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CLASS ACTION LAWSUIT FILED ON BEHALF OF LOW-INCOME FAMILIES SEEKING REINSTATEMENT OF ACCESS TO MEDICAL CARE

Lincoln, NE, May 20: Today the Nebraska Appleseed Center for Law in the Public Interest filed a class action lawsuit challenging the State of Nebraska's authority to take medical assistance away from low-income families. The suit asserts that the Nebraska Department of Health and Human Services has overstepped its bounds by removing vital Medicaid health care coverage from struggling families who have already received penalties from another assistance program.

Medicaid is the state's health insurance program for low-income families. The suit challenges a Department of Health and Human Services policy that removes Medicaid assistance from families who fail to fully meet work requirements under Nebraska's welfare-to-work program known as Employment First.

"This policy prevents parents from receiving the health care they need to remain healthy enough to care for their children. It can result in emergency room visits that are more costly in the long run, and it runs contrary to state law" states Erin Ching, Staff Attorney, citing the State Welfare Reform Act in which the Nebraska Legislature declared that only cash assistance should be removed as a penalty for failure to participate in the Employment First program. "The removal of health care is an important policy decision that should only be made by the legislature, and the legislature did not authorize Health and Human Services to remove adult Medicaid." Nebraska Appleseed estimates that, since 1997, there have been several hundred parents whose Medicaid has been removed due to an Employment First sanction.

The lawsuit seeks to stop the state from removing Medicaid from adults in families that have received a sanction for failure to participate in the Employment First program, and to require that the program's regulations be modified to bring them in line with the intent of the Nebraska Legislature and the Welfare Reform Act.

The Defendants are the Nebraska Department of Health and Human Services, the state administrative agency charged with implementing the WRA, Christine Peterson, CEO of Health and Human Services, Todd Landry, Director of the Division of Children and Family Services, and Vivianne Chaumont, Director of the Division of Medicaid and Long-Term Care. Collectively, these people are responsible for the administration and supervision of the public assistance programs in Nebraska.

Nebraska Appleseed, a nonprofit, nonpartisan public interest law project, is a national leader in addressing social problems facing vulnerable children without loving and permanent homes, low-income families working hard to make ends meet, and new immigrants seeking a

better life. Nebraska Appleseed's current year action plan and description of its five program areas, significant litigation and policy reform successes, and broad-based accomplishments can be found at neappleseed.org.

Nebraska Appleseed is a part of the Appleseed network of independent state-based public interest law centers working to identify and address social injustices. The Appleseed network seeks to build a just society through education, legal advocacy, community activism and policy expertise by addressing root causes and producing practical, systemic solutions with broad implication. For more information visit appleseednetwork.org.

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