

EDITORIAL: Judges should not determine Medi-Cal rates



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LM OTERO — AP Photo

Many who support broader access to health care for low-income people are decrying a U.S. Supreme Court decision last week in a case involving reimbursement levels for doctors who treat the poor.

But while we share the goal of broader access, we think the court was wise to rule that private parties have no standing to sue the government to force higher payments to medical providers under the federal-state Medicaid program, known as Medi-Cal in California.

The court's ruling came in a case from Idaho, *Armstrong v. Exceptional Child Center*. The original plaintiffs contended that Idaho's payments were so low that they were insufficient to get providers to treat the poor, which in turn crimped access to care to levels below what federal law requires.

A lower court and the 9th U.S. Circuit Court of Appeals had sided with the providers, but the Supreme Court, in a 5-4 decision, ruled against them. The high court said that while the law allows the federal government to oversee the states' payment decisions, there is no provision permitting private parties to litigate the issue.

That's an important principle to uphold, especially for California, where so much of the budget is already out of the hands of legislators and the governor.

The political process can be messy, and it does not always turn out the way we'd like, even on the issue of reimbursement levels for medical care. But these are decisions that are best made by the elected representatives of the people, not the courts.

Much like budgeting by ballot initiative, judicial decisions that dictate levels of spending for specific programs are

almost always made in a vacuum. A court might look at the state's schools or its prisons or, in this case, its medical care, and find that more spending would be better. The court might even be right.

But the judges don't weigh that spending against competing priorities. It is the job of legislators and the governor to look at how much money is available and decide how to divide those funds among the many worthy and competing endeavors that government might undertake.

If those elected representatives decide that the needs exceed the funds available, they can vote to raise taxes. And for that they are answerable in the next election.

The federal courts are free from those pressures, and that makes them a popular venue for parties who are disappointed by the democratic process. But judicial intervention can work both ways. One need look no further than the billions of dollars California is now spending on its prison system thanks to a federal court order.

That's money that the Legislature might have otherwise decided to spend on other priorities. Like Medi-Cal.