

Press Release
For Immediate Release
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Working Parents Fight for Medicaid Before Eighth Circuit

On June 19, 2003, attorneys representing over 10,000 working parents who lost Medicaid coverage after the Nebraska Legislature cut them off will argue for an injunction granting these parents Transitional Medical Assistance (TMA) before the Eighth Circuit Court of Appeals, in a special sitting of that body in North Platte. Attorneys in the case (Kai v. Ross) will argue that U.S. District Judge Laurie Smith Camp erred by refusing to grant an injunction to these families which would provide them TMA.

The members of the class all lost Medicaid health care coverage when the Nebraska Legislature eliminated eligibility for low-income working parents in special session in August, 2002 - health care assistance previously provided by the State of Nebraska for over forty years. Each member of the class has been terminated from Medicaid due to a new method of counting income. The plaintiffs argue that, under federal law, they and the class are still entitled to continuing Medicaid coverage through the TMA program. This program provides at least six months of additional health care coverage for those terminated from Medicaid. State officials deny they must provide this continuing health care coverage.

“These are low-income families that desperately need medical care,” said Becky Gould, staff attorney with the Welfare Due Process Project and lead counsel in the case. “Without Medicaid coverage, they go without their prescription drugs, their cancer treatments, their visits to physicians for care of chronic conditions. The list goes on for these 10,000 families, all of whom have no other options and all of whom deserve continuing Medicaid health care coverage.”

The plaintiffs believe Judge Smith Camp was wrong to find that the State of Nebraska’s explanation for why they should not continue to receive at least TMA complied with the federal Medicaid Act. Instead, the plaintiffs believe that they are eligible for TMA precisely because of how the state counted their income.

Steve Hitov, a staff attorney with the National Health Law Program (NHeLP), will argue the case for the plaintiffs. The National Health Law Program is a national public interest law firm that seeks to improve health care for America's working and unemployed poor, minorities, the elderly and people with disabilities. NHeLP serves legal services programs, community-based organizations, the private bar, providers and individuals who work to preserve a health care safety net for the millions of uninsured or underinsured low-income people. Gould and Hitov are joined as co-counsel for the class by Allen Overcash and Michelle Paxton of the Woods and Aitken law firm in Lincoln.

The suit was originally filed January 30, 2003, in the U.S. District Court for Nebraska in Lincoln. The suit is requesting the court to order the state to provide TMA for the class. The Defendant is Ron Ross, the Director of the Nebraska Department of Health and Human Services, who is responsible for the administration of the Medicaid program.