

(reprinted from the NHEP *Pa/Spr/Aug 2002* newsletter)

The Sixth and Fourth Circuit Courts of Appeals have issued judges Cleland's decision rejecting the Medicaid Act claim.

On May 15th, 2002, the Sixth Circuit affirmed the decision. One week earlier, the Fourth Circuit had also rejected the claim.

The *Westside Mothers* Decision

If it had been accepted by the Sixth Circuit, Judge Cleland's decision would have caused radical change in the interpretation of the Medicaid Act.

To reach this conclusion, Judge Cleland cited *State Soc. Sec. Bd. v. Piz*, 45 U.S. 1, 17 (1981), *Boeing Corp. v. Shipbuilding*, 405 U.S. 129, 132 (1972), and *Boeing Corp. v. Shipbuilding*, 405 U.S. 129, 132 (1972).

The Sixth Circuit rejected only this holding: "[T]he Supreme Court has held that the Medicaid Act is a federal law, not a state law."

The Sixth Circuit went on to state that private individuals can enforce the Medicaid Act against states.

Finally, the Sixth Circuit *Westside Mothers* Medicaid beneficiaries are the specific Medicaid Act EPSDT provisions.

The Fourth Circuit Decision

On May 9th, 2002, the Fourth Circuit Court of Appeals became the first circuit court to reject the *Westside Mothers* claim.

Antrican involves Medicaid-eligible children in North Carolina who have been unable to obtain services.

After District Judge Malcolm M. McKeown rejected the state's motion to dismiss, the State Attorney General

The Fourth Circuit rejected *Ex parte Young*, saying the plaintiffs' arguments are not solely about the state's

The Fourth Circuit also rejected *Young* of other sovereign immunity claims, saying the case can be resolved

The Court rejected this argument simply because the implementation of such prospective relief would

The state also argued that *Ex parte Young* is an ongoing exception to state sovereign immunity because the plaintiffs

The Court found this argument "misreads the substance of the plaintiffs' complaint," which did not rest

The Attorney General next argued that the state has a special sovereignty interest in determining how its

The Court rejected this argument, saying: "North Carolina participates in the federal Medicaid program and, therefore,

The Court also found *Ex parte Young* to the state's sovereign immunity claim, saying the plaintiffs' arguments

The National Health Law Program is co-counsel in the circuit case, along with the North Carolina Justice