

## **FOR IMMEDIATE RELEASE**

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### **Federal Court Unlocks the Door to TennCare for Applicants**

*Court Grants Class Certification and Preliminary Injunction*

NASHVILLE, Tenn. – A federal judge granted relief to residents across Tennessee today by ordering the state to provide hearings to residents whose Medicaid applications have been unreasonably delayed, according to a ruling in a case brought by a coalition of civil rights groups.

The ruling by U.S. District Court Judge Todd Campbell granted a preliminary injunction sought by the groups and certified the litigation as a class action lawsuit, meaning that it applies to all people in Tennessee who have waited months for a determination on their applications for the program, TennCare. The Southern Poverty Law Center (SPLC), Tennessee Justice Center and the National Health Law Program filed the lawsuit.

The court's order takes immediate effect.

“This is a profound victory for all of Tennessee,” said Sara Zampierin, SPLC staff attorney. “The court's ruling today will require TennCare to do their job and ensure that the people who

have been stuck waiting for a decision for months will be able to finally receive the health care they deserve.”

The court rejected the state’s attempt to blame the federal government for its own failings, ruling instead that the state is responsible for its administration of the TennCare program, and noting that “[i]f a state decides to participate in the Medicaid program, it is required to ensure that applications are adjudicated reasonably promptly.” The court further rejected the state’s claim that it has no “backlogs,” noting that the existence of this lawsuit proved that many people are suffering.

“We are jubilant that the vulnerable Tennesseans will now get the care upon which their lives and futures depend,” said Michele Johnson, executive director of the Tennessee Justice Center. “We look forward to working with state officials to develop a process that protects the health of Tennesseans and the infrastructure upon which we all rely.”

The court ordered that a fair hearing be provided to all class members who have proof of application and request such a hearing. The hearings will be held within 45 days, unless the person’s eligibility is based on a disability, in which case the State will have 90 days to conduct the hearing.

“We are pleased that Judge Campbell recognized this as a statewide problem,” said Elizabeth Edwards, Staff Attorney at the National Health Law Program. “The law requires Medicaid applications to be processed promptly because low-income individuals and people with disabilities often have a brutal need for health care that, without TennCare coverage, they will be unable to afford.”

A copy of the order can be viewed here

<http://www.splcenter.org/get-informed/case-docket/Melissa->

Wilson-et-al-v-Darin-Gordon-et-al.

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*The Southern Poverty Law Center, based in Alabama with offices in Florida, Georgia, Louisiana and Mississippi, is a nonprofit civil rights organization dedicated to fighting hate and bigotry, and to seeking justice for the most vulnerable members of society. For more information, see [www.splcenter.org](http://www.splcenter.org).*