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EDITORIAL

Hurdles to Insuring Children

The Bush administration is determined to frustrate state efforts to provide health insurance to middle-income children despite analyses judging its tactics as illegal and unenforceable. That intransigence makes it likely that an impasse that pits many states, including New York, against the federal government will have to be resolved by the next president and Congress.

Last August, the administration imposed new rules that would make it difficult, if not impossible, for many states to expand coverage under the State Children's Health Insurance Program, known as S-chip, to include middle-income children, not just low-income children as originally intended. The directive poked a thumb in the eye of Congress, which was debating whether to reduce the ranks of the uninsured by enlarging S-chip, which is financed jointly by the federal government and the states. And it undercut efforts in a score of states that had proposed or already begun middle-class coverage.

Now the nonpartisan Government Accountability Office and the Congressional Research Service have rendered opinions that the August directive was not a mere clarification of existing requirements, as the White House had contended, but a new rule that should have first been submitted to Congress for review.

The rule sets high hurdles that states must surmount before extending coverage to children from families with incomes above 250 percent of the federal poverty level, or about \$53,000 for a family of four.

States must prove that they already cover 95 percent of eligible children with family incomes below twice the poverty level (\$42,400) — a population that is notoriously hard to reach. They must also show that employer-sponsored insurance for low-income children has not declined more than two percentage points over the past five years, a goal that is particularly difficult at a time when employer-based insurance is steadily eroding.

Several states have filed lawsuits challenging the directive. Let us hope that the views from the G.A.O. and Congressional researchers carry the weight they deserve. The administration ought to rescind its indefensible rule and not waste time and money defending it in court. Everyone agrees that S-chip should focus on low-income children, but states should be able to raise income limits under reasonable — not draconian — ground rules.

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