File #:	Res 1151-2007	**Version:** *	**Name:**		Speaker's decision to file, on behalf of the Council, an amicus brief in support of the Plaintiffs in the litigation between several states and the federal government captioned New York v. U.S. Department of Health and Human Services.
Type:	Resolution		**Status:**		Adopted
			In control:		Committee on Finance
On agenda:	11/15/2007				
Enactment date:			**Enactment #:**		
Title:	Resolution endorsing the Speaker's decision to file, on behalf of the Council, an amicus brief in support of the Plaintiffs in the litigation between several states and the federal government captioned New York v. U.S. Department of Health and Human Services, for the purpose of supporting the wide latitude granted to states by the State Children's Health Insurance Program ("SCHIP") to set their own income rules for SCHIP eligibility.				
Sponsors:	Joel Rivera, Domenic M. Recchia, Jr., Inez E. Dickens, Lewis A. Fidler, Letitia James, G. Oliver Koppell, John C. Liu, Michael C. Nelson, Annabel Palma, Helen Sears, David I. Weprin, Thomas White, Jr.				
Indexes:					
Attachments:	1. Committee Report, 2. Hearing Transcript, 3. Press Release, 4. Hearing Testimony, 5. Hearing Transcript - Stated Meeting 11/15/07				

Date	Ver.	Action By	Action	Result
11/15/2007	*	Committee on Finance	Hearing on P-C Item by Comm	
11/15/2007	*	Committee on Finance	P-C Item Approved by Comm	Pass
11/15/2007	*	City Council	Introduced by Council	
11/15/2007	*	City Council	Referred to Comm by Council	
11/15/2007	*	City Council	Approved, by Council	Pass

Res. No. 1151

Resolution endorsing the Speaker's decision to file, on behalf of the Council, an amicus brief in support of the Plaintiffs in the litigation between several states and the federal government captioned *New York v. U.S. Department of Health and Human Services*, for the purpose of supporting the wide latitude granted to states by the State Children's Health Insurance Program ("SCHIP") to set their own income rules for SCHIP eligibility.

By Council Members Rivera, Recchia Jr., Dickens, Fidler, James, Koppell, Liu, Nelson, Palma, Sears, Weprin and White Jr.

Whereas, The State Children's Health Insurance Program ("SCHIP") was enacted by Congress in 1997

to create a partnership between state and federal governments to provide health insurance coverage to low-

income children who are not eligible for Medicaid; and

Whereas, SCHIP grants states broad discretion in determining the family income level of the children they will cover under their state SCHIP programs; and

Whereas, The current SCHIP programs effective in New York, Washington, and Illinois, approved by the U.S. Department of Health and Human Services ("HHS"), cover children whose family incomes do not exceed 250 percent of the federal poverty limit; and

Whereas, The legislatures of New York, Washington, and Illinois have passed, and their governors have signed, legislation authorizing expansion of their SCHIP programs to cover children whose family incomes do not exceed a higher percent of the federal poverty limit (400, 400, and 300 respectively); and

Whereas, Maryland's SCHIP program currently covers children whose family incomes do not exceed 300 percent of the federal poverty level; and

Whereas, Experience in other states demonstrates that similar expansions have had the desirable effect of increasing enrollment in SCHIP among uninsured children, including those *already* eligible for but not now enrolled in SCHIP; and

Whereas, On August 17, 2007, the Centers for Medicare and Medicaid Services, the branch of HHS that administers the SCHIP program for the federal government, issued a letter that purported to impose stringent new requirements on any state that covers or desires to cover children whose family incomes are above an "effective level" of 250 percent of the federal poverty limit; and

Whereas, This requirement will obstruct the legislative directives in New York, Washington, and Illinois to expand their state SCHIP programs, and will deprive Maryland of its ability to continue to administer its current SCHIP program; and

Whereas, The federal government, faced with an opportunity to expand health coverage to nearly four million additional uninsured children, inexplicably chose to do nothing, jeopardizing the future of millions of children that currently rely on SCHIP for health care, including over 160,000 in New York City alone; and

Whereas, The State of New York, along with the State of Illinois, the State of Maryland, and the State of

Washington, have filed a lawsuit against HHS, challenging HHS's new requirements precluding states from including (or seeking to include) in their SCHIP program children from families whose income are above 250 percent of the federal poverty limit; and

Whereas, The plaintiffs allege that HHS violated administrative rulemaking policies, in that (i) HHS failed to comply with public notice and comment rules; and (ii) HHS's income limit requirements are contrary to the Social Security Act (the federal law that created SCHIP); now, therefore, be it

Resolved, That the Council of the City of New York endorses the Speaker's decision to file, on behalf of the Council, an amicus brief in support of the Plaintiffs in the litigation between several states and the federal government captioned *New York v. U.S. Department of Health and Human Services*, for the purpose of supporting the wide latitude granted to states by the State Children's Health Insurance Program ("SCHIP") to set their own income rules for SCHIP eligibility.

LGA
11.08.07