



PUBLIC INTEREST LAW CENTER OF PHILADELPHIA

AFFILIATED WITH THE LAWYERS COMMITTEE FOR CIVIL RIGHTS UNDER LAW

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Public Interest Law Center Briefs Supreme Court on Obstacles to Medicaid Access

PHILADELPHIA — **Public Interest Law Center of Philadelphia attorney James Eiseman** and Tulsa-based attorney **Louis Bullock** today submitted an amicus brief to the U.S. Supreme Court in the case *Douglas v. Independent Living Center of Southern California*, documenting for the Court how inadequate Medicaid payment rates for doctors and dentists have effectively denied health care to people enrolled in Medicaid. Writing on behalf of the **American Medical Association, the American Dental Association, the American Academy of Pediatricians, and other national associations of doctors**, the brief argues that in order for the Medicaid Act's requirement of equal access to health care to be more than an empty promise, the Justices must protect the rights of private citizens to bring lawsuits against States that set Medicaid rates at levels too low for healthcare providers to participate in the system.

The Law Center and other healthcare advocates have brought many similar lawsuits alleging that States, by failing to pay healthcare providers enough, have violated Medicaid Act provisions meant to ensure equal access, and the Law Center was sought out by the AMA and the other associations for its long history of fighting to ensure healthcare for vulnerable populations.

Healthcare access cases – the Law Center's and others – have met with uneven success, with plaintiffs often being denied relief on technical legal grounds (specifically, a narrow interpretation of whether the Civil Rights Act allows private citizens to enforce certain provisions of the Medicaid Act through litigation) despite undisputed evidence of gross inadequacies in healthcare access for Medicaid recipients in violation of federal law.

“Too often lost in technical legal discourse are the flesh-and-blood consequences cases such as this one have on real people,” says Law Center attorney and brief co-author Jim Eiseman. “The brief submitted today aims to make clear to the Supreme Court how dire the consequences of inadequate access to healthcare have been for millions of people – largely children and people with disabilities – and how much worse the situation will get if the Court refuses to enforce the law.”

In one of many cases cited in the brief, **Deamonte Driver, a twelve-year-old boy from Maryland, died from a brain infection stemming from tooth decay** – all because the lack of dentists willing to accept patients on Medicaid made it impossible for Driver to get the dental care he needed.

In bringing this case, the plaintiffs in *Douglas* aimed to avoid the technical issue others have run into by bringing suit under the Supremacy Clause of the U.S. Constitution rather than the provision in the Civil Rights Act that allows private citizens to sue when the government violates their rights, which some lower courts have ruled does not apply to equal access provisions of the Medicaid Act. The question now before the Supreme Court is whether the Supremacy Clause – which gives federal statutes precedence over state law – entitles Medicaid recipients and providers to sue to enjoin the operation of state statutes that set Medicaid rates at a level that violates federal law.

This question, though apparently a technical legal issue, will have profound and far-reaching effects on the ability of children, people with disabilities, and people in poverty all through the country to get the medical and dental care they need.

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