

*The following is a case update and statement from John Bouman, President of the Sargent Shriver National Center on Poverty Law, concerning Bell v. Leavitt - a federal class action challenging citizenship documentation requirements for Medicaid:*

March 30, 2007--Due to developments around the country, plaintiffs in Bell v. Leavitt, a federal class action challenging citizenship documentation requirements for Medicaid, have moved to voluntarily dismiss the case.

The nationwide class action lawsuit filed on June 28, 2006, in Federal District Court in Chicago against Mike Leavitt, Secretary of Health and Human Services □ challenged the legality of provisions in the 2005 Deficit Reduction Act and the HHS implementing directions, which require Medicaid applicants and recipients who claim to be United States citizens to prove their citizenship with passports, birth certificates, and other special documents. The new requirement went into effect on July 1, 2006.

Immediately after the case was filed, the Administration abandoned one of its most harmful interpretations of the law. On July 6, 2006, Secretary Leavitt exempted SSI and Medicare beneficiaries from the documentation requirement, a change that exempted approximately 8 million disabled and elderly persons. This change, announced the night before the case was to go before the judge, removed the harm being faced by most of the named plaintiffs and made pursuit of the case more difficult.

A second win occurred on December 9, 2006, when Congress corrected Secretary Leavitt's misinterpretation of the 2005 Deficit Reduction Act, and expressed its intent that 500,000 foster children and children receiving adoption assistance be exempt from the citizenship documentation requirement.

Today, plaintiffs and their legal advisors have concluded that the potential for further progress in a nationwide case is limited. The documentation rules are being implemented in different ways in different states, with varying timetables and threats to Medicaid coverage. A national class action case can no longer accommodate all the variations or adequately tailor the proof or the relief.

Therefore, plaintiffs have decided to dismiss the case voluntarily to clear the way for activity on the state level including possible litigation.

The following is a statement made by John Bouman, one of the attorneys for the plaintiffs:

□ The unnecessary and burdensome citizenship documentation rules are still threatening the health care of tens of thousands of Americans that no one doubts are U.S. citizens.

The documentation rules are also increasing the administrative and staffing demands on state governments, for no good reason. Some states are making the situation worse; others are struggling to protect their citizens' health care.

State governments are extremely worried that the federal government may retroactively deny them reimbursement for Medicaid payments for beneficiaries whose citizenship documentation HHS rejects. Congress must fix this mess and return health care to all who are eligible for it.

Meanwhile, we will work with leaders from several states around the country to ensure that implementation focuses on providing health coverage to eligible people, and where necessary, challenge the documentation rule and the implementing procedures in court, against both state and federal officials.