

August 3, 2015

Medicaid Litigation Update #3 – HFS to Pay Providers Who Serve Child Medicaid Beneficiaries Statewide & Motion Filed in Beeks

The Department of Healthcare and Family Services (HFS) has announced that it will make payments to *providers who serve child Medicaid beneficiaries throughout the state* during the state budget impasse (see [HFS' press release](#)). We understand that the payments -- for Medicaid services furnished to adults as well as children by these providers -- could begin being issued in mid-August. We will provide more information about the payment schedule as soon as it becomes available.

During the budget impasse, IHA has been urging the Administration to continue Medicaid payments for essential health care services across the state.

Meanwhile, further legal action was initiated on Friday, July 31 by the Sargent Shriver Center on National Poverty Law asking the federal Court in Chicago to require the state to continue to make all Medicaid payments to *all providers* serving Medicaid beneficiaries throughout Illinois, despite the budget impasse. This action is filed based on a Consent Decree entered into in 1993 in the case of *Beeks v. Bradley*. Under that consent decree, HFS is prohibited from failing to furnish Medicaid promptly because of a budget impasse. Furnishing Medicaid promptly includes paying for the services provided to Medicaid beneficiaries.

The Shriver Center has asked that its motion to enforce the *Beeks* Consent Decree be heard by Judge Lefkow, the same federal Court Judge who issued the July 24 order in *Memisovski*. It is anticipated that this matter will be heard by the Court on Wednesday, August 5.

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