STATE of TEXAS
HOUSE of REPRESENTATIVES

GARNET F. COLEMAN
STATE REPRESENTATIVE
DISTRICT 147

October 10, 2007

Attorney General Greg Abbott
Office of the Attorney General
PO Box 12548
Austin, TX 78711-2548

Dear General Abbott:

I am writing you today to ask you to file or join a lawsuit against the United States Department of Health and Human Services to block a recent Center for Medicaid and State Operations directive that will result in thousands of children losing their health insurance nationwide and handcuff Texas from continuing to reduce the number of uninsured children in our state.

On August 17, the Bush administration issued a directive from the Center for Medicaid and State Operations effectively prohibiting states from covering children in their respective State Children's Health Insurance Programs (SCHIP) at or above 250% of the federal poverty level. I believe the directive violates federal law, which requires a published notice in the Federal Register and an opportunity for public comment on new administrative rules. The Attorneys General of New York, New Jersey, Illinois, Maryland and Washington have filed or joined lawsuits to block enforcement of the directive; according to media reports, the Attorneys General of Arizona, California, New Hampshire and New Mexico have announced they will do the same.

Texas made progress this past legislative session partially restoring cuts made to Texas' CHIP program in 2003, but the Legislature still has a long way to go to fully restoring CHIP and providing access to health coverage for the 1.3 million children in our state who currently do not have health insurance. In addition to violating federal law, the directive from the Bush administration will ultimately handcuff legislators from reducing the number of uninsured children in Texas.

I am sending you briefs from the New York and New Jersey Attorneys General, as well as a copy of the August 17th directive from Dennis G. Smith, the director of the Center for Medicaid and State Operations within the Department of Health and Human Services. If you have any questions, please do not hesitate to contact me in my district office.

Sincerely,

Garnet F. Coleman

Committees: Public Health • County Affairs
P.O. BOX 2910 • AUSTIN, TEXAS 78768-2910 • (512) 463-0524
P.O. BOX 88140 • HOUSTON, TEXAS 77288 • (713) 520-5355