



Summary Judgement: HHS Approval of Kentucky HEALTH Vacated

WASHINGTON, D.C. - Sixteen low income Kentuckians this year challenged federal approval of Governor Bevin’s Medicaid waiver plan. In an opinion issued today, federal district Judge James Boasberg favored the plaintiffs, vacating the Health and Human Services (HHS) Secretary’s approval of Kentucky’s 1115 Waiver known as Kentucky HEALTH. The judge’s ruling blocks implementation of the waiver in its current form.

“Kentucky Voices for Health and our partners applaud the court’s decision to support Kentuckians on Medicaid by refusing to create additional barriers,” said Emily Beauregard, Executive Director for Kentucky Voices for Health. “Kentucky’s Medicaid population consists of hardworking parents, caregivers, and other community members who need access to healthcare. During the waiver comment period, over 3,000 Kentuckians voiced their opinion on the devastating effects of this policy, and the court heard those voices.”

Sheila Schuster, Executive Director for Advocacy Action Network, said “We all know that Kentucky is caught in the midst of an opioid epidemic, and while the waiver talked about providing treatment for Kentuckians with substance use disorders, the many barriers and requirements made it more unlikely that people with addictions would seek much needed treatment. I am relieved that the court recognized the potential harm in this policy.”

"Research consistently shows that access to healthcare helps vulnerable people with housing stability," said Adrienne Bush, Executive Director of the Homeless and Housing Coalition of Kentucky. "From people experiencing chronic homelessness to families trying to achieve homeownership, access to healthcare through Medicaid and housing stability are inextricably linked. People living in the margins do not need additional barriers to opportunity, and we are glad the federal court recognizes this."

Rich Seckel, Executive Director of the Kentucky Equal Justice Center, said “The Judge's ruling recognizes that Medicaid demonstration waivers must adhere to a purpose--to improve coverage and care.” Of Governor Bevin’s threat to “unexpand” Medicaid entirely were the court to rule in the plaintiff’s favor, Seckel said “We've always believed that this should be

decided based on law rather than threat. That's what the plaintiffs sought. The governor knows how to appeal if he disagrees; that would be the wiser path for him."

"People with mental illness are not always going to fall into the medically frail category," said Marcie Timmerman, Executive Director of Mental Health America of Kentucky. "I'm relieved to know Kentuckians will not be subject to unintended negative consequences from this waiver experiment."

And Dustin Pugel, Policy Analyst for the Kentucky Center for Economic Policy, said "This ruling recognizes the critical role Medicaid plays in providing health care coverage in Kentucky. This coverage is not only good for the health of 1.4 million Kentuckians, it's good for our economy, too. Removing these radical and unnecessary barriers to coverage was the right call."

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About InsureKY

InsureKY is a statewide coalition of nonprofits formed to promote more affordable health insurance, better care, and stronger consumer protections for all Kentuckians.

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[Mental Health America of Kentucky](#)

Media Contacts

Dustin Pugel, Policy Analyst

Kentucky Center for Economic Policy

dustin@kypolicy.org

(859)230-0098

Emily Beauregard, Executive Director

Kentucky Voices for Health

emily.beauregard@kyvoicesforhealth.org

(502) 882-0584

Sheila Schuster, Executive Director

Advocacy Action Network

kyadvocacy@gmail.com

(502) 836-43222

