

Appleseed This Week

Nebraska Appleseed Files Class Action Lawsuit on Behalf of Low-Income Families Seeking Reinstatement of Medical Care

June 5, 2008 - Nebraska Appleseed recently filed a class action lawsuit challenging the state's authority to take away medical assistance from low-income families. The suit asserts that the Nebraska Department of Health and Human Services has overstepped its bounds by removing vital Medicaid health care coverage from families who fail to fully meet work requirements under Nebraska's welfare-to-work program known as Employment First.

According to Nebraska Appleseed, 465 Nebraska families were sanctioned in the first three months of 2008. **Erin Ching**, staff attorney for Nebraska Appleseed, says the state Legislature never approved Medicaid sanctions, which Health and Human Services is unauthorized to carry out. The lawsuit seeks a judge's declaration that the Medicaid sanction regulation violates the separation of powers clause in the Nebraska Constitution.

"This policy prevents parents from receiving the health care they need to remain healthy enough to care for their children. It can result in emergency room visits that are more costly in the long run, and it runs contrary to state law," Ching said, citing the State Welfare Reform Act in which the Nebraska Legislature declared that only cash assistance should be removed as a penalty for failure to participate in the Employment First program. "The removal of health care is an important policy decision that should only be made by the Legislature, and the Legislature did not authorize Health and Human Services to remove adult Medicaid."

The lawsuit seeks to stop the state from removing Medicaid from adults in families that have received a sanction for failure to participate in the Employment First program, and to require that the program's regulations be modified to align with the intent of the Nebraska Legislature and the Welfare Reform Act.

For more information on Appleseed, visit www.appleseednetwork.org. To support the work of Appleseed, donate [here](#).

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