

# LEGAL ADVOCATES WIN DUE PROCESS PROTECTIONS FOR TENS OF THOUSANDS OF MISSOURI CHILDREN

## MAJOR SETTLEMENT ENDS PRACTICE OF UNLAWFULLY CUTTING OFF HEALTH COVERAGE WITHOUT DUE PROCESS

**April 29, 2008,** The State of Missouri will no longer be able to terminate thousands of low-income children's health care without first providing them with the opportunity to challenge the termination and to receive health care coverage while they appeal, as a result of a settlement announced today by the National Center for Law and Economic Justice and The National Health Law Program in a major class action affecting tens of thousands of low-income Missouri children.

The settlement provides relief to the more than 20,000 Missouri children who pay a monthly premium to receive health coverage through MOHealth Net for Kids and who would lose benefits as a result of the State's unlawful policy. In a settlement of *J.W.M. v. Scott*, signed by the parties and awaiting approval by the Court, Missouri can no longer close the cases of tens of thousands of children without first giving notice and an opportunity to explain why their case should not be closed. Additionally, the State will also reinstate health coverage for children who were unlawfully terminated after the federal court ordered Missouri to stop its unlawful policy of terminating children who missed premiums without first providing the opportunity to appeal and for those who may have been eligible under another Medicaid program when they were terminated. The State will provide financial relief for families forced to pay out-of-pocket, from meager budgets, to cover their children's medical costs.

In July 2007, a federal court ordered Missouri to stop its unlawful policy of terminating children's health coverage without first providing the opportunity for an appeal and for continuing coverage pending the appeal, and without first determining whether the child was eligible for another Medicaid program. Prior to the Court's ruling, children, such as J.W.M., were losing their health coverage for up to six months through no fault of their own. The settlement announced today will enforce important due process protections for the children of Missouri's low-income working families.

"This settlement is a significant victory for the tens of thousands of low-income working Missouri families who are in desperate need of medical assistance. We are very pleased that Missouri has chosen a prompt settlement over time consuming and costly further court proceedings and, with the ongoing oversight of the Court, we are confident that the settlement will benefit Missouri's low-income families," said Laura F. Redman, an attorney with The National Center for Law and Economic Justice. "Missouri can no longer step on these children's rights and unlawfully terminate their health coverage," Ms. Redman said.

Added Steve Hitov of the National Health Law Program, "As a result of this settlement, a child whose payment may have arrived a day late will no longer face the prospect of six months without health insurance. This result is therefore good not only for the health of these children, it is good for Missouri's overall public health."

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