

Federal Lawsuit Targets DHS for Illegally Delaying Health Coverage for 85,000 Pennsylvania Women

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Women qualified for full coverage on January 1

Today (January 13), two women's health organizations and a private citizen filed a federal class action claiming that the Pennsylvania Department of Human Services (DHS) is unlawfully delaying the enrollment of tens of thousands of Pennsylvania women into comprehensive Medicaid coverage for which they qualified effective January 1.

According to the complaint filed in the U.S. District Court for the Eastern District of Pennsylvania, approximately 85,000 women in Pennsylvania who are currently enrolled in SelectPlan for Women, a limited Medicaid program that only covers family planning services, currently qualify for full health coverage either through Healthy PA, the Corbett Administration's version of Medicaid expansion, or through subsidized insurance on Pennsylvania's federally facilitated health insurance Marketplace.

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"These 85,000 women are the working poor," said Amy Hirsch, attorney for Community Legal Services. "While DHS is dragging its feet, these women are being denied health coverage."

Dayle Steinberg, President and CEO of Planned Parenthood Southeastern Pennsylvania, which is a plaintiff in the case, commented: "Planned Parenthood provided more than 5,000 SelectPlan recipients with family planning services last year. We see women on a regular basis who have to delay diagnostic tests and urgent care for conditions we discover, because they lack the financial resources to pay for health care, and their insurance coverage is limited to family planning. Refusing 85,000 Pennsylvania women the health coverage that they're qualified for is dangerous and inexcusable."

"No one can deny that DHS has mismanaged the SelectPlan transition," said Susan Frietsche, staff attorney for the Women's Law Project who together with Ms. Hirsch represents the plaintiffs in the lawsuit. "Our clients can't even get information about their coverage out of the Department because when they call, they get a recording telling them to call back another time."

Hirsch explained that a February 15th open enrollment deadline is looming for approximately 15,000 SelectPlan women whose income disqualifies them for Healthy PA. Applicants must complete the enrollment process in the Marketplace by that date, or miss their chance to get health coverage until 2016.

"DHS never told these women they would qualify for full health coverage starting January 1, and they never mentioned the February 15 open enrollment deadline," said Frietsche, who also called the notices DHS sent SelectPlan recipients in November and December misleading and confusing. "Instead, DHS told them it was evaluating what coverage to offer them and if they want timelier help, they should call the Helpline or fill out another application."

The complaint notes that DHS automatically transferred other groups of limited-coverage recipients to full coverage by January 1 using information already in their system, but is treating the SelectPlan women differently, requiring a manual review at the caseworker level of each SelectPlan recipient's file over the course of several months before enrolling her in Healthy PA.

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“This is discrimination against low-income women and it has very real consequences for the Black women and women of color in Pennsylvania,” said La’Tasha D. Mayes, Founder and Executive Director of New Voices Pittsburgh, a reproductive justice organization that advocates for the health of black women and girls and a plaintiff in the case. “As states surrounding Pennsylvania expanded their Medicaid program over the last year, these women were denied full Medicaid simply because of their zip code. Now that a new plan is finally in place, they are still being denied coverage, this time because they are women. This is unacceptable.”

The lawsuit asserts that DHS’s refusal to provide tens of thousands of Pennsylvania women the Medicaid coverage they are entitled to violates the Social Security Act, which requires states to provide Medicaid with “reasonable promptness to all eligible individuals” and according to “reasonable standards.” It further asserts that DHS’s refusal to refer SelectPlan recipients to the Marketplace in time for them to sign up for subsidized health insurance there likewise violates federal law. The case, *Planned Parenthood Southeastern Pennsylvania v. Mackereth*, is case number 15-cv-135 and has been assigned to the Honorable Joel H. Slomsky.

The Women’s Law Project is a non-profit women’s legal advocacy organization based in Philadelphia and Pittsburgh. Founded in 1974, the Women’s Law Project advances the legal and economic status of women and girls through litigation, advocacy and public education.

In 1966, the Philadelphia Bar Association established Community Legal Services (CLS) as an independent 501(c)(3) organization to provide free legal services, in civil matters, to low-income Philadelphians. Since its founding, CLS has served more than one million clients who could not afford to pay for legal representation.

CLS’s Public Benefits Unit represents clients seeking or facing termination of public benefits such as cash assistance, SSI disability, food stamps, or health insurance. The unit provides education and outreach services and advocates for improvements to the programs that provide these benefits at the federal, state and local levels.