



Regan v. Denney, 437 P.3d 15 (Idaho 2019)

Topics Covered: Medicaid, Medical Society Advocacy

Outcome: Very Favorable

Issue

The issue in this case was whether an Idaho law that expanded Medicaid coverage to people with incomes under 138% of the Federal Poverty Level (FPL) violated the Idaho Constitution.

AMA Interest

The AMA supports state and specialty medical societies efforts to expand Medicaid eligibility to 138% of FPL.

Case Summary

Idaho voters passed a ballot initiative, called Proposition 2, to expand Medicaid coverage to 138% of the FPL. This then became part of Idaho law.

Shortly thereafter, Brent Regan, backed by the Idaho Freedom Foundation – the main opponents of Proposition 2 – filed a lawsuit in the Idaho Supreme Court against Lawrence Denney, the Idaho Secretary of State. The lawsuit claimed that the Medicaid expansion law violated the Idaho Constitution because it inappropriately delegated legislative authority to the state executive branch and to the federal government. The Idaho Attorney General, representing the Secretary of State, objected to the lawsuit on procedural and substantive grounds.

On December 18, 2018, the Idaho Medical Association (IMA), along with two patients who would receive Medicaid coverage under the new law, and a physician who treated uninsured patients (*viz.* the IMA President), obtained Supreme Court permission to intervene as additional defendants. The intervenors also argued procedural and substantive defenses. They further advised the Supreme Court about how the two Idaho patients would be negatively impacted by an inability to gain access to health coverage if the law should be struck down.

On February 5, 2019, the Idaho Supreme Court ruled in favor of the defendants, including IMA.

Litigation Center Involvement

The Litigation Center contributed toward IMA's legal expenses.