

October 6, 2009

Office of the Speaker
H-232, US Capitol
Washington, DC 20515

Dear Speaker Pelosi:

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: Majority Leader Hoyer
Chairman Waxman
Chairman Miller
Chairman Rangel