



STATE OF WASHINGTON
HEALTH CARE AUTHORITY

626 8th Avenue, SE • P.O. Box 45502 • Olympia, Washington 98504-5502

June 17, 2025

Dear Tribal Leader:

SUBJECT: Apple Health (Medicaid) Data

In accordance with chapter 43.376 RCW and the Washington State Centennial Accord of 1989, regarding collaboration with Indian tribes in the development of policies, agreements, and program implementation that directly affect Indian tribes and the Tribal Consultation and Communication Policy of the Health Care Authority (HCA), HCA hereby seeks to inform and request input on the following matter.

Background

Recently, the Centers for Medicaid, Medicare, and CHIP Services (CMS) released data to the Department of Homeland Security that the HCA routinely submits, per our agreements for federal funding. We were not given the opportunity to consult on this data release.

The Health Care Authority is required by federal law to submit certain data to the Centers for Medicare & Medicaid Services (CMS) for all individuals enrolled in Apple Health (Medicaid). HCA is required to do this in order to continue to receive federal Medicaid funding for our program. For some of our state-only funded health programs, HCA has been able to receive some federal funding to administer these programs. This includes the Apple Health Expansion program created in July of last year. In developing that program, the state chose to maximize available federal funding where eligible to help cover costs. HCA had been submitting required data to CMS in relation to these programs since August 2024. HCA was not consulted by CMS about the sharing of this information with other federal agencies, including those involved in immigration enforcement, and we were not given an opportunity to review or object.

The data that was turned over to the Department of Homeland Security includes protected health information of every Apple Health enrollee. For our state, that's 1.7 million people. Washingtonians who receive a wide spectrum of services in every corner of our state. This is an unethical use of protected health information. There is a reason why we have clear federal and state laws protecting the transmission and use of health information. Anyone seeking health services are in a vulnerable state and their access deserves to be protected. We would never support the use of data submitted for health care purposes being repurposed by federal agencies seeking to unjustly target specific groups of individuals. Protecting the privacy of all of our

Apple Health clients, regardless of their immigration status, is central to our mission, and we take these concerns extremely seriously.

HCA has been actively working with Attorney General Brown's Office on whether there are any legal recourses related to this gross misuse of our data.

FAQ

What information is shared with the U.S. Department of Health and Human Services (HHS)?

- The Health Care Authority (HCA) is required to share clients' name, address, phone number, and details about their care for any individual enrolled in an Apple Health (Medicaid) program that relies on federal funding.

When was the state asked to release data to HHS for the purpose of being released to the Department of Homeland Security (DHS)?

- Washington was not asked to release data to DHS.
- We were not informed in advance that any information we submitted to HHS would be shared with DHS.
- There was no opportunity for the state to weigh in or intervene before this action occurred at the federal level.
- We cannot confirm exactly what data has been shared at this point.

Why did the state release the data? Was this routine?

- While we can't confirm the source of the data yet, the data in question appears to have been part of our routine, federally required monthly reporting to the HHS as part of the Apple Health (Medicaid) program administration.
- This reporting is standard and necessary for maintaining compliance with federal Medicaid requirements.
- However, we were not made aware that any of this data would be repurposed beyond administering the Medicaid program.
- We have serious concerns about the legality and appropriateness of HHS sharing this data with federal entities not directly involved in Medicaid.

Did the state do anything to protect the data or identity of undocumented immigrants who enrolled in the Apple Health program?

- The state was not given any indication that data submitted to HHS would be used outside the Medicaid context, so there was no opportunity to apply additional safeguards in this instance.
- Our agency strongly opposes the misuse of health data in ways that compromise privacy or trust, especially for communities that may already face barriers to care.
- We are actively working with the Governor's Office, our federal policy team, and community partners to understand the scope and to determine next steps.
- Protecting the dignity, privacy, and access to care for all Washingtonians remains our priority, and we are exploring all available options to respond.

What is the state doing to protect client information?

- Considering recent federal activity, the state is taking steps to limit data-sharing. This includes limiting information shared regarding services clients received.
- The state will stop sharing the medical services information for all Apple Health Expansion enrollees, except for those who have received emergency services, cancer or dialysis treatment, or post-transplant care. The state is required to continue sharing information when these specific services are received because they are supported by federal funding.

What impact does this have on noncitizens enrolled in Apple Health?

- HCA is required to share clients' name, address, phone number, and details about their care for any individual enrolled in an Apple Health program that receives federal funding.
- Information shared does not include information about whether a individual is a citizen or not. This reporting does note whether an individual is a qualified non-citizen, lawfully present, emergency services recipient, and other. View the Citizenship and Immigration Guide for more information.
- Apple Health Expansion enrollees' information has been included in this report since the start of the program in July 2024 because HCA is required to provide information for all enrollees where the agency is drawing down federal funds.
- HCA is taking steps to ensure only required information is submitted for all programs. However, if you are enrolled in Apple Health Expansion and receive services in an emergency room, cancer or dialysis treatment, or post-transplant care, we are required to provide this information to HHS because the state uses both federal and state dollars to pay for these services.

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- If you have been enrolled in or are currently participating in AEM, but are not enrolled in Apple Health Expansion, the state must share your information with HHS to receive the federal funding it relies on to provide these services.

Please contact Aren Sparck, Tribal Affairs Administrator, via email at aren.sparck@hca.wa.gov if you have any Tribal Affairs related questions or concerns.

Please forward this information to any interested party.

Sincerely,



MaryAnne Lindeblad, BSN, MPH
Interim Director

cc: Lou McDermott, Chief Operations Officer, EXO, HCA
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