

PROTECTIONS FOR N.C. MEDICAID BENEFICIARIES: HAWKINS v. COHEN

Hawkins v. Cohen (5:17-CV-581 E.D.N.C.) is a federal lawsuit filed in 2017 by Charlotte Center for Legal Advocacy and the National Health Law Program to stop illegal terminations of Medicaid benefits in North Carolina.

The Court hearing the case has certified it as a class action. This means that the Court's orders protect all N.C. Medicaid beneficiaries from having their Medicaid terminated improperly (including transfer to Medicaid that only covers family planning services).

The Court has issued a preliminary injunction ordering the N.C. Medicaid agency and all 100 county Departments of Social Services (DSS) to stop terminating or reducing Medicaid coverage until eligibility under all Medicaid categories has been considered and advance notice of the right to a hearing has been mailed.

The Court's order prohibits automatic terminations without any notice by the state computer, NC FAST, because a county worker failed to process a review of the case in the month it was due. This often happens in the following circumstances:

- 1) at the end of the one year period for which Medicaid was previously approved;
- 2) a parent or caretaker's youngest child turns age 18;
- 3) any child turns age 19;
- 4) a pregnancy ends;
- 5) transitional Medicaid coverage ends.

The Order also prohibits failure to consider all Medicaid categories before Medicaid terminates. Specifically, beginning in April 2019, for persons receiving Medicaid as a child, caretaker of a child, or pregnant woman, DSS will have to send a notice giving that person the opportunity to allege disability and then apply for Medicaid based on disability even though the person already gets Medicaid. If that application based on disability is timely filed, DSS cannot terminate Medicaid for that person unless that application has been denied.

If you have any questions about this lawsuit or about your rights, you may contact the attorneys who filed the case, the Charlotte Center for Legal Advocacy. You can reach these lawyers by calling this toll free number: 1-800-936-4971. You can also send the lawyers an email at hawkinsinfo@charlottelegaladvocacy.org.

You also may contact these lawyers if you want to report that you lost your Medicaid without a decision that you were no longer eligible for Medicaid under any category or without receiving advance written notice that your Medicaid would stop. There is no cost to you for any help that these lawyers provide to you.