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Media Contacts: Lynn Kersey, E.D., MCHA (213) 749-4261
Mike Keys, BALA (415) 982-1300, ext. 633
Katie Murphy, WCLP (323-899-6611) (cell)
Lucy Quacinella, Attorney at Law (415-407-5386) (cell)
Oren Sellstrom, LCCR (415) 543-9444
Tricia Vinson, LASSMC (650) 558-0915, ext. 3355
Barbara Siegel or Toni Vargas, NLSLA (818) 834-7572

Superior Court Gives Children of Low-income Families Easier Access to Free Healthcare

SAN FRANCISCO – Low-income families with children got a boost from a San Francisco Superior Court ruling requiring the state to comply with the law when evaluating a child’s application for health insurance under the Medi-Cal program. On Dec. 13, 2010 Superior Court Judge Peter J. Busch ruled that the state has not been using the correct rules for deciding whether family income is low enough for a child to qualify for Medi-Cal.

The ruling applies when children ages 6 to 18 are being considered for enrollment into the Healthy Families program, which is intended for families with more available income than Medi-Cal families and which charges premiums and co-pays.

“Healthy Families out-of-pocket charges mean poor families are left with less money for other necessities, like food or housing,” said Michael D. Keys of Bay Area Legal Aid, one of the lawyers representing the plaintiff, Maternal and Child Health Access (MCHA). “Healthy Families also provides fewer health care benefits than Medi-Cal.”

MCHA Executive Director Lynn Kersey said low-income families struggling financially in these tough economic times could use every break they can get, especially when it comes to health care for their kids.

“Premiums and co-pays beyond a family’s ability to pay mean children and teens go without the medical care they need,” Kersey said. “The court’s ruling will really help working poor families get access to health care for their children through Medi-Cal.”

Families have the option of mailing in child health insurance applications instead of going to the county. Over 200,000 children a year apply for Medi-Cal and Healthy Families by mailing applications to the “single point of entry” in Sacramento. The Court’s ruling could result in significant numbers of these child applicants being enrolled into no-cost Medi-Cal instead of Healthy Families with improved access to health care.

“Because the state has been using the wrong rules, a child may be enrolled in the more costly Healthy Families program when her family's income is hundreds of dollars *lower* than the limit for free Medi-Cal,” said Katie Murphy of the Western Center on Law and Poverty, another of the lawyers representing MCHA. “This ruling requires the state to evaluate that child for Medi-Cal and enroll her if she is eligible.”

The lawsuit, *Maternal and Child Health Access v. DHCS and MRMIB*, was filed in August 2009 to challenge the state's failure to consider special Medi-Cal income-counting rules designed to allow poor families to have more income from a parent's job or self-employment or a family member's disability payments without losing eligibility for Medi-Cal. These rules are already applied to families who submit their applications directly to the county, and the Court's decision does not affect those cases.

At the time the lawsuit was filed, Healthy Families had a waiting list that grew to over 93,000 uninsured children. In addition to ensuring compliance with Medi-Cal's income-counting laws, the Court's ruling also means that fewer Medi-Cal-eligible children will end up on Healthy Families waiting lists should such lists ever be reinstated in the future.

The lawsuit has also resulted in the state voluntarily agreeing to provide families more complete information about how their children can be considered for no-cost Medical and also to expedite the process for enrolling infants whose mothers had Medi-Cal for the delivery.

Representing plaintiff MCH Access in the case are Bay Area Legal Aid, the Lawyers' Committee for Civil Rights of the San Francisco Bay Area, Legal Aid Society of San Mateo County, Neighborhood Legal Services of Los Angeles County, Attorney Lucy Quacinella, and the Western Center on Law and Poverty.

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- Maternal and Child Health Access, through advocacy and direct services, assists low-income women to improve their own health and obtain health care for themselves and their families. (<http://www.mchaccess.org>)
 - Bay Area Legal Aid: Working Together for Justice. (<http://www.baylegal.org>)
 - The Legal Aid Society of San Mateo County is a private non-profit law firm providing free civil legal services that help vulnerable and disadvantaged people in San Mateo County improve their lives through equal access to justice. (<http://www.legalaidsmc.org>)
 - Neighborhood Legal Services of Los Angeles County provides free legal services to low-income residents throughout Los Angeles County. (<http://www.nls-la.org>)
 - Lucy Quacinella is an attorney in private practice, who specializes in human rights laws affecting low-income people in the U.S. and abroad. (<http://www.quacinella.com>)
 - The Western Center on Law & Poverty, Inc. fights for justice and system-wide change to secure housing, healthcare and a strong safety net for low-income Californians. (<http://www.wclp.org>)

- For more than 40 years, the Lawyers' Committee for Civil Rights of the San Francisco Bay Area has worked to advance, protect and promote the legal rights of communities of color, immigrants and refugees -- with a specific focus on low-income communities and a long-standing commitment to African Americans. Lawyers' Committee staff, working with hundreds of *pro bono* attorneys, provides free legal assistance and representation to individuals on civil legal matters through direct services, impact litigation and policy advocacy. In 2009, the Lawyers' Committee mobilized nearly 1,000 *pro bono* attorneys who contributed more than 42,000 hours of free legal assistance, services valued at almost \$17 million. For more information, visit www.lccr.com.