



Michael V. Drake, MD
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DIVISION OF AGRICULTURE AND
NATURAL RESOURCES

June 13, 2023

Via Federal eRulemaking Portal (www.regulations.gov)

Chiquita Brooks-LaSure
Administrator
Centers for Medicare & Medicaid Services
Department of Health and Human Services
Attention: CMS-9894-P
P.O. Box 8016, Baltimore, MD 21244-8016

Re: Docket No CMS-9894-P Proposed Rule to Expand Health Care for DACA Recipients

Dear Administrator Brooks-LaSure:

On behalf of the University of California ("UC" or "the University"), thank you for the opportunity to express our support and recognize the Biden-Harris Administration and Centers for Medicare and Medicaid Services' (CMS) commitment to expanding federal health benefits to recipients of the Deferred Action for Childhood Arrivals program ("DACA"). The DACA program has benefitted hundreds of thousands of participants who came to the United States as children to go to college, hold jobs, and contribute to their communities without fear of deportation. The thousands of DACA participants who have enrolled at the University of California as students, worked at the University as employees, and represented the University as graduates have brought irreplaceable perspectives and talents to the University, California, and the nation.

The University of California benefits the nation through world-class educational opportunities, groundbreaking research, top-rated health care, a firm commitment to public service, and agricultural expertise. The UC system consists of 10 campuses, six academic medical centers, twenty health professional schools, three U.S. Department of Energy affiliated national laboratories, and a statewide agriculture and natural resources division. It is home to thousands of DACA participants who are a valued part of the UC community and contribute greatly to the University's commitment to education, research, and public service. In addition, UC Health and our six nationally ranked academic medical centers are proud to serve as an essential part of the state's health care safety net.

Unfortunately, DACA participants currently have limited options for comprehensive health care coverage if they do not have access to employer-sponsored insurance. Under current federal law, DACA recipients are not considered to be lawfully present for purposes of eligibility for Affordable Care Act (ACA), Medicaid, and Children's Health Insurance Program (CHIP) coverage. In addition, DACA participants cannot access important financial assistance for coverage in the ACA's Individual Health Insurance Marketplaces, such as advance payment premium tax credits and cost-sharing reductions.

California is home to more DACA-eligible individuals than any other state.¹ For this reason, amongst others, California is the first state to offer all income-eligible individuals, regardless of immigration status, with full-scope Medicaid (Medi-Cal) coverage using state-only funds.² However, DACA-eligible Californians may remain uninsured if they do not qualify for or enroll in Medi-Cal since they lack access to affordable Marketplace coverage. According to the National Immigration Law Center, more than one quarter of DACA recipients remain uninsured.³ The addition of marketplace coverage represents a key opportunity to close this gap. During the COVID-19 pandemic many people across the U.S., including but not limited to DACA recipients, lost their employer sponsored health insurance. Unlike many of their peers, DACA recipients did not have a public health insurance system to fall back on. To improve health care access and outcomes for DACA-participants it is imperative that these individuals have equal access to affordable health care coverage.

DACA participants play a critical role as essential health care workers and should have equal access to health care coverage. California is home to approximately 8,600 DACA-participant health care workers, of which roughly half (like California health care workers generally) received their training at the University of California.⁴ Many UC DACA students graduate to a profession in health care, where they contribute to pressing societal needs that expand beyond the UC community. DACA students in the University of California's medical schools are more likely to practice in underserved geographic areas and underserved specialties than their non-DACA peers and may be more effective in improving health care outcomes in medically underserved communities.⁵ Additionally, the University of California employs DACA participants in a wide variety of positions, including at UC Health locations where they serve patients as nurses, residents, interns, medical students, professors, food service workers, groundskeepers, and security guards, among other critical roles.

The COVID-19 pandemic has critically strained the health system and exacerbated existing challenges for DACA recipients as both patients and essential health care workers. For example, the University of California estimates that the COVID-19 pandemic has resulted in a shortage of over 40,000 nurses across California—a shortage

¹ U.S. Citizenship and Immigration Services, Count of Active DACA Recipients, December 31, 2022, available at: https://www.uscis.gov/sites/default/files/document/data/Active_DACA_Recipients_Dec_FY23_qtr1.pdf

² Governor Newsom on Biden Administration Announcement Expanding Health Care Access to DACA Recipients, April 13, 2023, available at: <https://www.gov.ca.gov/2023/04/13/governor-newsom-on-biden-administration-announcement-expanding-health-care-access-to-daca-recipients/>

³ National Immigration Law Center, DACA Recipients' Access to Health Care: 2023 Report, May 2023, available at: <https://www.nilc.org/news/special-reports/daca-recipients-access-to-health-care-2023-report/>

⁴ Nicole Prchal Svajlenka, A Demographic Profile of DACA Recipients on the Frontlines of the Coronavirus Response, The Center for American Progress, April 6, 2020, available at: <https://www.americanprogress.org/issues/immigration/news/2020/04/06/482708/demographic-profile-daca-recipients-frontlines-coronavirus-response/>

⁵ *AMA J Ethics*. 2021;23(2): E146-155. doi: 10.1001/amajethics.2021.146. available at: <https://journalofethics.ama-assn.org/article/addressing-systemic-health-inequities-involving-undocumented-youth-united-states/2021-02>

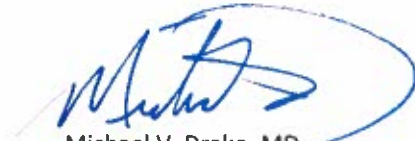
that will persist until 2026.⁶ The Association of American Medical Colleges estimates a nationwide shortage of as many as 124,000 physicians by 2034. Without DACA, health care institutions across California would not have been able to maintain their capacity for patient care during this public health crisis.

The current restrictions that make DACA recipients ineligible for health care coverage programs result in higher uninsured rates among DACA recipients, unmet medical costs, and higher barriers to health care access. Even for DACA recipients who have coverage, and especially for those who do not, access to health care is complicated by eligibility restrictions, hesitancy about seeking public services, a lack of familiarity with U.S. institutions, and language barriers.⁷ The University of California believes the proposed rule will help to address inequities in health care access for DACA recipients and the University supports implementation as soon as practicable as legal and political uncertainty surrounding DACA continues to weigh heavily on the minds of recipients.

The University of California has long been a strong supporter of the DACA program and submits this comment to fully endorse President Biden's efforts to expand Medicaid and Affordable Care Act coverage to DACA recipients. The proposed rule marks an important step towards improving vital access to health care services for DACA recipients who contribute greatly to the UC community and society at large.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael V. Drake", enclosed within a blue oval scribble.

Michael V. Drake, MD
President

cc: U.S. Secretary of Health and Human Services, Xavier Becerra
UC Executive Vice President for University of California Health
Carrie Byington, MD
UC Senior Vice President for External Relations and Communications
Michael Reese
UC Federal Government Relations Associate Vice President, Chris Harrington

⁶ Rebecca Wolfson, UC San Francisco, California Faces Short-Term Nursing Shortages from COVID-19 Retirements, September 23, 2021, available at: <https://www.universityofcalifornia.edu/news/california-faces-short-term-nursing-shortage-covid-19-retirements>

⁷ National Immigration Law Center, Tracking DACA Recipients' Access to Health Care, June 2022, available at: <https://www.nilc.org/news/special-reports/daca-access-to-health-care/>