



Litigation challenging the ACA

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National Health Law Program
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“Securing Health Rights for Those in Need”

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- *Fla. ex rel. McCollum v. Sebelius*
- (N.D. Fla.)
- *Va. ex rel. Cuccinelli v. Sebelius* (E.D. Va.)
- *Liberty Univ. v. Geithner* (W.D. Va.)
- *Thomas More Law Ctr. v. Obama* (E.D. Mich.)

Widespread Challenges

- Federal district court: 25 cases
 - Multiple Cases: DC, TX, VA
- Federal courts of appeal: 5 cases
- U.S. Supreme Court: 1 case

Who Are the Parties?

- Plaintiffs
 - State officials, Liberty University, Thomas More Law Center, US Citizens Association, National Federation of Independent Businesses, Individuals
- Defendants
 - Obama, Sebelius, Geithner, Solis, Holder, Pelosi, Reid

Claims: Violations of U.S. Constitution

- Congress does not have the power to:
- force individuals to purchase insurance
- commandeer the Medicaid program
- force disclosure of private info
- infringe on doctor/patient relations and compel insurance relations
- force taxpayers to fund abortion

Track Record to Date

- Motion to Dismiss Granted
 - *Thomas More* (E.D. Mich.) (J. Steeh—Clinton)
 - *Shreeve* (E. D. Tenn.) (J. Collier—Clinton)
 - *Liberty Univ.* (W.D. Va.) (J. Moon—Clinton)
 - *Baldwin* (S.D. Cal.) (J. Sabraw—G.W. Bush)
 - *N.J. Physicians Inc.* (D. N.J.) (J. Wigenton—G.W. Bush)
 - *Van Tassel* (W.D. N.C.) (J. Schroeder – G.W. Bush)
 - *Walters* (D. Miss.) (J. Starrett – G.W. Bush)
 - *Mead* (D. D.C.) (J. Kessler – Clinton)

Track Record to Date (con't)

- Motion to Dismiss Granted in Part, Denied in Part
 - *Florida ex rel. McCollum* (N.D. Fla.) (J. Vinson—Reagan)
 - *U.S. Citizens Ass'n* (N.D. Ohio) (J. Dowd—Reagan)
- Motion to Dismiss Denied
 - *Virginia ex rel. Cuccinelli* (E.D. Va.) (J. Hudson—G.W. Bush)

Track Record to Date (con't)

- Motion for Summary Judgment Granted in Part, Denied in Part
 - *Florida ex rel. McCollum* (N.D. Fla.) (J. Vinson—Reagan)
 - *Virginia ex rel. Cuccinelli* (E.D. Va.) (J. Hudson—G.W. Bush)
- ✓ Congress' power to regulate activities affecting interstate commerce does not include the power to force an individual to buy health insurance
- ✓ Failure to purchase insurance is not “activity”

Florida v. Sebelius

- FL, AK, AL, AZ, CO, GA, ID, IN, LA, MI, MS, ND, NE, NV, PA, SC, SD, TX, UT, WA
- Post Election: IA, KS, ME, OH, WI, WY
- Friend of the Court (amicus) briefs
 - State and federal officials
 - Health care provider associations (APHA, AAP, NACHC, NAPH)
 - Advocacy groups
 - Economists

Florida v. Sebelius

- Requirement that individual purchase health insurance or pay a penalty (individual mandate)
- Expansion of Medicaid eligibility to include millions more low-income people
- Declared entire law **void**

Cases to Watch: McCollum (con't)

Amici in Support of Defendants:

Govs. of WA, CO, MI, PA; AGs of IA, MD, VT, KY, OR; 78 state legislators; AHA; Assn. of Am. Med. Coll.; Cath. Health Assn. of US; NAPH; Fed. of Am. Hosp.; NACHC; ANA; AAP; APHA; 40 economists (3 Nobel laureates); AARP; Gray Panthers; Nat. Comm. to Preserve Soc. Sec. & Medicare; NPWF; Families USA; NAMI; Voice's for Am. Children; Children's Dental Health Proj.; Am. Assn. of People w/Disabilities; ARC of US; Breast Cancer Assn.; Family Violence Prevention Fund; Friends of Cancer Research, March of Dimes, Mental Health Am., N. Breast Cancer Coal.; N. Org. for Rare Disorders; NDRN; NHeLP; NSCLC, Bazelon Center for Mental Health L.; Shriver Ctr.; NWLC, N. Women's Health Net.; Ovarian Cancer N. All.; Young Invincibles; Small Bus. Maj. Found. ; Fla. Ad. Ctr. for PWD; Fla. Ped. Society/AAP Chap.; Fla. All. for Retarded Am.; Fla. Comm. Health Action Info. Net.; Human Serv. Coal. of Dade Co; SEIU Fla. Healthcare; NAMI Fla.

Amici in Support of Plaintiffs:

64 Republican Members of Congress; 32 Republican Senators; Govs. of MN, RI; Am. Ctr. for L. & Justice; Const. Comm. to Challenge the President & Congress on Health Care; ACRU; Family Research Council

U.S. Supreme Court



NHeLP Web-based Resources

www.healthlaw.org

- Health Reform Litigation Case Schedule (updated weekly)
- Q&A: Update on Litigation Challenging the Affordable Care Act
- Case Pleadings & Opinions/Orders
- Law review & magazine articles, blog posts

The Network for Public Health Law

- Connects and serves those committed to using the law to improve public health
 - Technical assistance, training, connections with experts
 - www.publichealthlawnetwork.org
- Southeastern Region
 - North Carolina Institute for Public Health
 - NHeLP