

Bridges to Better Advocacy

Austin, TX
April 4, 2008

Year in Review--Medicaid Top 10—2007

Jane Perkins
National Health Law Program

- 1. The Administration is working to restrict Medicaid services through regulations,** affecting, e.g., rehabilitation, 72 *Fed. Reg.* 45201 (Aug. 13, 2007), transportation, 72 *Fed. Reg.* 48604 (Aug. 24, 2007), case management, 72 *Fed. Reg.* 68077 (Dec. 4, 2007).
- 2. At least 17 states with deficits have made or proposed budget cuts that threaten vital services,** *see* Center on Budget and Policy Priorities, <http://www.cbpp.org/3-13-08sfp.htm>.
- 3. The Administration halts SCHIP/Medicaid expansion,** *see* Dear State Health Official (Aug. 17, 2007), <http://www.cms.hhs.gov/smdl/downloads/SHO081707.pdf>
- 4. The Administration continues to implement its philosophy of private enterprise through its health policies,** *see, e.g.,* Sara Rosenbaum, *The Proxy War—SCHIP and the Government's Role in Health Care*, 358 *N. Eng. J. Med.* 869 (Feb. 28, 2008), at <http://content.nejm.org/cgi/reprint/358/9/869.pdf>.
- 5. The Ninth Circuit lets states get federal Medicaid funding without adhering to Medicaid's beneficiary protections,** *Spry v. Thompson*, 487 F.3d 1272 (9th Cir. 2007).
- 6. Courts continue to restrict private enforcement of the Medicaid Act,** e.g., *Equal Access for El Paso v. Hawkins*, 509 F.3d 697 (5th Cir. 2007), *petition for cert. filed*, No. 07-1160 (Mar 10, 2008) (regarding "equal access" provision); *see* NHeLP, *Section 1983 Medicaid Docket* (routinely updated).
- 7. States file motions to terminate Medicaid consent decrees,** *see* Jane Perkins, *Negotiating Consent Decrees That Work*, 41 *Clearinghouse Rev.* 500 (Jan./Feb. 2008)
- 8. Court decides mail-order equipment makers can be excluded from Medicaid,** *Sr. Care Serv., v. N.Y. Dep't of Health*, 847 N.Y.S.2d 264 (S.Ct. App. Div. 3d Dept. 2007).
- 9. Medicaid managed care spreads to people with disabilities,** *see* Sarah Somers & Jane Perkins, *Medicaid Managed Care and People with Disabilities: Challenges and Opportunities*, 41 *Clearinghouse Rev.* 285 (Sept./Oct. 2007).
- 10. States take advantage of Deficit Reduction Act options for covering home and community-based services,** e.g. Money Follows the Person.