

Background

Hans Bruns vs. Commissioner, Maine Department of Health and Human Services

About Hans Bruns

Hans Bruns lives in Fort Fairfield in Aroostook County. He became a lawful permanent resident of the United States in December 2007 and moved to Maine in October 2009.

Bruns previously received health insurance pursuant to the MaineCare program for more than a year. The Maine Department of Health and Human Services terminated his full MaineCare benefits effective Oct. 1, 2011, reducing his coverage to coverage for only an "emergency medical condition." He would be eligible for full MaineCare benefits but for a new requirement adopted by the Maine Legislature in June of 2011 in P.L. 2011, ch. 380, § KK-4.

Bruns has been diagnosed with adenoid cystic carcinoma of the right parotid gland and an apparent lesion in his lung, and he is not receiving important medical care and help with the cost of transportation for treatment without MaineCare coverage.

Emergency care benefits, under the Defendant's current policy, do not and cannot provide the necessary medical services to the Plaintiff that were previously provided to him under full MaineCare.

Hans is suffering from debilitating pain and absent treatment. Bruns' condition could result in death within six to 12 months. He is currently receiving limited treatment under Maine's bad debt and charity law, which passes costs for his treatment onto his hospital and to Mainers with private health insurances premiums.

Background on Maine law

Medicaid is a jointly funded state and federal program that provides medical assistance to low-income individuals.

Since the beginning of Medicaid, Maine has covered this class. In 1973, the Maine Legislature enacted P.L. 1973, ch. 790, codifying its Medicaid coverage to qualified individuals, including lawful permanent residents, regardless of how long the qualified individuals had been residents of the United States.

In June 2011, however, the Maine Legislature passed P.L. 2011, ch. 380, § KK-4, which terminated MaineCare benefits for people from other countries who are lawfully residing in Maine and imposed a five-year wait period for lawful permanent residents before they can qualify for coverage

Class Action

Bruns brings this class action on behalf of himself and others similarly situated against Mary Mayhew in her official capacity as commissioner of the Maine Department of Health and Human Services.

The class alleging violations of their rights under the Equal Protection Clauses of the United States includes at least 500 individuals.

The court is asked to define the class as all State of Maine residents who are lawful permanent residents whose full MaineCare benefits were terminated effective Oct. 1, 2011, due to the change in law.