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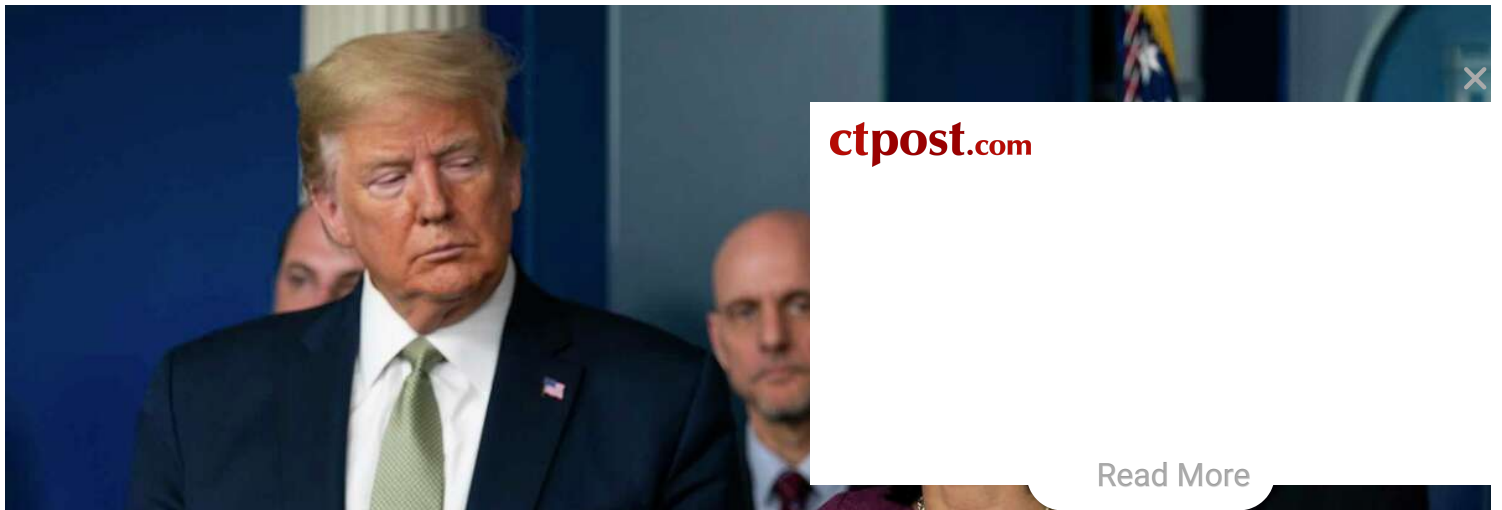
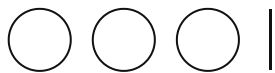
NEWS

CT women with disabilities sue Feds over Trump Medicaid cut after '20 election



Vincent Gabrielle

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President Donald Trump listens as Administrator of the Centers for Medicare and Medicaid Services Seema Verma speaks during a press briefing with the coronavirus task force, at the White House in March, 2020. The Trump administration cut off Medicaid coverage for some disabled people on the day after the 2020 election.
 Evan Vucci / Associated Press

Two Connecticut women with disabilities have sued the U.S. Department of Health and Human Services over Medicaid coverage lost to a Trump administration rule change issued three days after the 2020 election.



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While the country was focused on the ballot c
 every state were being ordered to cut people's

One of the plaintiffs, Brenda Moore, a 57-year
 being placed into a nursing home when her h

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August 31. Moore relies on an aide for roughly 40 hours a week because she has trouble walking or moving due to a serious vascular disease.

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“I’m homebound,” Moore said in an interview with Hearst CTInsider Friday. “I can’t go outside so it’s really hard.”



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Moore said she never received a letter about her change in benefits. She found out when Medicaid halted payments to the home care company that employed her aide.

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“I got a call and they told me,” Moore said. “And I’m telling them no. I haven’t received a letter. Nobody told me anything.”

Moore, who cannot cook for herself, said she resorted to eating cold SpaghettiOs when her aide stopped coming. One day her aide came by to check on her during personal time only to find Moore on the floor, unable to stand up.



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Medicaid, usually known in Connecticut as HUSKY, is financed jointly by states and the federal government, under federal rules. The Trump rule change mandated that states cut off Medicaid coverage from certain groups of people, including those who happened to have Medicare Savings Program accounts, like Moore.

In February of this year, Connecticut began notifying people electronically that they were on the cutting block.

“The notice said the feds changed the rules so now we’re cutting you off, “ said Sheldon Toubman, the lead attorney for Disability Rights Connecticut, which filed the lawsuit along with two national groups and Stinson LLP, a law firm with offices in nine states and Washington, D.C. “There’s a whole new exception, that’s it. Too bad!”

Toubman, a prominent Medicaid services advocate for decades, estimates that at minimum 6,600 people in the state were cut during the pandemic. He was unsure how many other people were cut in Connecticut, or nationally. Toubman said that the Trump administration created these exceptions as a pretext to deny people care that they were entitled to by law under the Coronavirus Response Act of 2020.



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“There is no textual basis for inventing new exceptions to the statute,” said Toubman. “They said they found an ambiguity without saying what the ambiguity was.”

HHS was warned

This situation, in which people would lose necessary medical assistance during the pandemic, was flagged by policy watchers and advocacy groups. The National

Health Law Program submitted over 4,000 comments from the public urging the Trump administration to change its mind.

Families USA, a nonprofit health advocacy group, called the rule change “substantively and procedurally bad policy” that “must be rescinded” in a briefing published at the time of the change.

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“The reinterpretation, which allows states to cut benefits and increase cost sharing will have a devastating impact on millions who rely on Medicaid,” Families USA write in its brief.



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Elliot Fishman, senior director of health policy for Families USA, explained that the rule was rushed out under emergency rule-making provisions but that there was no policy emergency that justified it.

“The only emergency that was involved here was that the Trump administration was coming to an end,” said Fishman. “I’m not sure why the [Biden] administration has maintained it but it goes against the intent of Congress which was that as long as we have a public health emergency, and we have multiple at this point, that we strongly incentivize states not to cut people’s Medicaid benefits.”

In the rule change, the Centers for Medicare and Medicaid Services, part of Health and Human Services, acknowledged that these rule changes could result in people with chronic conditions being moved into Medicaid programs that did not cover chronic care. CMS, as the agency is known, wrote that this could “negatively impact the beneficiary who loses comprehensive Medicaid coverage” and “also undermine states’ COVID-19 response efforts.”

“I think there’s potentially significant legal liability for HHS,” Fishman said. “I think they should take it seriously as a matter of law and as a matter of policy.”

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Moore, the New Haven grandmother with disabilities, and Toubman are hoping that in an upcoming call with a judge that the state will be blocked from pulling her benefits at the end of the month.

“I feel what they did was totally wrong,” Moore said. She said she struggled to get from the bed to her bathroom, that if she could pay for an aide herself, she would. “If they’ve done this to me, how many other people have they done this to?”

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