

# Idahoans Appeal Cuts to Cash Assistance Program

By REBECCA BOONE - Associated Press

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BOISE, Idaho — More than 100 people gathered at the Idaho Department of Health and Welfare to attend a hearing over whether they'll be able to appeal cuts to the state's cash assistance program for disabled adults.

The hearing on Tuesday afternoon was so crowded that it quickly overflowed, forcing the department to open two additional conference rooms and set up phone lines to connect them all.

The department decided last year to reduce or cut payments to about 2,000 people in the program after the Legislature cut about \$45 million from the department's overall budget. At the time, agency administrator Russ Barron said the program, which served nearly 15,000 Idaho adults, faced a \$1.1 million deficit.

But opponents say the cuts could force hundreds of disabled Idahoans out of their certified family homes and into nursing homes and other institutions, at a greater cost to the state and federal government.

Hearing officer Sandra Meikle will likely decide whether the cases should be dismissed or consolidated sometime in July.

Charina Newell, the attorney representing the department's Medicaid program manager Alberto Gonzalez, said that Idaho law only requires the department to make AABD payments if those funds are available. She said Meikle doesn't have the authority to overrule the department's decision to cut the funds, and that the hearing officer is required to show deference to the department's interpretation of those rules as she considers the case.

Any appeals over the cuts should be handled in federal court, Newell said.

But Ritchie Eppink, an Idaho Legal Aid attorney representing about 110 people who are facing AABD cuts, said the administrative hearing was exactly the place those claims should be considered, rather than dragging everyone affected into federal court.

"In fact, this is probably the most economic forum for everybody involved," Eppink said. "The department asking that all these cases be turned into federal cases? Obviously that could be done, but it would be exceedingly expensive for all involved."

Eppink is already representing some developmentally disabled clients in a potentially class-action lawsuit in federal court, but he noted that the judge in that case has said administrative hearings would be an appropriate step. Because the federal lawsuit hasn't yet been certified as a class-action, right now it doesn't cover everyone affected by the cuts, he said.

Deanna Weaver, a legal guardian for three disabled adults, said the cuts posed a grave jeopardy to her wards' level of care.

"All three of them have extreme behaviors or are disabled," she said. "They can't go to the toilet by themselves. They can't cook for themselves. They need a one-on-one or two-on-one ratio of caregivers - that familiarity keeps them stable."

If her wards lose their AABD payments and are institutionalized, they'll likely deteriorate, Weaver said, because instead of having the same caregivers around the clock they'll face a staff that changes with each shift.

Alice Jane Leitter, an AABD recipient who lives in a certified family home, said that she doesn't have enough money to cover her room and board at her certified family home without the payments. She fears she may be forced to return to an institution.

"I've been in six institutions, and I don't want to lose my home," Leitter said.

But Idaho Department of Health and Welfare officials say the cuts were tailored to affect the fewest people in the smallest possible way.

"Those were very difficult decisions to make, but given the budget shortfalls" the department had little choice, Gonzalez said after the hearing.

Of the 2,000 affected by the cuts, 1,400 lost payments altogether and 600 had their payments reduced, said department spokesman Tom Shanahan. The payment reductions range from \$33 a month to \$198 a month for those who live in certified family homes, and the money is intended to help cover daily living expenses - the cost of medical care is generally handled through separate programs.

Last updated on December 12, 2011.

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