

# Public Health Law Network

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## Litigation Challenging the Affordable Care Act

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A national initiative of the Robert Wood Johnson Foundation® with direction and technical assistance by the Public Health Law Center at William Mitchell College of Law.

[www.publichealthlawnetwork.org](http://www.publichealthlawnetwork.org)



Robert Wood Johnson Foundation

# March 23, 2011

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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

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- 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?

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## 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

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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

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## 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)

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## 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)

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## 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

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- 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

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- 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**

# Web-based Resources

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[www.publichealthlawnetwork.org/about-the-network/health-reform/](http://www.publichealthlawnetwork.org/about-the-network/health-reform/)

- Issue briefs and blog posts about public health-related provisions

[www.healthlaw.org](http://www.healthlaw.org)

- Health Reform Litigation Case Schedule (updated weekly)
- Q&A: Update on Litigation Challenging the Affordable Care Act
- Case Pleadings & Opinions/Orders