

# PRESS RELEASE

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## Judge Orders How and When 10,400 Low Income Working Individuals Across Nebraska Will Regain Medicaid Benefits By October 1, 2003

Today United States District Court Judge Laurie Smith Camp entered an order detailing how and when over 10,000 low-income working Nebraskans, living in almost every county in Nebraska, will regain vitally needed Medicaid benefits. These low-income individuals have won the right to Medicaid health care benefits as a result of the class action lawsuit Kai v. Ross. The order requires that the State of Nebraska contact these thousands of families in September and reinstate their benefits by October 1, 2003.

“Nebraska Appleseed is pleased to have worked closely with state officials to secure this agreement, now an order by Judge Camp. We now not only have the injunction requiring the State to reinstate these individuals to Medicaid, but now have an order explaining how and when it will happen. This is so important to so many hard-working Nebraska families who were hard hit by the effects of state Medicaid cuts last fall,” said D. Milo Mumgaard, class counsel. “While Nebraska Appleseed would have preferred to have an agreement that would have provided for the return of Medicaid benefits sooner than October 1, the State of Nebraska contends that is administratively impossible to do. Everyone will have, though, up to one year from then to get needed health care through Medicaid.”

The order outlines the manner in which the Nebraska Department of Health and Human Services (HHS) will notify class members if they fit within the definition of the class and the rights and benefits that they are entitled to receive as a result of this litigation. The class has been divided into three subgroups for administrative purposes. A brief description of the characteristics of each subgroup and how the order affects them follows:

- People who are receiving Medicaid presently under another eligibility category.  
Subgroup One contains approximately 1,600 class members who lost Medicaid as a result of LB 8 last fall, but who are currently receiving Medicaid under a different category of eligibility. For example, these are families who needed health care coverage so badly they were forced to leave their jobs and go on welfare. They will receive notice concerning their status as class members if they were to lose their Medicaid anytime during the period of October 1, 2003 and September 30, 2004.
- People who lost their Medicaid coverage and have gone without health care.  
Subgroup Two contains approximately 7,500 class members who lost Medicaid as a result of LB 8 last fall but who are not currently receiving Medicaid and have a case open with HHS presently. They will receive notice by October 1, 2003 that they are members of the class and information about how their Medicaid will be restored.

· People who lost their Medicaid but are not on the system, unlike Subgroup 2.  
Subgroup Three contains approximately 1,300 class members who lost Medicaid as a result of LB 8 last fall who are not receiving Medicaid and who do not have an open case at HHS. They will receive notice by September 15, 2003 urging them to contact HHS immediately in order to ensure they receive all the benefits they are entitled to as a result of this litigation.

In addition, the parties have also created a mechanism for class members to receive an individualized review of their case by Nebraska Appleseed and an expedited decision by HHS if any individual class member is entitled to additional prospective months of TMA eligibility.

Co-Counsel for the Plaintiffs are Becky Gould of Nebraska Appleseed's Welfare Due Process Project, Allen Overcash and Michelle Paxton of Woods & Aitken L.L.P., and Steve Hitov of the National Health Law Program. Each participated in negotiating this agreement.

For background information regarding Kai v. Ross, please visit our web-site at [www.NeAppleseed.org](http://www.NeAppleseed.org).