

By: Representative Flaggs

To: Rules

HOUSE CONCURRENT RESOLUTION NO. 62

1 A CONCURRENT RESOLUTION REQUESTING THE UNITED STATES DISTRICT
2 COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI TO ALLOW THE
3 LEGISLATURE ADDITIONAL TIME TO RESOLVE THE PROBLEM OF CONTINUED
4 MEDICAID ELIGIBILITY FOR THE PLAD CATEGORY OF RECIPIENTS.

5 WHEREAS, during the 2004 Regular Session, the Mississippi
6 Legislature passed a bill to delete the eligibility of the Poverty
7 Level Aged and Disabled (PLAD) category of recipients from
8 Medicaid; and

9 WHEREAS, the Medicaid recipients filed a lawsuit in the
10 United States District Court for the Southern District of
11 Mississippi claiming that they were not given proper notice of
12 their removal from eligibility under the federal laws regarding
13 Medicaid; and

14 WHEREAS, in October 2004, the Division of Medicaid and the
15 plaintiff Medicaid recipients reached an agreement that would
16 restore the eligibility for the PLAD category until the end of
17 January 2005, which the District Court approved; and

18 WHEREAS, the United States District Court has scheduled a
19 status conference in early February to further evaluate the issues
20 raised in the lawsuit; and

21 WHEREAS, the Mississippi House of Representatives has worked
22 diligently during the month of January to resolve the problem of
23 providing continued coverage for the PLAD category through House
24 Bill No. 410, which is pending before the entire House; and

25 WHEREAS, the Mississippi Senate is also working diligently on
26 legislation that will resolve this serious Medicaid problem; and

27 WHEREAS, both the House of Representatives and the Senate
28 would like the opportunity to continue the legislative process and

29 negotiate with each other to compromise and resolve the issue of
30 reinstating the PLAD category to the Medicaid program; and

31 WHEREAS, it is the policy of this Legislature of the State of
32 Mississippi to legislate and not to litigate:

33 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
34 REPRESENTATIVES OF THE STATE OF MISSISSIPPI, THE SENATE CONCURRING
35 THEREIN, That we do respectfully request the United States
36 District Court for the Southern District of Mississippi to allow
37 the Legislature additional time to resolve the problem of
38 continued Medicaid eligibility for the PLAD category of
39 recipients.

40 BE IT FURTHER RESOLVED, That copies of this resolution be
41 furnished to the United States District Court for the Southern
42 District of Mississippi and to the members of the Capitol Press
43 Corps.