

# On Medicaid cuts, Rusche was proved right

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When the Idaho Legislature took an ax to Idaho Health and Welfare funding back in 2011, House Minority Leader and physician John Rusche issued a warning.

In a letter to the co-chairs of the Joint Finance and Appropriations Committee, the Lewiston Democrat called some of the proposed \$35 million in cuts "unwise" and said they "will prevent the (Health and Welfare) Department from fulfilling its statutory mission."

Turns out Rusche may have been correct.

A U.S. District Court ruling Tuesday allows the American Civil Liberties Union to continue its class action lawsuit against Idaho. The court granted an injunction halting the state's major cuts to Medicaid implemented in 2011.

The injunction will result in restoring an estimated \$16 million in assistance to adults with developmental disabilities statewide, according to a press release from the ACLU of Idaho. Back in 2011, the top Democrat in the Idaho House clearly defined the problem with the kind of cuts the Idaho Legislature wanted to make in Medicaid.

"Cuts of this degree will decimate our health care providers," Rusche wrote. "It will cut the legs out from under the poor children, pregnant women, mentally ill and disabled individuals who depend on the program."

The cuts were made and it was up to the Idaho Department of Health and Welfare to make them happen. The methodology used to determine who lost services and how they were notified was challenged by the ACLU. The Health and Welfare Department has unsuccessfully defended its methods three different times in court, according to the ACLU press release.

In his Tuesday ruling, Federal Judge Lynn B. Winmill wrote: "Read as a whole, this notice gives participants nothing more than the general explanation that several factors may have affected their individual budget. It does not explain which combination of factors actually affected each participant's budget on an individualized level. This lack of specificity runs afoul of due process. ..."

Winmill's injunction covers all applicants and participants who go through the individual budgeting process for adults with developmental disabilities on Medicaid in Idaho. His ruling means adults with disabilities now should be able to go back to the highest level of funding they have been eligible for since July 1, 2011.

But it's three specific cases that Winmill cited in court that tell the true story of the suffering brought on by the Medicaid cuts three years ago.

Providers for a 46-year-old Idaho woman with an assessed functional age of 1 year and 8 months were told she would lose her benefits for developmental therapy. Through the therapy, she was learning to accomplish tasks and communicate, leading to an increase in her functional age for the first time in years.

A 26-year-old man who required support and supervision for everyday tasks, like feeding himself, had his assistance cut by 27 percent, jeopardizing both his health and his ability to continue working.

A 34-year-old man with a functional age of less than 4, who was born with severe developmental disability and Down Syndrome, saw his assistance cut by 25 percent. This cut kept him out of the development programs that allowed him to interact with other people in his community.

It's as if Rusche had a crystal ball when he penned that letter to JFAC back in 2011.

"Shorting the budget for needed services will likely cost us much more and diminish the health and safety of our Medicaid recipients," Rusche wrote.

Cutting the safety net to a state's most vulnerable population back in 2011 shouldn't have been based simply on a need to balance a budget. If it was, that speaks volumes about our state's political leadership.

The failure this year to expand that safety net to more than 100,000 poor Idahoans who are medically uninsured was not budget-driven - the feds will pay the total tab for two years and 90 percent after that.

If the lack of state legislative action stems simply from the GOP aversion to Obamacare, the message is loud and cruel.