



National Federation of Independent Businesses v. Sebelius—What Does It Mean to the Future of Medicaid and Healthcare Reform?

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ABSTRACT: In its landmark decision on the validity of the Patient Protection and Affordable Care Act (ACA), the Supreme Court largely upheld the law's Constitutional validity. However, in a surprising move, the Court limited the federal government's authority to enforce the part of the ACA that required states to cover a large new category of beneficiaries under their Medicaid programs by withholding federal matching funds for the entire program. The decision broke new ground in the relationship between the state and federal governments under the doctrine of "cooperative federalism." This Comment examines that decision, including its basis and impact on both the ACA and the existing Medicaid program. Although the U.S. Department of Health and Human Services has not announced at the time that the Comment was written how it will implement the decision, the Comment also discusses options that may be available to both the federal government and states to expand Medicaid under ACA.

KEYWORDS: Affordable Care Act, Medicaid, Medicaid Expansion, Implementation, Mandatory Participation, Newly Eligible, States, Supreme Court, *NFIB*

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