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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. of Cal. v. IRL*, 15 F.3d 1171 (9th Cir. 1998), *Reissling*, 52 Fed. Cl. 521 (2001), and *State Soc. of Cal. v. IRL*, 15 F.3d 1171 (9th Cir. 1998).

The Sixth Circuit rejected only this holding: "[T]he Supreme Court has held that the Medicaid Act is a contract between the state and the individual."

The Sixth Circuit went on to state that private individuals could sue to 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 to reject the *Westside Mothers* decision.

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*, finding the Attorney General's arguments unpersuasive. Notably, the circuit

The Fourth Circuit also rejected *Young* of other sovereign immunity claims, stating that the case can serve

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

The state also argued that *Ex parte Young* was an ongoing violation (a state requirement of the immunity) because the plan

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, there

The Court also found *Ex parte Young* to be applicable to the state's program because the Medicaid Act "provides a

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