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**RESOLUTION CALLING UPON U.S. CONGRESS TO RESCIND Title 42, United States Code, Section 1396p FEDERAL ESTATE RECOVERY**

July 12, 2007

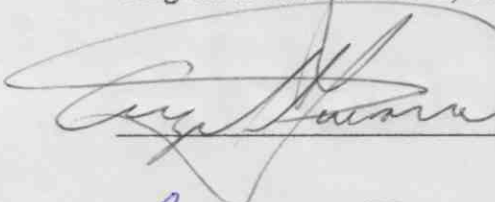
Title 42, United States Code, Section 1396p requires states to seize the assets from the estates of deceased Medicaid recipients to take back money the state spent on services the patient received after turning 55 years of age. This includes nursing facility services, home and community-based services, and related hospital and prescription drug services. The federal law also allows for the states to seize assets to recover other costs. The Omnibus Reconciliation Act of 1993 (OBRA 93) made asset seizure mandatory instead of optional for all states.

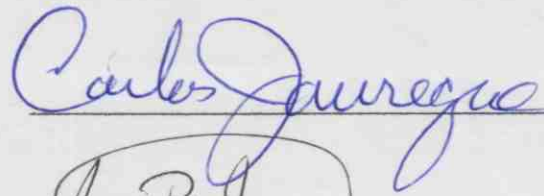
According to a recent U.S. Department of Health and Human Services study, state governments in the U.S. seized assets valued at approximately \$362 million in 2006.

The federal law, Title 42, Section 1396p, contradicts the intent of the 1965 federal law that created Medicaid. When President Lyndon Baines Johnson signed Title 20 of the Social Security Act, he stated that it would guarantee medical care to every American, regardless of size of purse.

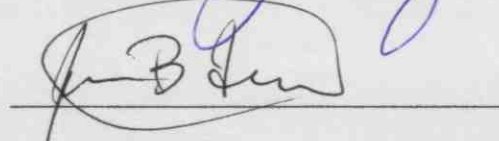
- Whereas, threat of seizure of assets is a disincentive for people to sign up for Medicaid, forcing them to forego medical care in an attempt to hold onto the precious little they worked their whole lives to attain,
- Whereas, nationwide there are approximately 42.6 million Hispanics, about 14% of the total population, and the U.S. Census Bureau reported in 2004 that 24.6 % of Hispanics, compared with 13.4 % of Caucasians, work in low-paid service jobs, and
- Whereas, of all other ethnic groups in the country Hispanics have the highest proportion of those without any health coverage, and according to the National Center for Health Statistics, about 30 % of Hispanic adults are without coverage, and Hispanics are two times more likely to be diagnosed with diabetes, and that this puts all low-income Medicaid recipients, and particularly Hispanic Medicaid recipients at risk to lose their property,

Be it hereby resolved that the League of United Latin American Citizens calls upon the United States Congress to rescind Title 42, United States Code, Section 1396p, the Estate Recovery Act.

  
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5/20/07 Director







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