

(reprinted from the *National Health Law Project* newsletter)

The Sixth and Fourth Circuit Courts of Appeals have issued opinions on the Medicaid Act.

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

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 wrote that the Supreme Court's decision in *Quill* was binding on the Sixth Circuit.

The Sixth Circuit rejected 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 the provider 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* 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 [Ed page of the](#) Attorney General's, lacking the power to compel the state to fund the health

The Fourth Circuit also rejected a Younger of other sovereign immunity claims, stating that the case can be

The Court rejected this argument: "Simply because the implementation of such prospective relief would

The state also argued that [Ex parte Young](#) ongoing violation (as 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's participation in the federal Medicaid program and, there

The Court also found [Ex parte Young](#) to the state's participation in the Medicaid program, which is a

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