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Medicaid recipients and applicants may be harmed when state Medicaid officials do not comply with the requirements of the Medicaid Act, 42 U.S.C. §§ 1396-1396v. These individuals may file suit in court to obtain injunctive relief. Traditionally, Medicaid recipients have enforced the provisions of the Medicaid Act pursuant to a civil rights statute, 42 U.S.C. § 1983 (“§ 1983”).¹ More recently and as discussed below, the ability to use § 1983 to enforce Medicaid provisions has been narrowed, and some plaintiffs have turned to long-standing constitutional precedents allowing them to obtain relief by enforcing the Supremacy Clause.

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In
Douglas v. Independent Living Center of Southern California
, the Supreme Court is considering whether individuals and providers may enforce the Supremacy Clause to enjoin a state law that violates a federal Medicaid provision that requires states to establish adequate provider payments. Read the entire issue brief

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