



Idaho

Federal Court Rules Against Idaho Medicaid Program

Judge Says State's Secret System "Defies Logic"

FOR IMMEDIATE RELEASE:

September 7, 2023

CONTACT:

Jeremy Woodson, ACLU of Idaho, jwoodson@acluidaho.org, 208-315-7822

BOISE, Idaho – In the latest ruling in a long-running [class action lawsuit over Idaho's Medicaid program](#), a federal judge in Idaho has denied an effort by the State to keep its decision-making procedures secret. The ruling is a major development in the case, which was originally filed in 2015 on behalf of adults with intellectual and developmental disabilities when the State of Idaho drastically cut their Medicaid assistance to dangerously low levels. The federal court has ruled twice previously that Idaho cannot use other secret decision-making procedures in its Medicaid system. The United States Senate featured the Idaho case, entitled [K.W. v. Armstrong](#), in a [committee hearing on the use of artificial intelligence in government](#) earlier this year.

The recent decision concerns a Medicaid assessment tool known as the Supports Intensity Scale, or "SIS," that is used in 20 states and the District of Columbia, and under consideration for use in three additional states. Idaho was also considering using this tool, but the tool's publisher has a policy prohibiting Medicaid recipients from accessing the manual that sets out how the tool works. Idaho sought a court order allowing it to prohibit Medicaid recipients from seeing the SIS manual, per the publisher's policy. Such a policy is unconstitutional, United States Magistrate Judge Candy W. Dale ruled, concluding that "[u]nconditionally precluding class members' access to information in the User's Manual through the entirety of the resource allocation process, most specifically during the appeals process, defies logic and is antithetical to principles of due process."

The new ruling will require Idaho to ensure its Medicaid decision-making processes are transparent, either by allowing release of the manual or choosing another assessment method. Idahoans with developmental disabilities using Medicaid are represented in the lawsuit by the ACLU of Idaho and the law firms of Piotrowski Durand, based in Boise, and Sheppard, Mullin, Richter & Hampton.

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