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For Immediate Release

**FCC TAKES ACTION TO ENSURE AMERICANS RECEIVE
CRITICAL INFORMATION ON HEALTH CARE COVERAGE**

***Declaratory Ruling Responds to HHS Secretary Becerra’s Letter Requesting Clarity
for Calls and Text Messages from Federal and State Medicaid Enrollment Offices***

WASHINGTON, January 23, 2023—The Federal Communications Commission today provided guidance to federal and state governmental agencies, as well as their partners, to enable them to make Medicaid enrollment calls and send text messages without violating robocall and robotext prohibitions. This Declaratory Ruling responds to a [letter](#) from U.S. Department of Health and Human Services Secretary Xavier Becerra and will ensure millions of Americans can receive the information they need to maintain enrollment in Medicaid and other governmental health care programs to avoid losing health care coverage.

The federal health care policies implemented in response to the COVID-19 pandemic changed the eligibility requirements for Medicaid and other governmental health care programs, resulting in a substantial increase in participation in these programs. The Consolidated Appropriations Act allows states to resume Medicaid disenrollments beginning April 1, 2023. To ensure that eligible participants remain covered, HHS asserts that state governmental agencies and their partners must be able to reach large numbers of enrollees with information about retaining their enrollment in these health coverage programs.

Specifically, the FCC’s Consumer and Governmental Affairs Bureau clarified how federal and state governmental agencies working in conjunction with local governments, governmental contractors, and managed care entities acting under contract with state governments may, under certain circumstances, make autodialed and prerecorded or artificial voice calls or send autodialed text messages to raise awareness of the eligibility and enrollment requirements for these governmental health care programs. The FCC confirmed that enrollees’ provision of a telephone number on an application for coverage in Medicaid or other government health care programs constitutes prior express consent to be contacted at that number regarding enrollment eligibility.

Following receipt of the letter, the FCC sought public comment on the question. It then reviewed the record generated and incorporated it into today’s decision. The Declaratory Ruling is available at: <https://www.fcc.gov/document/fcc-provides-guidance-enable-critical-health-care-calls>.

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).