

The logo for the New York City Bar, featuring the text "NEW YORK CITY BAR" in a bold, serif font, centered between two horizontal blue bars.

NEW YORK
CITY BAR

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December 1, 2005

Hon. Jerrold Nadler
2334 Rayburn House Office Building
Washington, DC 20515

Dear Representative Nadler:

The Association of the Bar of the City of New York through its Council on Children, which includes experts in child welfare and family court systems, writes to encourage you to oppose a final Conference Report that cuts services to children who rely on Medicaid for health care coverage. As you know, the House of Representatives approved budget bill HR4241 that included premium and cost-sharing provisions that may affect more than six million children receiving Medicaid.

Currently, federal law prohibits families from being required to pay for their children's Medicaid enrollment or use of health services; however, under the bill, states may charge premiums and cost-sharing for children ages six and older with income over the federal poverty line. Children under age six may be charged if their families are over 133 percent of the federal poverty line. The estimated six million children affected would lose all federal cost-sharing protections.

Also of great concern, the bill overturns Rosales v. Thompson, a 9th Circuit Court of Appeals decision that increased federal assistance for abused or neglected children who moved in with relatives. The bill would change federal law to establish that a child's eligibility for federal foster care is based on that child's eligibility in the home from which he or she was removed, not the relative's home in which the child was subsequently placed.

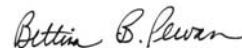
Finally, under the House budget bill, children will no longer be guaranteed comprehensive treatment and services under EPSDT (Early, Periodic Screening, Diagnosis and Treatment) if they are (i) one to five years of age over 133 percent of the federal poverty line or (ii) six years of age and older over 100 percent of the federal poverty line. It is estimated that almost half of children currently receiving Medicaid could be affected, including children in foster care and children living with

caregivers. Health and mental health treatment currently identified as needed would no longer have to be provided for these children, including mental health services, hearing aids, eyeglasses and physical therapy.¹ In place of current standards, the bill provides states with discretion to decide which medical services will be covered. This discretion means there is no minimum coverage and states could design a bare bones plan that qualifies as a Medicaid benchmark provided it is offered to state employees.

It is our view that greater attention and emphasis must be placed on Medicaid benefits available to our poorest and most vulnerable children and families. Any Conference Report that includes the abovementioned House budget bill provisions will result in more expensive and loss of coverage for millions of children, many of whom are in the foster care system and in disproportionate need of health and mental health services. The changes described above could reverse advances in the Medicaid program that took years to accomplish. We believe the progress achieved through Medicaid advances provided much needed services to our children, and that progress can be supported and expanded upon, rather than lost.

We welcome the opportunity to further discuss our concerns. Thank you for your commitment to children and families in New York.

Sincerely,



Bettina B. Plevan

¹ "Budget Cuts Will Harm Vulnerable Children and Families" by Children's Defense Fund Action Council, dated November 7, 2005 at <http://www.cdfactioncouncil.org/BudgetCuts.pdf>.