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# COUNTY CARE: A STEP FORWARD FOR ADEQUATE HEALTH INSURANCE FOR UNDOCUMENTED IMMIGRANTS?

*by* ALISHA HOWELL

When the uninsured in Cook County receive medical care they cannot afford, the government ends up footing the bill. In 2011, this bill was nearly \$150 million.<sup>1</sup> County Care, a recently implemented Cook County health insurance program for low-income residents aims to tackle these health care costs.<sup>2</sup> The program fails, however, to cover an estimated 500,000 uninsured county residents - ineligible because of their income or undocumented status.<sup>3</sup> Despite this perceived shortcoming, County Care may serve to spark

legislative action regarding structured health care insurance options for undocumented immigrants – not only in Cook County, but also throughout the state of Illinois.

#### FEDERAL LEGISLATION PROHIBITS RESIDENT ENROLLMENT

Implemented in January 2013, County Care is a Medicaid expansion program provided under the Affordable Care Act (ACA) and estimated to insure an additional 250,000 Cook County residents.<sup>4</sup> Cook County officials applied to the federal government to jump start the expansion process a year earlier than state eligibility under the ACA.<sup>5</sup> The program is administered by the Cook County Health and Hospitals System (CCHHS), which anticipates generating \$99 million in net revenue this year by providing coverage to the uninsured.<sup>6</sup>

However, federal limitations on citizenship status, outlined in the ACA, prevent Cook County from enrolling undocumented immigrant residents into County Care.<sup>7</sup> As it is currently structured, the Medicaid expansion program provides health insurance only to citizens or legally permanent residents.<sup>8</sup>

Likewise, undocumented immigrants may not participate in the state health insurance exchange program.<sup>9</sup> The program, which Illinois may implement as soon as 2014, provides residents and small businesses the opportunity to shop around for an affordable private health insurance plan.<sup>10</sup> For undocumented workers, this prohibition is a tough pill to swallow. “Insured undocumented workers allow taxpayers to save money when these individuals require emergency procedures they cannot afford,” said Esther Sciammarella, CEO of the Chicago Hispanic Health Coalition.<sup>11</sup> “Undocumented workers need to be provided health insurance on the job.”<sup>12</sup>

#### ILLINOIS LAW FAVORING LEGISLATIVE ACTION

Despite the federal limitation on County Care, several Illinois laws show the state legislature is willing to address issues affecting the undocumented population.<sup>13</sup> A recent law provides undocumented immigrants with an identification card that permits them to legally drive in the state and purchase auto insurance.<sup>14</sup> The law requires only that a person prove they have resided in Illinois for over one year.<sup>15</sup> “If Illinois can figure out a system where undocumented

persons can obtain a valid driver's license, [it] should be able to figure out a similar system where they can purchase health insurance," said Sciammarella.<sup>16</sup>

Some undocumented individuals may qualify for reimbursement of their medical expenses under the Illinois Crime Victim's Compensation Act.<sup>17</sup> Immigration attorney, Elizabeth Rompf Bruen, frequently represents clients seeking U nonimmigrant status before the Department of Homeland Security—some of whom have sought reimbursements under the Illinois program.<sup>18</sup> U nonimmigrant status is granted to non-citizens who are victims of certain crimes, suffer substantial harm as a result of the crime committed against them, assist law enforcement in the investigation and/or prosecution of the crime, and meet other requirements.<sup>19</sup> According to immigration attorney Rompf Bruen, "Several of my clients suffered serious physical injuries as a result of the crimes committed against them, and treatment for these injuries resulted in substantial medical bills."<sup>20</sup> If granted U nonimmigrant status, applicants are permitted to remain in the United States and work temporarily.<sup>21</sup>

The passage of the DREAM Act also signified a legislative win for undocumented immigrants in Illinois.<sup>22</sup> Now, undocumented students who graduate from Illinois high schools are eligible to receive scholarships, and enroll in college savings, and prepaid tuition programs.<sup>23</sup>

#### TACKLING COUNTY CARE'S ECONOMIC IMPACT

Opponents of County Care view its expansion as fiscally unwise and unnecessary as Illinois currently sits \$8 billion behind in its Medicaid reimbursements to health care providers.<sup>24</sup> "County Care already hurts [our] economy more than it helps," said Kitty Deng, a Mt. Sinai Hospital pharmacist.<sup>25</sup> "Taxpayers are paying for patients who cannot afford health care insurance which results in a tax hike for workers, diminishing the money that goes into their pockets and back into the economy."<sup>26</sup>

Cook County physician Dr. Barbara Bellar agrees. "There are numerous clinics and charitable organizations that already provide medical services for the poor in Chicago," she said.<sup>27</sup> "We cannot afford to further expand the government health insurance program."<sup>28</sup> One of these clinics, CommunityHealth Chicago, is the largest free health clinic in Illinois and provides non-emergency medical services to over 10,000 patients a year.<sup>29</sup>

Although undocumented immigrants cannot enroll in County Care, they still stand to benefit from its implementation.<sup>30</sup> Previously uninsured patients who enroll in County Care may now receive medical care from any CCHHS facility.<sup>31</sup> “As more uninsured residents enroll in County Care, CommunityHealth will remain the ‘safety net under the safety net’ for those individuals who do not qualify for the program,” said Judith Haasis, Executive Director of CommunityHealth.<sup>32</sup>

#### LOOKING TO THE FUTURE

For now, Cook County serves as a model to other counties – working within the federal limits to provide the majority of its low-income residents with government-based health care insurance. However, as time progresses, it is unlikely that County Care as currently implemented will be enough to curtail the rising cost of health care in the county and to fulfill the needs of the undocumented.

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#### NOTES

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3 Lindsey Dunn, *Yes, You Still Have to Worry About the Uninsured After the Mandate*, Becker’s Hospital Review (April 18, 2013), <http://www.beckershospitalreview.com/hospital-management-administration/yes-you-still-have-to-worry-about-the-uninsured-after-the-mandate.html>.

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8 Matthew Wayt, *Immigrant Health Care: Not Many Eligible for Medicaid Expansion*, California Healthline Daily Digest (April 3, 2013), available at <http://www.californiahealthline.org/road-to-reform/2013/immigrant-health-care-many-not-eligible-for-medicaid-expansion.aspx>; National Immigration Law Center, *Immigrants and the Affordable Care Act (ACA)* (March 2013), available at <http://www.nilc.org/document.html?id=157>.

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10 Patient Protection and Affordable Care Act of 2010 Establishment of Exchanges and Qualified Health Plans, 45 C.F.R. §§ 55, 156 (2011).

11 Interview with Esther Sciammarella, Chicago Hispanic Health Coalition CEO (Feb. 27, 2013).

12 *Id.*

13 *Id.*

14 Greg Botelho, *New Illinois Law Allows Undocumented Immigrants to Get Driver's License*, CNN.com (Jan. 29, 2013), <http://www.cnn.com/2013/01/28/us/illinois-immigrant-licenses>; Monique Garcia, *Illinois Illegal Immigrant Driver's Licenses Available in 10 Months*, Chicago Tribune (Jan. 27, 2013), available at [http://articles.chicagotribune.com/2013-01-27/news/ct-met-quinn-immigrant-drivers-licenses-0128-20130129\\_1\\_licenses-illinois-illegal-immigrant-consular-identification-card](http://articles.chicagotribune.com/2013-01-27/news/ct-met-quinn-immigrant-drivers-licenses-0128-20130129_1_licenses-illinois-illegal-immigrant-consular-identification-card).

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16 Sciammarella, *supra* note 11.

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18 Interview with Elizabeth Rompf Bruen, Attorney at Scott D. Pollack & Associates (April 1, 2013).

19 *Id.* See also Alien Victims of Certain Qualifying Criminal Activity, 8 C.F.R. §214.14(b)(1) – (4) (2007).

20 Rompf Bruen, *supra* note 18.

21 *Id.* See also Alien Victims of Certain Qualifying Criminal Activity, 8 C.F.R. §214.14(c)(7) (2007).

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24 Eaton, *supra* note 1.

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26 *Id.*

27 Interview with Dr. Barbara Bellar (March 29, 2013).

28 *Id.*

29 Interview with Judith Haasis, CommunityHealth Chicago Executive Director (April 7, 2013).

30 *Id.*

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32 Haasis, *supra* note 29.