

KEJC Impact Advocacy Report

May 2017

Public Benefits Advocacy

Stewart v. Azar (D.D.C. 2018) (With NHeLP, SPLC and Jenner & Block)

- Lawsuit filed in Washington, DC on behalf of 16 Kentuckians against federal agencies that approved Kentucky's 1115 Medicaid waiver
- Arranged numerous press interviews with plaintiffs
- Defendant's motion to transfer the case to federal court in Kentucky denied
- Governor's motion to intervene granted (unopposed)
- Cross Motions for Summary Judgment have been filed – reply briefs due 5/14
- CMS also filed Motion to Dismiss
- 2 Amicus briefs filed in support of plaintiffs – AARP *et al.*; Scholars *et al.*
- Court hearing scheduled for 6/13 in DC

Commonwealth of Kentucky, ex rel. Matthew G. Bevin, Governor et al. v. Stewart et al. (E.D. Ky. 2018) – With Southern Poverty Law Center

- Lawsuit filed against all 16 plaintiffs in our *Stewart v. Azar* case, seeking declaratory judgment that federal approval of waiver was proper and legal
- Kentucky Association of Health Plans and Kentucky Hospital Association have intervened in support of plaintiffs – we have filed responses in opposition
- We filed Motion to Dismiss

Commonwealth of Kentucky, Cabinet for Health and Family Services v. Anne Marie Regan - (Franklin Circuit Court) – With Southern Poverty Law Center

- We appealed Cabinet's refusal of our open records request for Medicaid waiver documents and received favorable decision by AG
- Cabinet filed complaint/appeal with court – we filed counter-claim, cross Motions for Summary Judgment filed
- Oral argument on Summary Judgment motions was held on 3/28
- Motion by Plaintiffs seeking de novo review by judge – under submission

Consumer Advocacy

National College of Kentucky v. Moffitt, et al. (Kentucky Court of Appeals) - **SLAPP suit alleging defamation** - Coordinating defense with AG's office and Wave TV 3 attorney

- Trial Court granted (ours and Wave's) motions for summary judgment
- Kentucky Court of Appeals affirmed, ruling that Plaintiff failed to prove defamation

Legislature 2018

- Monitored Consumer, Lending and Housing bills and compiled bill chart
- Participated in regular KEJC calls to discuss pending legislation

Payday Lending

- Participate in monthly payday advocates calls
- Obtained 2017 Veritec Annual report on payday lending through open records
- Participated in Payday Lending Twitter Storm
- HB 317 filed – would require payday lender to determine ability to repay
- SB 225 filed – payday installment loan product at 280% APR – defeated

Other Bills We Worked On

- HB 369 Revisions to interest and usury statutes – met with sponsor, testified in committee, bill amended
- HB 289 Formula for DSH hospital payments for uncompensated care revised – prohibition against billing patients under 100% FPL deleted – testified against bill with Rich
- HB 363 Public assistance reform (Hope Act) – amended to clarify that Cabinet could still seek waiver of SNAP work requirements in counties with high unemployment; met with Kentucky Retail Association to coordinate opposition
- HB 35 Drug testing for public assistance – prepared talking points

Other Advocacy

- Consulted with NCLC attorney about Kentucky's Consumer Protection Act for upcoming publication on state UDAP laws
- Submitted comments to Department of Revenue concerning regulation changes to its debt collection appeals process
- Interviewed by Lex18.com reporter about collection of UK Hospital debt by Department of Revenue
- Presented updates on Medicaid waiver lawsuit in Boots calls
- Participated in Cassie's Access to Justice Seminar
- Participated in Legal Impact Network calls on medical debt and ABAWDs
- Attended Legal Impact Network convening in Chicago
- Attended SEPBTAG (Southeast Public Benefits advocates) meeting in New Orleans

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