

## **Health Law Section Handouts by Mark Regan November 4, 2010 Section Meeting**

- **Medicare: Are compulsory-contribution social insurance programs constitutional?**

See *Helvering v. Davis*, 301 U.S. 619 (1937) (holding that it's constitutional to require compulsory contributions to Social Security).

- **Medicare: Can you opt out of Medicare Part A?**

*Hall v. Sebelius*, No. 1:08-cv-1715 (D. D.C.), Memorandum Opinion (Sept. 29, 2009), and Order [denying reconsideration of denial of motion to dismiss] (March 24, 2010) (claim that you ought to be able to turn down Medicare Part A but continue to receive Social Security survives motion to dismiss).

- **Medicaid: Are Spending Clause federal-money-with-strings-attached programs constitutional?**

See *South Dakota v. Dole*, 483 U.S. 203 (1987) (upholding drinking-age string on federal highway funds).

- **Medicaid: Would a fundamental transformation of Medicaid unconstitutionally coerce States?**

See *Florida v. U.S.*, No. 3:10-cv-91 (N.D. Fla.), Order and Memorandum Opinion (Oct. 14, 2010) (excerpts) (claim that PPACA Medicaid changes are unconstitutionally coercive survives motion to dismiss).

- **Incidentally, what do Tea Party (pro se) health care legal arguments look like?**

See *Purpura v. Sebelius*, No. 3:10-cv-4814 (D. N.J.) (filed Sept. 20, 2010).