

Judge defers citizenship-Medicaid law challenge

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A Chicago Judge has ruled that groups attacking a new law requiring Medicaid recipients to show proof of citizenship do not have legal standing to make such a challenge, a lawyer in the case said on Tuesday.

John Bouman of the Sargent Shriver National Center on Poverty Law said the preliminary ruling from Judge Ronald Guzman of the U.S. District Court in Chicago would be appealed, and the judge would be asked to rule on the validity of the law itself.

Bouman said the ruling was made earlier this week but not yet posted on the court's Website.

"We will be reformulating the proceedings" to make it clear the law is being challenged as unconstitutional and will ask the judge to reconsider, he said.

He said the judge indicated in his ruling that a half million foster and adopted children probably do have standing to challenge the law, but that issue would be decided later.

The ruling came on a suit filed in June on behalf of low-income citizens which said the law would hurt those who may be unable to provide original documents such as birth certificates in order to qualify for the U.S. government's low-income health insurance program.

It would have the greatest affect on those in nursing homes, with mental and physical disabilities and victims of natural disasters, critics of the law contend.

The suit said the law unconstitutionally violates the Fifth Amendment's due-process guarantee by arbitrarily requiring documents and imposing deadlines. The judge made no ruling on that, Bouman said.

One of the plaintiffs, 95-year-old Ruby Bell, was born in 1911 in Arkansas and has no birth certificate.

She was living in a nursing home in Northern Illinois, but the county she came from did not start keeping certificates until 1914 and she might not be able prove citizenship under the law, Bouman said.

Medicaid recipients are required to be U.S. citizens, but until the law was passed documentation was only required of those under suspicion.

About 55 million people receive health care benefits under the state-administered Medicaid program.

The government says about 35,000 people might be at risk of losing current benefits.