



Ohio Supreme Court Upholds the Controlling Board's Medicaid Expansion

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A Health Care E-Alert

The Ohio Supreme Court issued an important decision in the lawsuit that challenged the authority of the Ohio Controlling Board (Board) when the Court ruled the Board did not exceed its power in authorizing the expenditure of additional federal funds requested by the Ohio Department of Medicaid. The decision, rendered late on December 20, 2013, effectively ends the prolonged fight over Medicaid expansion in Ohio.

The lawsuit, brought by several Ohio legislators, Cleveland Right to Life and Cincinnati Right to Life, argued that the Board had exceeded its statutory authority by failing to carry out the legislative intent of the General Assembly. This argument was based on a bill passed by the legislature that had included a provision that would have prohibited the expansion of Medicaid in Ohio, and not the final version of the bill as signed into law by Governor John Kasich. Prior to signing the law, the governor vetoed the provision that would have prohibited the expansion of Medicaid in Ohio.

Relators argued, however, that the General Assembly's iteration of the bill was indicative of the General Assembly's intent. Chief Justice Maureen O'Connor, who wrote the decision, disagreed, stating that such an argument would "create a constitutional crisis" because the "the General Assembly would have the power to command the controlling board, in all cases, to disregard the governor's veto in the implementation of appropriations. This interpretation is clearly contrary to the checks and balances that are critical to our constitutional democracy."

This ruling was joined by four members of the court. The other three justices would have dismissed the complaint outright without issuing a ruling on the merits.

[Full text of the Supreme Court's opinion](#)

