

PRESS RELEASE
Maine Equal Justice Partners

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**Lawsuit Seeks to Restore Health Care to Cancer Patient,
Hundreds More**

MEJP, ACLU of Maine Sue State to Overturn Unconstitutional Change in Law

PORTLAND – Maine Equal Justice Partners and the American Civil Liberties Union of Maine Foundation today filed suit in U.S. District Court against the Maine Department of Health and Human Services to restore health insurance coverage for a man with a life-threatening illness who is suffering unbearable pain.

The suit was brought on behalf of Hans Bruns, a resident of Fort Fairfield who lost health care coverage through MaineCare in October. In addition, the suit seeks class status for an estimated 500 individuals who were also denied coverage as part of a change in state law adopted last year.

“Hans Bruns has cancer and is suffering from incredible pain. Without proper treatment, Hans faces a terrifying and painful fight for his life with a very poor prognosis for survival,” said Robyn Merrill, a policy analyst and attorney for Maine Equal Justice Partners. “We are asking the court to restore Hans’ health insurance coverage so he can get the full range of treatment that could result in better health outcomes and ease his suffering.”

According to an affidavit from Dr. Danielle N. Margalit, a physician in the Department of Radiation Oncology, Head and Neck Oncology Program, at the Dana-Farber Cancer Institute at Brigham and Women’s Hospital in Boston, Bruns has adenoid cystic carcinoma of the right parotid gland, which has created a large tumor in his neck. He also has an apparent lesion in his lung, which may be a distant metastases of the cancer.

Bruns is currently receiving basic care for his condition, the cost of which is being shifted onto private health insurance premiums through the state’s bad debt and charity care law. Bruns is not receiving all the care that someone with Medicaid is entitled to. He is not eligible for assistance with the cost of travel from his home to Presque Isle for treatment, is not getting coverage for needed prescription drugs and is not eligible for nursing or other care, which may become necessary.

Jennifer Archer, an attorney with Kelly, Rimmel & Zimmerman working pro bono, is leading the case.

“Hans and many others have been improperly, and without sufficient justification, singled out and denied health insurance coverage that provides medically necessary treatment,” Archer said. “Hans’ life hangs in the balance today, but we know that there are hundreds of other Maine residents who also are

being wrongly denied necessary medical care. We are asking the court to find that current law violates the Constitution and order the Department of Health and Human Services to restore health insurance coverage for Hans and other, similarly situated individuals.”

In June 2011, the Maine Legislature passed PL 2001, Ch. 380, subsection 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. Bruns and approximately 500 other lawfully residing immigrants lost health care coverage in October.

Bruns has been a lawful permanent resident of the United States since Dec. 16, 2007. He is originally from Germany. He has been a resident of Maine since 2009. Bruns received health insurance coverage through MaineCare for more than a year. If not for the change in state law, he would still be eligible for coverage.

Without MaineCare, Bruns and the other members of the class are unable to pay for the cost of necessary health care, including the treatment for serious illnesses.

“Hans and an estimated 500 other Mainers have been put in jeopardy by being inappropriately denied access to health care. We believe that current Maine law, as adopted last year, violates the Equal Protection Clause of the U.S. Constitution, and that health care coverage should be restored,” said Zachary Heiden, the legal director for the ACLU of Maine.

A photo of Hans Bruns is available upon request. Contact david@adelinesc.com.

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