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Sargent Shriver National Center on Poverty Law

In the News

July 11, 2006

Suit Challenging New Medicaid Law Prompts Feds to Exempt 8 Million Elderly and Disabled *Litigation Process Expedited*

On June 28, 2006 the Sargent Shriver National Center on Poverty Law filed a class action lawsuit in Federal District Court in Chicago challenges the validity of a new law that requires 50 million Medicaid recipients to prove their citizenship with passports, birth certificates, and other special documents or lose their public health coverage. The new law went into effect on July 1 and may cause millions of low-income U.S. citizens to become uninsured.

The class action suit names Mike Leavitt, the Secretary of Health and Human Services, as defendant. It seeks to declare the new law unconstitutional and to enjoin the Administration from implementing it.

"Under the new law, American citizens are about to have their health coverage denied for unconstitutional reasons," said John Bouman of the Sargent Shriver National Center on Poverty Law, lead counsel for the plaintiffs. "The new law will cause enormous harm to people who can't produce the special documents, even though there is no doubt that they are American citizens."

In what some are calling an attempt to pre-empt a ruling in the July 8th hearing (Robert Pear, *New York Times*), the Bush administration issued final hour regulations that will exempt some 8 million citizens from the harm caused by the law.

John Bouman, lead counsel for the plaintiffs: "We are pleased that the administration issued regulations that will spare 8 million citizens from the harm caused by this law. While the plaintiffs are thrilled that new regulations protect some of the most vulnerable Americans. We are not out of the woods yet. There are still 40 million Americans who must comply with this law or face loss of coverage. This includes disaster victims, the homeless, the mentally disabled, and foster children."

Judge Ronald A. Guzman scheduled a status hearing for July 28th. This will give all parties time to evaluate legal claims in light of the new regulations. In the meantime, Judge Guzman has expedited discovery process to prepare for the next hearing.

The following is a preliminary list of press coverage and stories (62) about this suit, *Bell v. Leavitt*. As a result of a telepress conference held on June 28th, 43 papers across the country ran stories on our work including the *New York Times*, *Chicago Tribune*, *Los Angeles Times*. We were especially pleased with front-page coverage and editorials by the *Washington Post*. Look for more updates after the July 28th status hearing.

[Policy change gives disabled, aged some help](#)

Naples Daily News, FL – July 11, 2006

By Liz Freeman

... the plaintiffs are thrilled that new regulations protect some of the most vulnerable Americans, we are not out of the woods yet," John Bouman, an attorney ...

[Two Arkansas plaintiffs now exempt from new Medicaid proof-of ...](#)

KUAR.org, AR - Jul 10, 2006

Two elderly Arkansans will not have to prove their US citizenship to keep their Medicaid benefits. The two were among plaintiffs in a lawsuit seeking to ...

[Medicaid ID rules will take time](#)

OregonLive.com, OR - Jul 10, 2006

Nationally, at least one lawsuit is challenging the new Medicaid rules, and several states have indicated they'll delay the start date by weeks or months. ...

[Medicaid exempts some from proving citizenship](#)

ModernHealthcare.com, IL - Jul 7, 2006

... victimized by natural disaster -- may still lose Medicaid coverage," Pollack said. Families USA is among the backers of a class-action lawsuit challenging the ...

[Medicaid identification requirements relaxed](#)

Marketplace, NPR CA - Jul 7, 2006

... Lead attorney John Bouman: JOHN BOUMAN: It violates the due process clause for those people to have to prove it all over again just because Congress is having

Proof or consequences

ModernHealthcare.com – July 10, 2006

<http://www.modernhealthcare.com/article.cms?articleId=40550>

... for some 8 million highly vulnerable Medicaid enrollees. ... USA, which backed a class-action lawsuit filed against HHS ... in US District Court in Chicago, called the ...

Bush Administration Exempts Millions in Medicaid from Proof of ...

SeniorJournal.com – July 7, 2006

<http://www.seniorjournal.com/NEWS/Medicaid/6-07-07-BushAdministration.htm>

... will be held Friday in federal court in Chicago for a lawsuit in which ... In related news, North Carolina's Medicaid program will delay until September ...

Medicaid's New Proof-of-Citizenship Requirements Gain Some ...

Los Angeles Times - CA, USA

... Moreover, states that provide Medicaid coverage for legal ... how the government's action would affect a lawsuit seeking to ... today in US District Court in Chicago. ...

Medicaid Law Softened After Groups Sue: Lawyers

Medscape (subscription) – July 10, 2006

<http://www.medscape.com/viewarticle/540347>

... Some 55 million low-income people are covered by Medicaid. ... lawyer at the Shriver Center on Poverty Law in Chicago, which filed the lawsuit seeking class ...

[Regulators Amend Medicaid Law After Groups Sue](#)

All Headline News - Jul 7, 2006

By Shaveta Bansal

... won't be applicable on certain groups, including those on Medicare and those who get certain Social Security benefits, according to John Bouman, a lawyer at...

Health Highlights: July 7, 2006

Forbes.com - July 7, 2006

<http://www.forbes.com/forbeslife/health/feeds/hscout/2006/07/10/hscout533720.html>

Federal officials are relaxing a requirement for about 8 million Medicaid recipients to prove they're citizens before they can receive benefits. ...

Medicaid's New Proof-of-Citizenship Requirements Gain Some ...

Los Angeles Times, CA - July 7, 2006

By Ricardo Alonso-Zaldivar, Times Staff Writer. WASHINGTON — Scrambling to keep millions of low-income US citizens from unintentionally ...

Citizenship Rules Eased For Medicaid

Washington Post, United States - July 6, 2006

<http://www.washingtonpost.com/wp-dyn/content/article/2006/07/06/AR2006070601734.html>

More than 8 million people will not have to provide further evidence of their citizenship in order to get Medicaid benefits, under regulations issued late ...

Plan exempts some from new Medicaid rules

Houston Chronicle, United States - July 6, 2006

<http://www.chron.com/disp/story.mpl/nation/4030146.html>

By RICARDO ALONSO-ZALDIVAR. WASHINGTON - Scrambling to keep millions of low-income US citizens from unintentionally being denied ...

White House to Ease Medicaid Rule on Proof of Citizenship

New York Times, United States - July 7, 2006

<http://www.nytimes.com/2006/07/07/washington/07medicaid.html>

WASHINGTON, July 6 — The Bush administration said Thursday that it would exempt millions of the most vulnerable Medicaid recipients from a new law that ...

Some Medicaid Citizenship Exemptions OK

Washington Post, United States - July 6, 2006

<http://www.washingtonpost.com/wp-dyn/content/article/2006/07/06/AR2006070601411.html>

By KEVIN FREKING. WASHINGTON -- About 8 million people will be exempted from a new federal requirement that they prove citizenship ...

Tough Proof of Citizenship Rule Could Exclude Some Eligible for ...

Daily News Central, NV - July 7, 2006

<http://health.dailynewscentral.com/content/view/0002342/31/>

A new requirement for Medicaid applicants to provide proof of citizenship is meant to keep illegal immigrants out of the program

Medicaid law softened after groups sue--lawyers

Reuters - July 7, 2006

http://today.reuters.com/investing/financeArticle.aspx?type=governmentFilingsNews&storyID=2006-07-07T203452Z_01_N07304480_RTRIDST_0_HEALTH-MEDICAID.XML

... Some 55 million low-income people are covered by Medicaid. ... lawyer at the Shriver Center on Poverty Law in Chicago, which filed the lawsuit seeking class ...

Hospitals protest Medicaid citizenship law

Reuters

July 6, 2006

http://today.reuters.com/News/newsArticle.aspx?type=healthNews&storyID=2006-07-06T163307Z_01_N05435238_RTRUKOC_0_US-MEDICAID.xml

The law, which went into effect on July 1, will be the subject of a hearing on Friday at the U.S. District Court in Chicago. Groups representing low-income individuals in a potential class action are challenging the constitutionality of the law and are seeking a temporary restraining order.

Fix Medicaid mistake: Citizens could lose care

At least exempt elderly and foster children.

Des Moines Register editorial board

July 5, 2006

<http://desmoinesregister.com/apps/pbcs.dll/article?AID=/20060705/OPINION03/607050336/1035/opinion>

...Have a foster child on Medicaid living in your home? A mother in a nursing home using the government health assistance? A mentally ill sister? Are you a low-income person on Medicaid?...

Cumbersome Medicaid rule

Fort Wayne Journal Gazette, IN – July 5, 2006

<http://www.fortwayne.com/mld/journalgazette/news/editorial/14964536.htm>

... to benefits will be kicked off the Medicaid rolls because ... A coalition of advocacy groups in Chicago sued the ... A similar lawsuit was filed in Washington, and ...

Proof a burden for Medicaid

Peoria Journal Star, IL - July 2, 2006

http://www.pjstar.com/stories/070206/TRI_BA92PRTP.037.shtml

... "This is an incredible burden for Medicaid recipients and ... Health and Disability Advocates of Chicago, one of several organizations filing the lawsuit for 10 ...

Groups challenge validity of federal law

Illinois law requires 50 million recipients to prove citizenship

Nwitimes.com – July 2, 2006

By Elise Simmons (Medill News Service)

<http://nwitimes.com/articles/2006/07/02/news/illiana/51217301af2401ad8625719e0072d839.txt>

Three public interest advocacy groups have challenged the validity of a new federal law that went into effect Saturday requiring 50 million Medicaid recipients to prove their citizenship or lose their public health coverage.

Passports for Health Care

A harmful new requirement that Medicaid recipients provide proof of citizenship

Saturday, July 1, 2006; Page A24,

Washington Post editorial

<http://www.washingtonpost.com/wp-dyn/content/article/2006/06/30/AR2006063001504.html>

UNDER A NEW federal law that takes effect today, poor Americans will be required to produce proof of citizenship to be eligible for Medicaid.

Medicaid ID law may hurt poor, officials say

It takes effect today. The goal: Keeping benefits from illegal immigrants.

Philadelphia Inquirer – July 1, 2006

By John Sullivan

<http://www.philly.com/mld/inquirer/news/local/14943951.htm>

Advocates have filed two legal challenges to the law in Illinois and the District of Columbia, and some states are threatening to ignore the requirement, which was authorized by the Deficit Reduction Act enacted in February.

New Medi-Cal rules kick in

Californians have longer to prove citizenship, but task may be tough for very old and infirm

San Jose Mercury News – July 1, 2006

By Barbara Feder Ostrov

<http://www.mercurynews.com/mld/mercurynews/news/14946790.htm>

A class-action lawsuit, filed Wednesday in federal district court in Chicago, alleges that the law violates the constitutional guarantee of due process. The case is still under review.

[New Medicaid rules take effect Saturday](#)

Washington Times, DC - June 30, 2006

... Earlier in the week a coalition of advocacy groups filed a lawsuit in federal court in Chicago challenging the new Medicaid rule and seeking certification as a ...

[Blagojevich won't follow new Medicaid law](#)

Crain's Chicago Business, IL - June 30, 2006

... of the Medicaid program, was not immediately returned. Advocates for the low-income and disabled filed a federal lawsuit against Leavitt in Chicago Wednesday ...

New Medicaid rules take effect Saturday

UPI

June 30, 2006

<http://www.upi.com/NewsTrack/view.php?StoryID=20060630-100914-7948r>

Earlier in the week a coalition of advocacy groups filed a lawsuit in federal court in Chicago challenging the new Medicaid rule and seeking certification as a national class action.

[Medicaid Rule Called A Threat To Millions](#)

Washington Post, United States - June 29, 2006

... On Wednesday, a lawsuit challenging the Medicaid rule was filed in Chicago by a coalition of advocacy groups that wants the suit certified as a national class ...

Medicaid Citizenship Law Challenged In Court

All Headline News – June 29, 2006

<http://www.allheadlinenews.com/articles/7004067589>

Chicago, IL (AHN) - A federal law that requires proof of citizenship to get benefits from the government's Medicaid health insurance program for the poor is ...

9 file lawsuit over new Medicaid law

Times Picayune, LA – June 29, 2006

<http://www.nola.com/news/t-p/capital/index.ssf?/base/news-4/1151567126128240.xml&coll=1>

By Jan Moller. BATON ROUGE -- Opponents of a new law requiring Medicaid recipients to give proof of citizenship to get benefits filed ...

Lawsuit aims to block Medicaid requirement

Naples Daily News, FL – June 29, 2006

http://www.naplesnews.com/news/2006/jun/29/lawsuit_aims_block_medicaid_requirement/?local_news

A law set to take effect July 1 requiring Americans to prove their citizenship...

Medicaid mandate nears start

Baltimore Sun, United States – June 29, 2006

<http://www.baltimoresun.com/news/local/bal-md.medicaid29jun29,0,6961861.story?coll=bal-local-headlines>

By Kelly Brewington. Starting Saturday, millions of Americans who are eligible for Medicaid - including more than 700,000 poor Marylanders ...

Group sues to stop Medicaid citizenship-documentation rule

The Hill

June 29, 2006 By [Kelly McCormack](#)

http://www.thehill.com/thehill/export/TheHill/News/TheExecutive/062906_medicaid.html

Lawsuit aims to block Medicaid requirement

Consumer group sues to overturn new rule that will require proof of citizenship to apply for coverage

New Medicaid Law Is Called a Threat

Civilrights.org, DC - June 28, 2006

<http://www.civilrights.org/issues/disability/details.cfm?id=44834>

No one has been able to figure out when Kevin Harris was born or where. This blind, mentally impaired man has told the Cook County ...

Naples Daily News

June 29, 2006

Liz Freeman

http://www.naplesnews.com/news/2006/jun/29/lawsuit_aims_block_medicaid_requirement/?local_news

Lawsuit challenges Medicaid requirement

June 28, 2006

KEVIN FREKING, *Associated Press Writer*

Lawsuit challenges Medicaid requirement

June 29, 2006

KEVIN FREKING, *Washington Post*

<http://www.washingtonpost.com/wp-dyn/content/article/2006/07/06/AR2006070601411.html>

Lawsuit challenges Medicaid requirement

June 29, 2006

KEVIN FREKING, *Forbes.com*

<http://www.forbes.com/entrepreneurs/feeds/ap/2006/06/28/ap2847892.html>

Lawsuit challenges Medicaid requirement

June 29, 2006

KEVIN FREKING, *New York Times*

Lawsuit challenges Medicaid requirement

June 29, 2006

KEVIN FREKING, *Los Angeles Times*

New Medicaid Citizenship Rules Challenged

All Things Considered, *NPR*

June 28, 2006

By Julie Rovner

<http://www.npr.org/templates/story/story.php?storyId=5519069>

Advocates sue to block Medicaid citizenship documentation rule

Congressional Quarterly Healthbeat News

June 28, 2006

By John Reichard

<http://www.cq.com/display.do?dockkey=/cqonline/prod/data/docs/html/hbnews/109/hbnews109-000002317704.html@allnews&metapub=CQ-HBNEWS&searchIndex=3&seqNum=1&productId=5>

Medicaid citizenship law faces court fight

Atlanta Journal-Constitution

June 28, 2006

By Bob Kemper

http://www.ajc.com/search/content/auto/epaper/editions/today/news_442a314e25f311bc0083.html

Groups challenge Medicaid citizenship law

Wed June 28, 2006 8:25 PM BST, *Reuters*

By Kim Dixon

http://today.reuters.com/news/newsArticle.aspx?type=healthNews&storyID=2006-06-28T192447Z_01_N28443688_RTRUKOC_0_US-IMMIGRATION.xml

Class action suit filed v. Medicaid immigration law

Wed June 28, 2006 2:30 PM ET *Reuters*

By Kim Dixon

http://today.reuters.com/news/newsArticle.aspx?type=domesticNews&storyID=2006-06-28T183027Z_01_N28443688_RTRUKOC_0_US-IMMIGRATION.xml&archived=False b

Proof of citizenship required for Medicaid

Medill News Service

June 28, 2006

By Elise Simmons

<http://mesh.medill.northwestern.edu/mnschicago/sections/legal.html>

Medicaid to Require Documentation of US Citizenship

International News Service, Australia

http://feed.insnews.org/v-cgi/feeds.cgi?feedid=150&story_id=1953564

By Laura Figueroa, The Bradenton Herald, Fla. Jun. 29--MANATEE -- No longer will a simple check of the "yes" or "no" box suffice ...

Lawsuit: Medicaid citizenship provision illegal

Los Angeles Daily News, CA

http://feed.insnews.org/v-cgi/feeds.cgi?feedid=150&story_id=1953564

BY KEVIN FREKING, Associated Press. WASHINGTON - A law that requires Medicaid beneficiaries to prove their citizenship before obtaining ...

State Frets Cost, Impact of New Medicaid Rule

International News Service, Australia

By Ralph Thomas, The Seattle Times. Jun. 28--OLYMPIA -- Come Monday, the state will require an estimated 1 million Medicaid recipients ...

Groups challenge Medicaid citizenship law

San Diego Union Tribune, United States

<http://www.signonsandiego.com/news/nation/20060628-1222-health-immigration.html>

By Kim Dixon. CHICAGO – Low-income citizens backed by anti-poverty groups filed a proposed class action Wednesday, challenging ...

Medicaid to require documentation of US citizenship

Bradenton Herald, United States

<http://www.bradenton.com/mld/bradenton/news/local/14924585.htm>

MANATEE - No longer will a simple check of the "yes" or "no" box suffice in proving an applicant's US citizenship to receive Medicaid coverage. ...

Medicaid rules to require proof of citizenship

2TheAdvocate, LA

<http://www.2theadvocate.com/news/3248366.html>

All people applying for Medicaid will be required to provide documents proving both US citizenship and identity under a new federal law that goes into effect ...

New Medicaid criteria requires proof of citizenship

Earthtimes.org

<http://www.earthtimes.org/articles/show/7394.html>

Come Saturday and many low income people, particularly the elderly and children will have another worry on their hands – a new law requires them to dig up ...

Class-Action Suit Medicaid Over Proof-of-Citizenship Law To Be ...

Kaisernetwork.org, DC - June 28, 2006

http://www.kaisernetwork.org/daily_reports/rep_index.cfm?DR_ID=38195

A class-action lawsuit over a new Medicaid law that would require beneficiaries and applicants to provide proof of citizenship to receive benefits beginning ...

New Medicaid routine addresses citizenship

Times Picayune, LA - June 28, 2006

<http://www.nola.com/news/t-p/frontpage/index.ssf?base/news-6/1151475580163220.xml&coll=1>

By Jan Moller. BATON ROUGE -- Beginning Saturday, Americans who get their health insurance through Medicaid, including more than ...

Lawsuit may be filed to block new Medicaid law

Canton Repository OH - June 28, 2006

<http://www.cantonrep.com/index.php?ID=294020&Category=13>

BY PAUL M. KRAWZAK COPLEY WASHINGTON CORRESPONDENT. WASHINGTON - Ohio and the federal government appear to be on a collision course ...

Medicaid's new rules: Bad policy

Centre Daily Times, PA - June 28, 2006

<http://www.centredaily.com/mld/centredaily/news/opinion/14916458.htm>

More bureaucracy: not exactly what our health-care system needs, but it's what we're getting, starting Saturday. On that day, our ...

Lawsuit challenges new Medicaid requirement

Houston Chronicle, United States – June 28, 2006

By KEVIN FREKING. WASHINGTON - A law that requires Medicaid beneficiaries to prove their citizenship before obtaining health benefits ...

State frets cost, impact of new Medicaid rule

Seattle Times, United States - June 28, 2006

http://seattletimes.nwsourc.com/html/localnews/2003090345_medicaid28m.html

OLYMPIA — Come Monday, the state will require an estimated 1 million Medicaid recipients to prove they are United States citizens in order to receive the ...

New Medicaid law is called a threat

Chicago Tribune, United States - June 28, 2006

<http://www.chicagotribune.com/news/nationworld/chi-0606280128jun28.1.4865729.story?coll=chi-newsnationworld-hed>

By Judith Graham. No one has been able to figure out when Kevin Harris was born or where. This blind, mentally impaired man has told ...