

## **Medicaid Managed Care Lawsuit**

DRI, in conjunction with co-counsel, filed a class action on behalf of Iowa Medicaid beneficiaries with intellectual disabilities, physical disabilities, and brain injuries who receive home and community based services from one of three waiver programs.

By way of background, Iowa transitioned last year from a state run Medicaid program to a private, for-profit managed care plans. Initially the plans maintained some of the services for members with severe disabilities who need extensive home and community-based services to be able to live integrated into their communities and having access to community life similar to non-disabled individuals. However, the managed care companies claimed they were losing too much money on Medicaid contracts and began cutting members' necessary home and community-based services without any significant changes to their health needs, and not providing proper notice nor an opportunity to appeal.

The class action was filed against the Governor and the Director of Department of Human Services in their official capacities (however, the Governor was later dismissed). Plaintiffs sought declaratory and both preliminary and permanent injunctive relief to halt the terminations and reductions of home and community-based services by Defendants and their agents until there is compliance with the requirements of the Medicaid Act, the U.S. Constitution, Iowa Constitution, the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. Plaintiffs also petitioned for class certification. DRI represents plaintiffs along with co-counsel from the National Health Law Project and Roxanne Conlin & Associates, P.C.

The court denied the request for class certification on November 21, 2017 without prejudice, which means that the court left the door open for the plaintiffs to refile a motion for class certification. The court later denied the request for preliminary injunction on November 28, 2017, based on its initial ruling regarding the class action. No ruling on the defendant's motion to dismiss at this time. Therefore, the lawsuit to remedy the problems with Medicaid managed care is still being actively litigated.