

MEDIA ADVISORY
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500,000 Foster Children's Medicaid Coverage Likely To Be Secured
Millions of Americans' Coverage Threatened as the Court Continues to Hear
Further Arguments in Bell v. Leavitt

(Chicago) – Friday, Federal Judge Ronald Guzman issued an interim ruling in regards to Plaintiffs' motion for a preliminary injunction in the nationwide class action lawsuit, *Bell v. Leavitt*, filed June 28th against Mike Leavitt, Secretary of the U.S. Department of Health and Human Services. In his opinion, Guzman ruled that he would likely order an injunction exempting 500,000 kids in foster care from a new Medicaid regulation requiring recipients to show proof of citizenship.

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

“We are delighted to report further progress on winning proper implementation of the documentation requirement. 500,000 foster kids' are likely to win an injunction which would exempt them from this arbitrary and superfluous rule altogether.”

As to everyone else needing Medicaid, in his Friday decision, Judge Guzman did not rule upon the fairness or propriety of the documentation requirement itself. Instead, he ruled that the plaintiffs did not have standing, at this time, to challenge the Health and Human Services' regulation. He ruled that the harm to the plaintiffs flows from the statute, not the regulation, so that plaintiffs' challenge to the regulation is unavailing. Judge Guzman did not take account of the fact that plaintiffs do challenge the statute, and plaintiffs will ask him to reconsider.

“These citizenship documentation rules, which refuse to recognize numerous kinds of legitimate proofs of citizenship, will deprive vulnerable, low-income Americans of Medicaid coverage,” said Sarah Somers, an attorney with the National Health Law Program, also representing the plaintiffs. “We are disappointed that U.S. citizens will continue to have to prove and reprove their citizenship – but with each step we take in this case, more and more people are being exempted from these regulations and we will continue to fight for those who still feel this regulation's impact.”

Plaintiffs will reformulate the pleadings and clarify the request to the court to rule on the validity of the statute.

Until a preliminary injunction is granted or Congress acts, 40 million, low-income Americans who need Medicaid coverage will have to continue to scramble to locate and pay for documents on HHS's list of acceptable proof and many will not be able to do so or do so in time to avoid denial or loss of Medicaid coverage.

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