

Legal Assistance Resource Center

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Written Testimony Submitted to the Insurance and Real Estate Committee
In Opposition to SB 52, An Act Concerning Proof of Health Insurance Coverage for Children
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My name is Sara Parker McKernan and I am the Legislative Liaison/Special Projects Coordinator at the Legal Assistance Resource Center of Connecticut (LARCC). LARCC is the advocacy and support center for the Legal Services Programs in the state. We represent the interests of very low-income CT residents.

Legal Services feels that SB 52 will have an unintentionally chilling impact on immigrants, legally present children of undocumented parents and those who are unable to verify their citizenship for Medicaid purposes because of logistical issues. It is also a potential barrier for low-income families who, despite the misperception that HUSKY is free, are unable to pay the premiums or co-pays that are required as part of the HUSKY B program. Despite the absence of any penalty in the language, this bill still has the potential for being misunderstood in the community and misapplied in the schools.

Despite a Supreme Court decision (*Plyler v. Doe*, 457 U.S. 202 (1982)), saying that public school districts may not refuse education to undocumented children, there is a lot of fear and misperceptions in the immigrant community. A perceived requirement of health insurance in order to be admitted to school would seem fruitless for parents who know that Medicaid applications for undocumented children will be denied. There is the additional fear that merely applying for Medicaid could result in reporting to immigration authorities. Clearly this will have a chilling effect on some parents sending their undocumented children to school. It is in no one's interest to have undocumented children think that school and an education is unattainable.

Schools are already required to provide HUSKY information to parents of uninsured children and many districts make it a practice to hand out the information to all students at the beginning of each school year. While encouraging enrollment in "cost-free" coverage seems like a good idea, HUSKY is not in fact cost-free. The highest eligibility band of HUSKY B can cost over \$230 per month per enrollee and HUSKY A requires contributions through child support agreements.

Legal Services attorneys dealing with special education and children's issues see many situations where school registration offices have misunderstandings about what documentation is needed for a child to enroll in a school district. This is especially common in situations where custody is split between two parents. It's quite likely that this bill would be misinterpreted and some school registration staff would believe that a child can't be registered without proof of insurance.

We urge you to reject SB 52 for the reasons cited above.

FACTS about

SB 52 and Requiring Proof of Health Insurance for Children

SB 52 was raised in the Insurance and Real Estate Committee as a way of increasing enrollment of uninsured children in the HUSKY program. Although the intention of this proposal is commendable, in practice it may complicate the enrollment process.

This bill requires Boards of Education to provide information to DSS verifying that all students in their jurisdiction have health insurance coverage. Parents who cannot provide proof of insurance are required to submit an application for HUSKY to DSS or the school (who must then forward it to DSS).

The potential for misunderstandings in the application of this language are huge.

- Staff in school registration offices may misunderstand what documentation is needed for a child to enroll in school and may think that proof of insurance is required for registration.
- Although there is no penalty for noncompliance, this bill will have a chilling impact on undocumented children or legally present children of undocumented parents. The U.S. Supreme Court (*Plyler v. Doe*, 457 US 202 (1987)) has held that undocumented children may not be refused education in a public school. However, there is still an undercurrent of fear in the community that may prevent parents from sending their undocumented children to school. HUSKY is not available to undocumented children and parents may fear that by applying, they are placing their family in jeopardy.
- Other issues may arise for U.S. citizens who have been unable to gather the required paper work to verify their citizenship for Medicaid purposes. Additionally, while it seems like a good idea to require enrollment in cost free coverage, HUSKY is **not** in fact cost free for all. HUSKY B can require premiums of up to \$230 per month.

CT law **already** requires Boards of Education to provide HUSKY information to parents of uninsured children.

The proposed language has the potential for being misunderstood in the community and misapplied in the schools.