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HARVARD LAW SCHOOL

The ACA's Medicaid Expansion in the Wake of *National Federation of Independent Business v. Sebelius*
Prepared by the Harvard Law School Center for Health Law & Policy Innovation

Ruling on the constitutionality of the Patient Protection and Affordable Care Act (ACA), the Supreme Court limited the federal government's enforcement power over the Medicaid expansion provision: the Department of Health & Human Services cannot revoke existing federal medical funds for failure to expand eligibility to persons living up to 133% of the federal poverty level (FPL).¹ As drafted, the ACA anticipated expansion of Medicaid in all 50 states. Thus, the Court's interpretation of the provision has created increased confusion and uncertainty around implementation of the law. The following provides a non-exhaustive list of resources explaining the Court's ruling and its implication for states.

UNDERSTANDING THE COURT'S RULING ON THE EXPANSION PROVISION

COMMUNITY CATALYST, [SUPREME COURT RULING ON MEDICAID: CHALLENGES AND OPPORTUNITIES FOR STATE ADVOCATES](#) (2012).

Dylan Scott, [Supreme Court Ruling: Uncertain Future for Medicaid Expansion](#), GOVERNING THE STATES & LOCALITIES, June 28, 2012.

KAISER FAMILY FOUNDATION, [A GUIDE TO THE SUPREME COURT'S AFFORDABLE CARE ACT DECISION](#) (2012).

Press Release, National Health Law Program, [The Supreme Court's Decision on the ACA's Medicaid Expansion, NHeLP Q&A #1](#) (July 23, 2012).

SARA ROSENBAUM, [A CLOSER LOOK AT THE MEDICAID HOLDING IN NFIB V. SEBELIUS: KEY IMPLEMENTATION QUESTIONS](#), HEALTHREFORMGPS (2012).

FEDERAL RESPONSE TO COURT'S RULING ON THE EXPANSION PROVISION

CONGRESSIONAL BUDGET OFFICE, [ESTIMATES FOR THE INSURANCE COVERAGE PROVISIONS OF THE AFFORDABLE CARE ACT UPDATED FOR THE RECENT SUPREME COURT DECISION](#) (2012).

[Letter from Secretary Kathleen Sebelius](#), Department of Health & Human Services, to State Governors (July 10, 2012)

Press Release, National Association of Medicaid Directors, [NAMD Statement on the Supreme Court Decision](#) (June 28, 2012).

IMPLICATIONS OF EXPANSION FOR STATES

JANUARY ANGELES, [HOW HEALTH REFORM'S MEDICAID EXPANSION WILL IMPACT STATE BUDGETS](#), CENTER ON BUDGET AND POLICY PRIORITIES (2012).

MATTHEW BUETTGENS, STAN DORN, & CAITLIN CARROLL, [CONSIDER SAVINGS AS WELL AS COSTS: STATE GOVERNMENTS WOULD SPEND AT LEAST \\$90 BILLION LESS WITH THE ACA THAN](#)

[WITHOUT IT FROM 2014 TO 2019](#), URBAN INSTITUTE & ROBERT WOOD JOHNSON FOUNDATION (JULY 2011).

Maura Calsyn & Emily Oshima, [Interactive Map: Why the Supreme Court's Ruling on Medicaid Creates Uncertainty for Millions](#), CENTER FOR AMERICAN PROGRESS, July 5, 2012.

LISA CLEMENS-COPE, BOWEN GARRETT, & MATTHEW BUETTGENS, [HEALTH CARE SPENDING UNDER REFORM: LESS UNCOMPENSATED CARE AND LOWER COSTS TO SMALL EMPLOYERS](#), URBAN INSTITUTE & ROBERT WOOD JOHNSON FOUNDATION (2010).

Corey Davis, [Q&A: Disproportionate Share Hospital Payments and the Medicaid Expansion](#), NATIONAL HEALTH LAW PROGRAM, July, 2012.

HARVARD LAW SCHOOL CENTER FOR HEALTH LAW & POLICY INNOVATION, [EXPANDING MEDICAID UNDER THE AFFORDABLE CARE ACT: WHERE DO STATES STAND TODAY?](#) (2012).

KATHERINE J. HAYES, PETER SHIN, & SARA ROSENBAUM, [HOW THE SUPREME COURT'S MEDICAID DECISION MAY AFFECT HEALTH CENTERS: AN EARLY ESTIMATE](#), GEIGER GIBSON / RCHN COMMUNITY HEALTH FOUNDATION RESEARCH COLLABORATIVE POLICY RESEARCH BRIEF # 30 (2012).

JOHN HOLAHAN & IRENE HEADEN, [MEDICAID COVERAGE AND SPENDING IN HEALTH REFORM: NATIONAL AND STATE-BY-STATE RESULTS FOR ADULTS AT OR BELOW 133% FPL](#), KAISER COMMISSION ON MEDICAID & THE UNINSURED (2010).

GENEVIEVE M. KENNEY, LISA DUBAY, STEPHEN ZUCKERMAN, & MICHAEL HUNTRESS, [OPTING OUT OF THE MEDICAID EXPANSION UNDER THE ACA: HOW MANY UNINSURED ADULTS WOULD NOT BE ELIGIBLE FOR MEDICAID?](#), URBAN INSTITUTE (2012).

Press Release, Harvard Law School Center for Health Law & Policy Innovation, [Expanding Medicaid under the Affordable Care Act: a Factsheet for States](#) (July 18, 2012).

ADVOCATING FOR EXPANSION, STATE BY STATE

COMMUNITY CATALYST, [SUPREME COURT RULING ON MEDICAID: CHALLENGES AND OPPORTUNITIES FOR STATE ADVOCATES](#) (2012).

LEONARDO CUELLO, [10 ADVOCACY STEPS TO SUPPORT A MEDICAID EXPANSION IN YOUR STATE](#), NATIONAL HEALTH LAW PROGRAM (2012).

Andrea Kovach, [Expanding Medicaid: the Choice is Clear](#), SHRIVERBRIEF, July 10, 2012.

STATE SPECIFIC ANALYSES

JOEL FERBER, THE IMPACT OF THE SUPREME COURT'S DECISION ON MEDICAID EXPANSION IN MISSOURI: EARLY OBSERVATIONS, LEGAL SERVICES OF EASTERN MISSOURI (2012) (on file with author).

HARVARD LAW SCHOOL CENTER FOR HEALTH LAW & POLICY INNOVATION, ACA IMPLEMENTATION IN ALABAMA, PART I: THE MEDICAID EXPANSION (2012) (on file with author).

HARVARD LAW SCHOOL CENTER FOR HEALTH LAW & POLICY INNOVATION, ACA
IMPLEMENTATION IN TEXAS, PART I: THE MEDICAID EXPANSION (2012) (on file with author).

Press Release, Harvard Law School Center for Health Law & Policy Innovation, Medicaid
Expansion Fact Sheet: Alabama (July 23, 2012) (on file with author).

Press Release, Harvard Law School Center for Health Law & Policy Innovation, Medicaid
Expansion Fact Sheet: Texas (July 19, 2012) (on file with author).

Press Release, Pennsylvania Health Law Project, [The Impact of the Supreme Court Decision on
Medicaid in Pennsylvania](#) (July 10, 2012).

Press Release, Western Center on Law & Poverty and National Health Law Program, [The Impact
of the Supreme Court Decision on the Medi-Cal Program](#), July 5, 2012.

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¹ National Federation of Independent Business v. Sebelius, 567 U.S. ____ (2012), Case No: 11-393.