

Provider Orgs, Medicaid Enrollees Sue CMS Over 'Medically Frail' IFR Provision

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The second lawsuit against CMS' interim final rule on implementing H.R. 1's Medicaid work requirements in Medicaid was filed Friday (Sept. 18) by five Medicaid beneficiaries, six provider organizations and the City of Columbus.

The first lawsuit was brought by 25 states and their request for a summary judgment to immediately vacate some provisions is pending.

This latest lawsuit also claims violations of the Administrative Procedure Act, and they ask the courts to declare unlawful CMS' medically frail exemption "ability to work" test, limitation on self-attestation, prohibition on using claims data older than 12 months and the stable recovery definition for beneficiaries with a substance use disorder.

At issue is the interim final rule released June 1 that details how the Trump administration wants states to implement H.R. 1's national work requirements on certain Medicaid beneficiaries enrolled in the expansion population. One of the more contentious provisions is the rule's requirement that beneficiaries claiming a medically frail exemption must prove their condition significantly impairs their ability to work.

"Implementing a de facto work requirement on medically frail people is a heartless attempt by the Trump-Vance administration to kick those who are most in need of support and betrays Congress' clear instruction to protect people in need," Skye Perryman, president and CEO of Democracy Forward, said in a statement.

Democracy Forward and the National Health Law Program filed the case on behalf of the plaintiffs.

NHeLP Litigation Director Jane Perkins noted H.R. 1 does not require Medicaid beneficiaries claiming a medically frail exemption to prove that their conditions are so debilitating that they cannot meet the work requirement.

"The statute exempts the medically frail from work requirements and does not authorize CMS to re-introduce it through the backdoor with the new rule," Perkins said. "This rule puts access to care and, in some cases, people's lives at risk."

The suit was filed in the District Court for the District of Maryland by five Medicaid beneficiaries who live in Illinois, Indiana, Kentucky, Missouri and North Carolina.

Also listed as parties to the lawsuit are the American College of Physicians, American Academy of Pediatrics, Society for Adolescent Health and Medicine, Doctors for America, New Hampshire Medical Society, New Hampshire Chapter of the American Academy of Pediatrics and the City of Columbus.. - *Dorothy Mills-Gregg* (dmillsgregg@iwpnews.com)