

Mixed Ruling Mostly Upholds Medicaid ID Requirements

By Michelle Chen

Sept. 21 – Advocates for the country’s low-income healthcare system have hit a legal roadblock in their challenge to new bureaucratic hurdles Congress has imposed on Medicaid access.

In a ruling announced Tuesday, a Chicago federal district court dismissed claims filed against the Department of Health and Human Services over identification requirements that critics say could severely limit people’s access to the healthcare program.

The judge did indicate, however, that he would respond to a narrower claim brought on behalf of children who have been placed in foster care.

The new regulations, enacted in July, require proof of citizenship status, such as birth certificates and passports, to access Medicaid. The plaintiffs, organized by the advocacy group Families USA and other public-interest organizations, had argued that many eligible people cannot produce the necessary documentation due to various factors, such as physical or mental disabilities and homelessness.

But Judge Ronald Guzman struck down the plaintiffs’ main arguments, calling alleged harm "speculative." He wrote that he saw no evidence that the plaintiffs "cannot provide any proof of US citizenship and identity." Even if the individuals lacked basic forms of identification, like a birth certificate, the judge stated, they might still be able to produce other documents, like insurance or medical records.

The judge dismissed the plaintiffs' claims that many eligible people cannot produce the necessary documentation due to various factors, such as physical or mental disabilities and homelessness.

Congress mandated the rule changes in February of this year in the Deficit Reduction Act. The final rules issued by the Department of Health and Human Services contained some caveats – for instance, exempting people also receiving Medicare, and allowing crosschecking with state records databases. But the policy continues to draw fierce criticism.

Serving about 55 million individuals, Medicaid is currently available only to immigrants if they meet certain work and residency requirements or fall into special categories like refugees.

In their legal filings, the plaintiffs elucidated everyday hardships that many Medicaid-eligible people may face under the new system.

Mary West, born in Louisville, Georgia in 1935, testified that she had no birth certificate, was unable to obtain one from the county clerk, and did not know anyone who could

serve as a witness to her birth. Betty Jo Watkins, raised by non-birth parents, testified that she lacked both documents and witnesses to verify her birth in 1950, which she thinks took place in Baltimore, Maryland.

Some social-service providers also voiced concerns. Larry Klowden, a resource coordinator at Northwestern Memorial Hospital in Chicago, Illinois, told the court that the homeless and mentally ill people he serves are typically estranged from their original communities and would have trouble tracking down the required documentation.

Citing psychological stressors that could compound the bureaucratic difficulties, Klowden stated that many clients "become symptomatic and fearful of the system when they are faced with complicated and unfamiliar procedures."

According to the progressive think tank Center on Budget and Policy Priorities, the elderly, blacks and rural residents are especially likely to have difficulties meeting the ID requirements. The Center estimated in July that the new regulations could "jeopardize" health coverage for one to two million citizens.

While dismissing the broader claims, Guzman indicated he would likely issue an injunction to block the regulations for about 500,000 children in the federal foster-care program, who may face unique obstacles in proving Medicaid eligibility.

Representing the foster-care population in the suit was a girl identified only as "A.L.," born in North Carolina in 1989 and adopted in 1999. According to her testimony, she had lost her birth certificate and had no photo identification. Since federal law had automatically qualified her for Medicaid as a "ward of the state," the judge decided, "the regulations harm A.L. by making her prove her citizenship" – a burden specifically created by the new rules.

Mary Anderson, one of the lawyers working on the case, responded to the ruling in a statement: "We are disappointed that US 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."

The groups organizing the lawsuit said their legal challenge would continue. A hearing is set for early October.