



Litigation Update

September 23, 2020

Matt Devlin

AHCCCS General Counsel

Texas v Azar

- US Court of Appeals for the 5th Circuit Court of Appeals held the ACA unconstitutional in its entirety.
- US Supreme Court agreed to hear the appeal.
- Oral argument scheduled for November 11, 2020.

Arizona Alliance of Community Health Centers

- Action filed in federal court by FQHCs seeking an order requiring AHCCCS to pay for “physicians’ services”
 - Services by dentists, optometrists, podiatrists, and chiropractors.
- Plaintiffs filed a motion for preliminary injunction.
- AHCCCS filed a motion to dismiss for failure to state a claim.
- Oral argument was held on September 4, 2020.

DH v Snyder

- Federal class action filed on behalf of AHCCCS eligible transgender individuals under age 21 who have gender dysphoria and are seeking male chest reconstruction surgery.
- Alleges the AHCCCS rule excluding coverage of gender reassignment surgeries, violates equal protection, constitutes sex discrimination, and violates EPSDT and comparability requirements.
- AHCCCS' response to the complaint and the Plaintiffs' motion for preliminary injunction are due September 28,

BK v McKay

- Class action in federal court alleges failures by the Department of Child Safety (DCS) and the Department of Health Services (ADHS) to provide safety and medical care for foster children.
- The parties reached a settlement filed with the court on August 31, 2020 which is subject to approval by the court.
- The agreement requires DCS CMDP to modify QA Program, set measures for CFT & TFC, improve EPSDT exam measures.

UMC of Southern Nevada v Health Choice

- Action in State court by hospital seeking review of an administrative hearing decision regarding interim and final claims for inpatient services.
- The hospital filed all its interim claims together but never filed a final claim.
- The Arizona Superior Court reversed the Director's Decision holding that the claim was not properly submitted for final payment.
- Health Choice and AHCCCS have filed an appeal.

Questions?

Thank You.