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Committee on Energy and Commerce

Rep. John D. Dingell, Chairman

For Immediate Release: March 14, 2008

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Dingell Highlights Report as Evidence that Administration's Medicaid Regulations First Focus Report Finds CMS Regulations Violate Medicaid Statute, Weaken Health Services

Washington, D.C. - Rep. John D. Dingell (D-MI), Chairman of the Committee on Energy and Commerce, today pointed to a new report as the latest evidence that the Administration's new Medicaid Regulations would weaken health care for children with special needs. The report titled, "Medicaid Regulations: Implications for Children with Special Health Care Needs," by Professor Sara Rosenbaum, a national Medicaid and children's health expert, was released by First Focus, a non-partisan child health advocacy group. The report finds many provisions of the Bush Administration's recently-published Medicaid regulations in violation of the Medicaid statute that guarantees health care for children with special needs. These children, because of their high reliance on Medicaid, either as a primary source of coverage or as a means of supplementing limited private health coverage, would be most hurt by these actions.

"The evidence continues to mount that this Administration's is breaking the promise of health care for our nation's most vulnerable children," said Dingell. "This report provides the sobering news that new CMS regulations will severely impair the ability of Medicaid to perform its crucial mission. Ultimately, low-income, seriously ill children will pay the highest price."

Over the last year, this Administration has issued a number of regulations in an effort to redefine what constitutes a federally permissible Medicaid health care and program administration expenditure, which according to the report "not only draws no support from the law itself but directly contradicts the law in numerous respects." These regulations affect rehabilitation services, services provided through school and hospital settings, and case management -- all of which ensure children can access the health services they need.

"Stopping this assault on health coverage for children must be a top Congressional priority this year," noted Dingell. "Of particular concern is the assault on Medicaid's critical children's benefit, Early Periodic Screening Detection and Treatment, or EPSDT. This key benefit must be protected."

Medicaid's EPSDT benefit, which has been an integral part of children's care since 1967, ensures that children can access medically necessary services and requires States to guarantee that children actually receive needed care. It includes none of the benefit exclusions found in commercial insurance coverage, making Medicaid a lifeline for children with special needs who otherwise would not receive essential care.

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-30-

Prepared by the Committee on Energy and Commerce

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