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FEDERAL COURT HALTS STATE EFFORT TO CUT OFF HEALTH CARE OF WELFARE RECIPIENTS NOT MEETING ALL PROGRAM REQUIREMENTS

US District Judge Sam Sparks rules that the Texas Workforce Commission, Texas Department of Human Services, and Health and Human Services Commission cannot proceed with improper efforts to terminate the Medicaid benefits of certain welfare recipients. The challenged policy would have stripped Medicaid health care benefits from welfare recipients who are meeting work requirements, but whose children are not up to date on their health screens and immunizations or are missing too much school.

AUSTIN: In the latest chapter of a legal battle that has been waging for a half year, a federal court granted a preliminary injunction against three Texas state agencies, again preventing them from terminating health care for thousands of low-income Texans.

The case, brought by the Texas Welfare Reform Organization, the El Paso County Health District, and two individual plaintiffs, challenged a proposed rule which redefines work activities to include all elements of the Personal Responsibility Agreement (PRA) that is signed by TANF recipients.

The challenged policy change would define activities such as immunizing children, keeping them in school, and taking them to the doctor as “work.” Through this contorted definition of “work,” TWC would force the Texas Department of Human Services (DHS) to terminate not only all TANF cash assistance to a family who is not cooperating with these elements but also the adult’s Medicaid coverage. **No other state has adopted such a draconian policy.**

The plaintiffs insisted that the provision is a clear violation of federal law and regulation. The federal Medicaid statute narrowly restricts the use of Medicaid sanctions to only two circumstances: 1) when a client is not cooperating with child support enforcement efforts or 2) for “refusal to work.” The definition of “work” in this instance is directly linked to the allowable work activities defined in the TANF statute, which does not include the types of activities TWC is attempting to define as “work.” Judge Sparks wrote in the order that “Had Congress intended to permit a state to terminate Medicaid based on an adult’s failure to ensure a child’s school attendance or non-compliance with other non-work requirements of the individual responsibility plan, it would have provided for these penalties. Because Congress carefully limited a state’s Medicaid sanction ability for “refusing to work,” TWC’s rules violate [federal law].” Bruce Bower of Texas Legal Services Center responded, “The Texas Welfare Reform Organization appreciates the order of the Court, which will permit parents who work to continue to receive Medicaid. This will allow these parents to stay healthy, so they can care for their children and keep their jobs.” Patrick Bresette, associate director of the Center for Public Policy Priorities, said that he hopes this second legal victory will convince the state to drop their case, which is costing taxpayer money and attempting to bolster a virtually indefensible

position, all just to try and take away health care from some of the poorest Texans as a form of punishment.

“Two courts, one state and one federal, have now rendered opinions on this case. They both agree that what the state is trying to do is illegal. We hope they will recognize this pattern, pull down their rules and save Texans any future expense of time or money,” said Bresette.

The Center for Public Policy Priorities is a 501 (c)(3), non-partisan, non-profit policy research organization committed to improving public policies and private practices to better the economic and social conditions of low- and moderate income Texans.