

Washington, D.C. – The National Health Law Program (NHeLP) filed an amicus brief this week defending the constitutionality of the Medicaid provisions in the federal health care reform law. NHeLP represents more than a dozen national and Florida-based health organizations in the lawsuit, including the American Academy of Pediatricians, Families USA, and the American Public Health Association.

The health care organizations' "friend of the court" brief was filed with the U.S. Court of Appeals for the Eleventh Circuit in *Florida v. HHS*, a case that seeks to invalidate substantial portions of the Patient Protection and Affordable Care Act ("ACA"). The lower court held that the Medicaid provisions of the ACA did not impermissibly coerce the states or commandeer their Medicaid programs. The brief argues that the lower court did not err, the new law did not substantially change Medicaid, and that the program is constitutional under the Spending Clause of the Constitution.

"The federal Medicaid program does not coerce states to do anything," said Jane Perkins, NHeLP legal director and counsel of record. "States have the option to receive significant amounts of federal money in exchange for participating in the program, but they are not required to participate. The Supreme Court has repeatedly upheld the authority of Congress to create these voluntary incentives for states. This is how states access everything from extra funds for highways to money for schools."

As outlined in the amicus brief, the Medicaid program provides states with matching grants covering at least half of the costs of providing health care to populations that cannot afford to purchase private health insurance. Federal law and regulations set out criteria for mandatory and optional eligibility and services, and states have the option of expanding this coverage.

Congress has amended the Medicaid program several times since it was first created in 1965. For example, basic coverage for children and pregnant women became mandatory in the 1980s. Last year, one of ACA's reforms to Medicaid phased in coverage to childless adults living within 133% of the poverty line.

"The expansion in ACA is exceptionally generous to states," said NHeLP attorney Sarah Somers. "States do not have to provide any matching funds at all initially. By the time the expansion is fully rolled out in 2020, states will be asked to contribute only ten percent toward the costs of covering this population. At the same time, expanding medical care will not only improve the quality of life for millions of people; it will also help lessen incidents of chronic disease that contribute the most to soaring health care costs."

NHeLP filed the brief on behalf of the American Academy of Pediatrics, the American Public Health Association, the National Association of Community Health Centers, Florida Pediatric Society/Florida Chapter of the American Academy of Pediatrics, Families USA, Florida Community Health Action Information Network, Florida Legal Services, National Partnership for Women and Families, United Cerebral Palsy, National Alliance on Mental Illness, National Disability Rights Network, Disability Rights Florida, and the Judge David L. Bazelon Center for Mental Health Law. ###

A copy of the brief may be viewed [here](#) .

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Founded in 1969, the National Health Law Program works with and on behalf of limited-income people, people with disabilities, and children to improve their access to quality health care and to enforce their legal rights to health. NHeLP works with courts, government agencies, and Congress to ensure quality health care for the most vulnerable members of our society.

Asserts Interests of

Broad Coalition of Health Care Advocates in Support of Medicaid Program