



DEPARTMENT OF HEALTH & HUMAN SERVICES

Chief of Staff

Washington D.C. 20201

FACSIMILE

DATE JUN 20 1994

TO: (NAME, ORGANIZATION, CITY/STATE AND PHONE NUMBER):

Carol Rasco
Assistant to the President
for Domestic Policy

456-2216

FROM: (NAME, ORGANIZATION, CITY/STATE AND PHONE NUMBER):

Kevin Thurm
Chief of Staff

690-6133

RECIPIENT'S FAX NUMBER: () 456-2878

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COMMENTS:



DEPARTMENT OF HEALTH & HUMAN SERVICES

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Washington, D.C. 20201

JUN 20 1994

MEMORANDUM TO CAROL RASCO

FROM: KEVIN THURM *KT*

SUBJ: NACHC LAWSUIT

Attached please find a memo on the NACHC lawsuit.

If you have any questions, please do not hesitate to call me.

DEPARTMENT OF HEALTH & HUMAN SERVICES

Health Care Financing Administration

The Administrator
Washington, D.C. 20201MEMORANDUM

TO: Kevin Thurm
 FROM: Bruce Viadeck
 RE: NACHC Lawsuit
 DATE: June 20, 1994

file

As you know, the National Association of Community Health Centers (NACHC) filed a lawsuit for injunctive relief against the Department of Health and Human Services (DHHS) on June 7, 1994. The following is an update of events.

- o The original deadline for the DHHS response to the suit was June 15. There have been two 7-day extensions granted, one requested by us, and one requested by the intervening states. NACHC has consented to the extensions, with the understanding (although no express promise was made) that no additional 1115 Medicaid waivers will be implemented in the interim. The deadline for submission of our response is now June 29. This date is unlikely to be moved again.
- o Seven states which have received, requested, or will request major 1115 Medicaid waivers -- Hawaii, Rhode Island, Tennessee, Ohio, South Carolina, Missouri, and Delaware -- expressed a desire to intervene in the case. It is possible that other states will intervene as well. The second 7-day extension was granted to give the intervening parties time to prepare their documents, which would be filed together with the DHHS response.
- o The states' intervention is beneficial to the Department, in that the states can make the case that hardship would be caused them if the court grants the injunction.
- o One of the conditions upon which NACHC agreed to consent to the second extension was that we would agree to grant NACHC a reasonable extension on their deadline to reply to our response.
- o No date has been set for the hearing on the preliminary injunction. NACHC has the authority to request the hearing date. It is unlikely that a hearing date will be granted before NACHC submits its reply.
- o There is a slight chance that the intervening states and NACHC could come to an agreement and settle the case before the hearing, but HCFA and the states are not optimistic that this will happen.

Information not found in this file can be found in Records Management. This especially includes information from 1993 and 1994.