

Legal Services suit asks health screen prog.

From our Anchorage Bureau

Alaska Legal Services and the State of Alaska have locked horns again.

On January 10, several children and their parents, represented by the Bethel legal services office, sued Alaska Commissioner of Health and Social Services Francis Williamson and other state officials for failing to properly manage a federal health

program for children. The purpose of the program is the require States to take aggressive steps to screen, diagnose and treat children with health problems before they become too serious.

The suit charges that State management of the program in Alaska has been piecemeal, casual and haphazard.

The program, known as the Early and Periodic, Screening,

Diagnosis and Treatment (EPSDT) is part of the joint federal-state Medicaid program created in 1967.

The lawsuit is a class action, which means it seeks the assistance of the court in forcing the state to properly manage the health program for all eligible children, not just those who filed the suit. The suit asks the state to improve its delivery of the program as well as "money

damages for pain, suffering, injury, disfigurement, and other physical and emotional damage which proximately resulted from plaintiffs inability to obtain adequate care and treatment as a result of defendant's violations of federal and state law in their implementation and administration of the EPSDT program in Alaska."

The lawsuit charges that the state has failed to establish

regulations for the EPSDT program, resulting in "arbitrary and inconsistent treatment of children." It states that the Department of Health and Social Services has failed to inform bush residents about the program. It further alleges:

"In addition, defendants have denied and continue to deny EPSDT eligible Alaska Natives an equal opportunity to utilize EPSDT screening, diagnosis and treatment services as an alternative to the Indian Health Service. Rather, defendants have systematically excluded EPSDT eligible Alaska Natives from participation in the full spectrum of EPSDT services because of their eligibility for medical benefits from ISH."

The lawsuit was filed by Donald and Donna Smith of Hooper Bay through their mother, Helen Smith, and by Leo Unin of Chevak, through his parents, John and Rita Unin.