Application**

Dear Administrator Verma:

We are writing to request that the Centers for Medicare & Medicaid Services (CMS) reject the Oklahoma SoonerCare 2.0 application, as the proposed project would violate recent changes to Oklahoma law.

The federal comment period on the SoonerCare 2.0 application closed on June 27, 2020. On June 30, 2020, Oklahoma voters passed a ballot initiative (State Question 802) amending the Oklahoma Constitution to require the State to cover the Medicaid expansion population by July 1, 2021. The ballot initiative also included several protections for the expansion population.

The SoonerCare 2.0 project would conflict with those protections. First, the Oklahoma Constitution prohibits the State from imposing “greater or additional burdens or restrictions on eligibility or enrollment” on the expansion population than on any other population receiving medical assistance in Oklahoma. If approved, many of the features of the proposed SoonerCare 2.0 project, including work requirements, premiums, and the elimination of retroactive eligibility, would plainly violate that prohibition. Second, the Constitution requires the State to “take all actions necessary to maximize federal financial participation in funding medical assistance” for the expansion population. If approved, a per capita cap would plainly violate that requirement.

For these reasons, as well as those outlined in our June 26, 2020 letter (submitted 6.26.20 - 1:04 pm ET Comment id 72480 and incorporated herein by reference), we ask that CMS reject the SoonerCare 2.0 application. At a minimum, CMS should re-open the federal comment period to allow the public to express their views on the proposed project in light of the passage of the ballot initiative.

Sincerely,

A handwritten signature in cursive script that reads "Jane Perkins". The signature is written in black ink on a light yellow rectangular background.

Jane Perkins  
Legal Director

cc: Judith Cash

