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Husch Blackwell Prevails Over Opposition to Missouri Medicaid Expansion

**HIGH-PROFILE MO. SUPREME COURT VICTORY PROVIDES 275,000
MISSOURIANS WITH ACCESS TO FEDERAL HEALTHCARE PROGRAM**

Husch Blackwell secured a victory before the Missouri Supreme Court in closely watched litigation over the implementation of Amendment 2, a 2020 ballot initiative that Missourians passed and that would expand Medicaid coverage in the state.

The litigation stemmed from the decision of Missouri's Department of Social Services to refuse to enroll the plaintiffs in MO HealthNet, the state's Medicaid plan, because the Missouri General Assembly allegedly failed to appropriate funding for the program's expansion. The trial court ruled that Amendment 2 violated article III, section 51 of the Missouri Constitution, which prohibits a ballot measure from appropriating money without creating revenue to fund the initiative.

In reviewing the case *en banc*, the Missouri Supreme Court vacated the crucial determination made at the trial court level regarding the ballot initiative's constitutionality, holding that "[b]ecause article IV, section 36(c) does not appropriate money and does not remove the General Assembly's discretion in appropriating money to MO HealthNet, the circuit court erred in declaring article IV, section 36(c) constitutionally invalid." The Supreme Court ultimately remanded the matter "for the circuit court to enter judgment for the Plaintiffs, which includes determination of the appropriate injunctive relief."

"I appreciate that this issue arouses deep feelings around the state, but the people of Missouri clearly supported Amendment 2 at the ballot box, and we

felt the law was on our side in this matter,” said Husch Blackwell partner Lowell Pearson, who led the firm’s trial team. “The court correctly held that the ballot measure did not violate the state constitution and that the General Assembly had in fact appropriated funds for the newly eligible population, which is clear from the plain text of the appropriations bills.”

The Husch Blackwell team was led by Pearson and included senior counsel Michael Martinich-Sauter and partner Harvey Tettlebaum. Stinson LLP and Legal Services of Eastern Missouri served as co-counsel.