

Interim ruling issued on Medicaid lawsuit

CHICAGO, Sept. 19 (UPI) -- A federal judge has upheld new Medicaid citizenship proof rules, but also ruled they should probably not apply to foster children.

The Chicago district court handed down an interim ruling in a lawsuit filed against a Medicaid regulation requiring proof of citizenship to collect benefits that went into effect in July.

But the court also held that foster children will very likely be exempted through a forthcoming injunction or final ruling.

An estimated 45 million other Medicaid beneficiaries who are also subject to the regulation, however, do not have standing to sue, according to the court's decision.

The new rule, established by Congress in the Deficit Reduction Act and implemented according to a regulation written by the Centers for Medicare and Medicaid Services (CMS) states that all beneficiaries of Medicaid -- the joint federal and state program that provides health coverage for low-income and disabled individuals -- be required to produce original documents proving their citizenship.

Opponents of the measure say it threatens access to healthcare for individuals who are citizens but may have difficulty producing birth certificates or passports.

States, who administer Medicaid, have also complained that the process of verifying citizenship will be costly and time-consuming.

CMS later amended the regulation to exempt Medicaid recipients who also qualify for Medicare because they are over age 65 or Supplemental Security Income because they have a disability.

The lawsuit, filed in June, argued that making beneficiaries who have a right to the benefit demonstrate their eligibility with no reason is a violation of their constitutional right to due process.

Plaintiffs' attorney John Bouman of the Sargent Shriver National Center on Poverty Law said they intend to rework their suit in light of the interim ruling.

"We're really disappointed...it means U.S. citizens are going to have to prove and reprove their citizenship," he said. The plaintiffs are "hoping for a (final) ruling soon to relieve them of the burden."