

Urges states to cover the most vulnerable through the Medicaid expansion

Washington, DC—The National Health Law Program (NHeLP) today welcomed the Supreme Court's decision upholding the Affordable Care Act, including the Medicaid expansion. NHeLP expressed concern, however, about the Court's limitation on the Medicaid expansion.

"We are thrilled that the Affordable Care Act has been upheld," said NHeLP executive director Emily Spitzer. "The law makes health care insurance affordable and accessible for the more than 50 million people in our country who are uninsured today and ensures that more people can access quality preventive services."

"I am delighted that states will continue to be able to extend health care coverage to very low income adults through Medicaid—and with 100% federal funding," said Spitzer. "States should want to participate in this program. Not only is it fully funded by the federal government, but it is a really good program that protects their most vulnerable populations. The failure of a state to participate can only be deemed political."

NHeLP disagrees with the plurality of the Court that found that the Secretary of HHS may not use the long-standing authority provided in the Medicaid Act to terminate federal funding to a Medicaid-participating state that does not want to follow the Medicaid rules—including those for the expansion. NHeLP defended the ACA's Medicaid expansion in an amicus brief before the Supreme Court that was joined by 38 prominent consumer and provider organizations.

"While we are pleased that the Court's ruling preserves existing Medicaid coverage, we are worried that the low-income people in any state that may reject the Medicaid expansion will bear the costs of that decision. If a state chooses not to participate in the expansion, poor people will suffer," said NHeLP legal director Jane Perkins.

"As a practical matter, the Court's decision doesn't have to have a significant impact on the Medicaid program," said Sarah Somers, an NHeLP attorney who helped draft the two amicus briefs that NHeLP filed in the case. "The federal government actually has rarely—if ever—exercised its authority to withhold all of a state's Medicaid funds. The Court has limited

the size of the federal government's stick, but it wasn't a stick the government had ever used."

"We continue to hope and believe that most states will take advantage of this remarkable opportunity to extend health care coverage to those in their states who most need it and are least able to afford it," said Spitzer. "To do otherwise would be unconscionable."

NHeLP is continuing to review the opinion and will be providing substantial analysis and state-level support in the days and weeks to come.

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