

# IMPACT ADVOCACY: OCTOBER 2018

## LITIGATION

*Stewart v. Azar*, Civ. No. 1:18-cv-152 (JEB), 2018 WL 3203384 (D.D.C. June 29, 2018) (with NHeLP, SPLC, and Jenner & Block)

- After the Court granted our clients' Motion for Summary Judgment and prevented the Commonwealth from implementing the proposed changes to the Medicaid program, the Bevin Administration resubmitted its application for a waiver *unchanged in any way*.
- CMS is currently reviewing the Medicaid waiver application and we expect a decision any day.
- We are currently preparing updated Declarations for the Plaintiffs, along with an Amended Complaint.

*Commonwealth of Kentucky v. Stewart* (E.D. Ky. 2018)

- This was Gov. Bevin's suit against our clients. It was [dismissed](#) on August 20.

*Commonwealth of Kentucky, Cabinet for Health and Family Services v. Anne Marie Regan* (with SPLC)

- The Commonwealth has appealed Judge Wingate's Order in KEJC's favor.
- The Commonwealth's brief is due October 6.
- One of the issues in the case—whether the executive branch must turn over documents to the Attorney General's office for *in camera* review—has surfaced in at least two other cases. We are considering *amicus* opportunities in this case.

*UK Healthcare v. Moore/Commonwealth of Kentucky, Department of Revenue v. Moore*

- We have been contacted about becoming *amicus* in this case. Time permitting, we will likely file a motion with the Court of Appeals to file an amicus brief.
- The case involves the practice of UK Healthcare referring its medical debts to the Department of Revenue for collection. The Department of Revenue then uses the power of the state to collect medical debts on behalf of UK healthcare. This allows UK to do things other medical care providers could never do to collect medical debts. This distorts the market for medical care by giving one entity an unfair advantage. More immediately for our client population, it subjects them to extrajudicial and punitive remedies at the hand of the state. More in this [Herald-Leader article](#).
- UK is also in a KEJC-adjacent suit, right now. Joe Childers is [representing a dentist](#) who says he was retaliated against for speaking out against the Bevin Administration's work requirements for Medicaid.

## LEGISLATION

Nothing of substance to report...yet.

## REGULATIONS

### Child Support & SNAP benefits

- KEJC is working with allied organizations to secure a meeting with Eric Clark (Commissioner for the Department for Community Based Services) on a proposed change to Kentucky's regulations for SNAP beneficiaries. The Cabinet's amendments would penalize non-custodial parents for falling behind on their child support payments. This change would increase food insecurity for low-income children and impose additional hurdles for individuals trying to reintegrate into society after being incarcerated.

### Public Charge

- We expect a rule from the Trump Administration in the next few days/weeks called "the Public Charge Rule." Essentially, this change will expand the number of public benefit programs immigration officials consider when determining whether someone applying to enter the U.S. or applying to adjust status to become a Lawful Permanent Resident is a "Public Charge." (If the person is deemed a public charge, the application will be denied. Currently, only TANF (cash assistance) is considered. The proposed change will expand the benefits to include food, health, and housing programs.

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