



**BIDEN  
BULLY**

**DON'T GET  
PUSHED  
AROUND**

— A Project of The Foundation for Government Accountability —

## Feds Reject Texas Medicaid Waiver

In **November 2020**, to better address significant challenges associated with certain hospital care costs, Texas submitted an application to the Centers of Medicare and Medicaid Services (CMS) to amend and extend its Medicaid plan, a Section 1115(a) demonstration waiver titled the "Texas Healthcare Transformation and Quality Improvement Program" (THTQIP).

**This plan allowed the state to address cost challenges in a way that made sense to Texans, rather than through a one-size-fits-all plan developed in D.C.**

This past December, CMS informed Texas that its application was complete, and that CMS was approving the state's request. Then, on **January 15, 2021**, formal approval from CMS followed, extending the THTQIP through September 30, 2030.

On **April 16, 2021**, CMS reversed course, issuing a letter to Texas rescinding the approval, throwing thousands of Texans expecting coverage into limbo.

**Innovative health care projects that would serve low-income Texans, especially those with mental health service needs, were cast aside to further Biden's ambition to force Texas into Medicaid expansion.**



# Feds Reject Texas Medicaid Waiver

## TEXAS HAS THREE OPTIONS TO PUSH BACK AGAINST BIDEN

1

### Resubmit the same waiver application.

Unfortunately, Texas is unlikely to prevail with this option, since it would require resubmitting the application to the same Biden-led CMS that made the unprecedented move of revoking the earlier approval.

2

### Abandon the effort to secure a waiver.

This could have disastrous economic and health consequences for Texans, especially the truly needy and most vulnerable.

3

### Fight back against Biden's decision.

Given the "arbitrary and capricious" nature of this sudden reversal, Texas can bring this matter to court under the Administrative Procedure Act (APA) or other authority and demand the federal government be compelled to adhere to its earlier decision.

## THE BOTTOM LINE

**Texas has an opportunity to stand out as a leader among the 12 other states standing their ground against Biden's bully tactics to expand Medicaid. Texas should fight back.**