

MEDIA ADVISORY

Contact: Steve Hitov, Managing Attorney 202-289-7661, hitov@healhlaw.org
Sarah Somers, Staff Attorney 919-968-6771, somers@healthlaw.org

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40 Million Medicaid Recipients Await Ruling in Class Action Suit Challenging Citizenship Documentation Requirement— Decision to Come Any Day

(Chicago)—Final briefs have been submitted seeking emergency relief in a class action lawsuit filed on June 28 in Chicago's federal district court. The suit, *Bell v. Leavitt*, challenges a new regulation from the U.S. Department of Health and Human Services requiring 40 million Medicaid beneficiaries to document their U.S. citizenship with arbitrary proof or risk losing vital health care benefits. The suit seeks to declare the new citizenship documentation rules unlawful and to enjoin the defendant, Mike Leavitt, the Secretary of the U.S. Department of Health and Human Services from enforcing them.

—The rule sets up a tremendously unfair process to document citizenship that will keep many eligible citizens out of the Medicaid program. We have argued that Congress did not intend this and gave the Bush administration ample authority to write fair procedures, if it wants to," said John Bouman of the Sargent Shriver National Center on Poverty Law, representing the plaintiffs.

While the Bush administration on July 6 exempted most elderly and some disabled citizens, the regulation still targets 40 million Americans many of whom are having trouble producing specialized documents. The administration's interpretation of the congressional statute leaves disaster victims, the homeless, the mentally disabled, foster children, and even Native Americans without Medicaid, even though no one doubts they are U.S. citizens. However, in its August 21st brief the administration argued that Congress gave it total and unreviewable discretion regarding what documents establish U.S. citizenship for Medicaid eligibility. —The Administration is essentially saying — "We are the final word on what the statute says, because we say so, regardless of what Congress intended and what any court may rule," said Steve Hitov, an attorney with the National Health Law Program, which also represents the plaintiffs.

Challenging the new rules, Illinois Atty. Gen. Lisa Madigan and Illinois Gov. Rod Blagojevich filed an amicus brief on behalf of the States of Illinois, Maryland, [and West Virginia] on August 11. In their brief, the States document — the enormous human cost to their vulnerable citizens, as well as the unreasonable financial and administrative burdens to the states.

Judge Ronald Guzman entered an expedited briefing schedule to prepare the case for him to rule. That briefing is now complete, and the case rests with the judge for his ruling.

“We’re hoping for a quick ruling that brings immediate relief to the millions of Americans affected by this regulation so they can receive the care they’re entitled to,” said Mary Anderson, an attorney at Goldberg Kohn, also representing the plaintiffs.

What: Tele[®] Press Conference on Bell v. Leavitt Ruling

When: TBA, Following Judge Ronald Guzman’s Ruling (Audio conference number will be sent to participants, and interested members of the media)

Who:
Mary Anderson, Goldberg, Kohn, Bell, Black, Rosenbloom, & Moritz, LTD.
John Bouman, Sargent Shriver National Center on Poverty Law
Steve Hitov, National Health Law Program
Ron Pollack, Executive Director, Families USA
Mary A. West (Plaintiff) with Stephanie Altman, Health and Disability Advocates