

June 29, 2006 Thursday

SECTION: NATIONAL; Pg. 3

LENGTH: 576 words

HEADLINE: 9 file lawsuit over new Medicaid law;
Proof of citizenship required for benefits

BYLINE: By Jan Moller, Capital bureau

BODY:

BATON ROUGE -- Opponents of a new law requiring Medicaid recipients to give proof of citizenship to get benefits filed a class-action lawsuit Wednesday seeking to block its implementation.

The suit was filed against U.S. Health and Human Services Secretary Michael Leavitt on behalf of nine plaintiffs who say they cannot document their citizenship and stand to lose their Medicaid benefits under the law, which is scheduled to take effect Saturday.

"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," said John Bouman of the **Sargent Shriver National Center on Poverty Law**, one of the attorneys for the plaintiffs.

The citizenship provision was included in the Deficit Reduction Act signed into law by President Bush in February.

Supporters of the measure say it's needed to prevent undocumented immigrants from receiving taxpayer-paid benefits to which they aren't entitled.

But critics say it will have the side effect of pushing qualified Medicaid recipients off the rolls and will create new burdens for state agencies that must administer the requirements.

Louisiana Department of Health and Hospitals officials have said it could pose unique problems for victims of Hurricanes Katrina and Rita who lost the documentation that could prove their citizenship.

Health and Hospitals Secretary Fred Cerise said in a news release that complying with the law will put new strains on agency staff as they try to ascertain the citizenship of more than 1 million Louisiana residents who are currently on Medicaid.

Another 30,000 to 40,000 people apply for benefits every month and must also prove

their citizenship.

The suit, filed in federal district court in Chicago, charges that the law violates the Constitution's 5th Amendment guarantee of due process, and seeks to block the administration from implementing it.

According to guidance provided to states by the Centers for Medicare and Medicaid Services, the primary way for recipients to prove their citizenship is by showing a passport or by producing an original copy of their birth certificate.

Bouman said the plaintiffs in the suit include a 95-year-old Illinois woman who was born in Arkansas at a time when birth certificates weren't kept, and a 72-year-old woman from Missouri who was given away by her mother as an infant and has no passport or birth certificate.

Both women are citizens but have no valid way of proving it under the new law, Bouman said.

The Washington-based Center for Budget and Policy Priorities estimates that as many as 4.6 million current beneficiaries potentially could lose their Medicaid benefits because they don't have a passport or a certified birth certificate.

But those who don't have those documents can establish their citizenship and identity in other ways, such as through military records that include a place of birth or by signed affidavits from two current citizens.

Legal permanent residents -- green-card holders -- who have lived in the United States for at least five years would remain eligible for benefits.

The Congressional Budget Office has estimated that the law could save the federal government \$220 million over five years.

But Louisiana officials said they have no evidence to suggest that undocumented immigrants are getting benefits to which they aren't entitled.

Jan Moller can be reached at jmoller@timespicayune.com or (225) 342-5207.