



January 21, 2026

Dr. Mehmet Oz  
Administrator, Centers for Medicare and Medicaid Services  
U.S. Department of Health and Human Services  
200 Independence Avenue SW  
Washington DC 20201

**RE: Medicaid Community Engagement Requirement and People Living with HIV**

Dear Administrator Oz:

The **HIV+Hepatitis Policy Institute** is a leading national HIV and hepatitis policy advocacy organization promoting quality and affordable healthcare for people living with or at risk of HIV, hepatitis, and other serious and chronic health conditions.

**We write to urge you to include an explicit exemption for all people living with HIV in upcoming federal guidance relating to the new Medicaid community engagement requirement mandated by HR 1.**

People with HIV are living with a lifelong **serious and complex medical condition** and have **special medical needs**: they cannot stay healthy without *continuous* access to their lifesaving HIV treatment. Any gap in treatment risks serious health consequences, including failure of viral suppression and the risk of onward transmission. Longer treatment gaps are potentially disabling, allowing progression to AIDS, after which life expectancy is limited.

People with serious and complex medical conditions and special medical needs are statutorily exempt from the community engagement requirement; however, absent federal guidance, states can define which populations qualify. We urge CMS to explicitly state that all people living with HIV (both symptomatic and asymptomatic) have special medical needs and fall under this exemption.

This interpretation is consistent with long-standing federal precedents. For decades, Congress and United States DHHS have considered HIV (both symptomatic and asymptomatic) as a serious, life-threatening, and potentially disabling condition.<sup>1</sup>

**We believe that all people living with HIV should be exempt from the community engagement automatically and not have to navigate cumbersome new procedures to document their status with each Medicaid recertification. Since HIV is a lifetime condition**

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<sup>1</sup> For example, [28 CFR 35.108\(b\)\(2\)](#) or [78 FR 42233](#)

**that will not change over time, this assessment should only be carried out once.**

Under statute, states are directed to maximize *ex parte* verification of eligibility in relation to the community engagement requirements. Automatic exemption through use of data already available to the Medicaid program (such as diagnostic codes and claims data) minimizes the burden on the enrollee. It also reduces the administrative burden on the state and on the health-care workforce providing care to people with HIV.

To put the onus on individuals living with HIV to navigate administratively cumbersome forms of verification of HIV status is unnecessary and puts their health at risk. In addition, since people with HIV face continuing stigma and discrimination, many are reluctant to disclose their HIV status in Medicaid enrollment and recertification paperwork, further amplifying the importance of using *ex parte* verification of HIV status.

**Continuous access to Medicaid for people living with HIV is critical to sustaining our national progress towards ending the HIV epidemic and will directly support the goals of the *Ending the HIV Epidemic* initiative launched by President Trump in his first administration.**

Approximately forty percent of people living with HIV nationwide are enrolled in Medicaid, making humane and clinically sound implementation of the new community engagement requirements of the highest importance to them, their clinical care teams, and communities.

We appreciate the opportunity to submit these comments and are ready to assist you in any way. Should you have questions or comments, please feel free to contact me at [cschmid@hivhep.org](mailto:cschmid@hivhep.org) or Kevin Herwig at [kherwig@hivhep.org](mailto:kherwig@hivhep.org). Thank you very much.

Sincerely,



Carl E. Schmid II  
Executive Director

cc: Mr. Daniel Brillman, Deputy Administrator and Director, Center for Medicaid and CHIP Services