

For Immediate Release

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Washington, DC – Yesterday, as expected, the United States Supreme Court announced plans to hear a constitutional challenge to the Affordable Care Act (ACA) – setting the slate for a final decision on the law next year. The Court granted certiorari in a case from the Eleventh Circuit Court of Appeals, *Florida v. HHS*. The case is a challenge by 26 state officials and the National Federation of Independent Businesses, and the appellate decision is the only one to date to find that the law exceeds Congress' powers.

"We welcome the Supreme Court's decision to review the ACA," said Emily Spitzer, executive director of NHeLP. "The law is firmly within Congress' powers to regulate commerce and to continue to improve the Medicaid program. The ACA includes numerous provisions that will expand access to high quality care for nearly millions of Americans."

The Supreme Court will allow oral argument on four issues, including the controversial individual mandate and, in a surprise move, the constitutionality of the ACA's Medicaid expansion.

The ACA expands the Medicaid program to improve access to care for low-income adults – primarily the working poor and chronically ill. The state officials in the Florida case have challenged this provision, arguing the required expansion is coercive and forces states to either comply with or withdraw from the program. No lower court has accepted this argument.

NHeLP has filed the amicus brief in the Florida v. HHS district court and court of appeals cases, addressing the constitutionality of the Medicaid expansion provisions.

“The ACA’s Medicaid expansion builds upon the long-standing, decades old structure of the Medicaid program. As it has previously, Congress has improved a program that is effective in reducing the number of uninsured people by offering them access to health care they otherwise would not be able to afford,” said Jane Perkins, NHeLP legal director.

The Supreme Court will also consider the controversial individual mandate – the requirement that nearly all persons have health insurance. The Court will resolve a circuit split. Last week, the DC Circuit Court of Appeals became the second appellate court, joining the 6th Circuit Court of Appeals to uphold the constitutionality of the individual mandate. The federal government has argued that if the individual mandate is found unconstitutional, the provision would be severable from the rest of the law. The Supreme Court has slated 90 minutes of oral argument to address this issue.

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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.