

October 6, 2009

Office of the Majority Leader  
522 Hart Senate Office Bldg  
Washington, DC 20510

Dear Senator Reid:

We write to urge you not to miss using health reform as the opportunity to eliminate barriers that legal immigrants currently have to coverage in Medicaid, CHIP, and Medicare. Thank you for all of your efforts to achieve the critical reforms needed in health care. We share your goal of expanding the number of individuals who have quality, affordable health insurance and reducing the number of uninsured in America.

As you know, current federal law prohibits use of federal Medicaid funds to cover most lawfully present adult immigrants in the U.S. during their first five years here, even when they meet all other eligibility requirements. A similar restriction exists in Medicare that prohibits Lawful Permanent Residents from purchasing Medicare for five years. These 5-year waiting periods leave vulnerable, low-income legal immigrants uninsured, requiring them to delay medical care until their condition worsens.

Congress recognized the concern over a waiting period for vulnerable residents and partially addressed the situation by allowing states to opt to cover lawfully residing immigrant children and pregnant women without a five year waiting period in the Children's Health Insurance Program Reauthorization Act of 2009 (H.R. 2) enacted earlier this year. Although this was a step in the right direction, these children are not guaranteed access to affordable health care and their coverage is vulnerable to budget cuts and changes to state policy. Even in states that are taking up the new option, parents and grandparents of immigrant children remain without access to affordable health care.

The costs of paying for care for legal immigrants who cannot obtain Medicaid, CHIP, and Medicare fall to the states, counties, cities, and other local governments, as well as the hospitals, clinics and other safety-net providers. Hospitals will continue to incur large costs in uncompensated care. Clinics and other safety-net systems are burdened.

Recognizing the importance of providing access to affordable care to all of its residents, many states exclusively use state funds to provide health care to legal immigrants who otherwise wait years for access to affordable health care due to the existing prohibition on use of federal funds during the five-year waiting period. Those programs are vulnerable to budget cuts and freezes – particularly during challenging economic times. These states have made public-health conscious and compassionate choices to care for their residents. However, a number of states are considering cutbacks to these programs due to their budget constraints. State and local governments need fiscal relief in these hard economic times. Even in better times, the programs require states to spend their own funds to pay for programs supported by federal tax payments made by lawful permanent residents.

**We believe it is essential to support changes in health reform legislation to remove the five-year waiting period in Medicaid, CHIP, and Medicare to ensure that legal immigrants are able to obtain affordable coverage through these critical programs.**

Sincerely,

National Organizations

American Academy of Pediatrics  
American Hospital Association  
Association of American Medical Colleges  
Catholic Health Association  
Doctors for Global Health  
National Association of Community Health Centers  
National Association of Counties  
National Association of Public Hospitals and Health Systems  
U.S. Conference of Mayors  
United States Hispanic Chamber of Commerce

Local and Regional Organizations/Entities

Alameda Health Consortium  
California Primary Care Association  
California State Association of Counties  
The City of New York  
County Welfare Directors Association of California  
County Health Executives Association of California.  
Community Healthcare Network  
The Greater New York Hospital Association  
The Healthcare Association of New York State  
La Clinica de La Raza  
LifeLong Medical Care  
New York City Health and Hospitals Corporation

cc: Senator Durbin  
Senator Baucus  
Senator Grassley  
Senator Dodd  
Senator Harkin  
Senator Enzi