

UPDATE: ADDITIONAL AMICUS CURIAE BRIEFS RECEIVED IN SUPPORT OF THE VALIDITY OF THE MEDICAID EXPANSION PROVISION; INCREASE OF ORAL ARGUMENT TIME GRANTED

This installment of Hall Render's Health Law Broadcast series on health care reform is designed to provide you with the insight, analysis and practical suggestions with respect to the various reform initiatives that will affect your organization.

TWELVE ATTORNEYS GENERAL AND A STATE GOVERNOR SUPPORT THE AFFORDABLE CARE ACT MEDICAID EXPANSION PROVISION

On January 10, 2012, Florida and 25 other states urged the United States Supreme Court to invalidate a provision in the Affordable Care Act (the "Act") that would require states to cover all individuals younger than 65 with an income of up to 133% of the poverty level or lose their federal Medicaid funding ("Medicaid Expansion Provision"). The states questioned whether Congress, in enacting this provision, exceeded its authority under the spending clause of the United States Constitution. Further, the states asked the high court to apply the coercion doctrine, which holds that Congress may not use its spending power to coerce states into enforcing the federal government's dictates.

As the Act continues to be hotly debated, 12 state attorneys general (including California, Delaware, Illinois, Maryland, Massachusetts and New York), as well as Washington Governor Christine Gregoire, recently filed an amicus curiae brief that supports the White House Stance on the validity of the Affordable Care Act Medicaid Expansion Provision. The brief urges the United States Supreme Court to reject the arguments for invalidating the provision, citing it is neither coercive nor an attack on the federalist system. The Obama Administration defends the Medicaid Expansion Provision on the grounds that Congress' spending power includes the power to fix the terms on which it disburses funds. Given the broad spectrum of opinions on the Medicaid Expansion Provision, the March 28 oral argument is highly anticipated.

INCREASE OF ORAL ARGUMENT TIME GRANTED

On February 21st, the United States Supreme Court granted a motion made by the Obama Administration to increase the oral argument time to six hours on a case that challenges the constitutionality of the landmark federal health reform law. The day of the oral argument and issues that will be argued remain unchanged and are summarized in a previous Health Law Broadcast, which can be found [here](#).

If you have any questions or would like additional information about this issue, please contact

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