

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MONTE A. ROSE, JR., et al.,)	
)	
Plaintiffs,)	
)	No. 1:19-cv-02848-JEB
v.)	
)	
XAVIER BECERRA, et al.,)	
)	
Defendants.)	

JOINT STATUS REPORT

In accordance with the Court’s September 15, 2023 order, Plaintiffs Monte A. Rose, Jr., et al.; Federal Defendants Xavier Becerra, et al.; and Intervenor-Defendant the Indiana Family and Social Services Administration (collectively, the “parties”) respectfully submit the following joint status report.

1. On September 23, 2019, the Plaintiffs filed a complaint challenging the Federal Defendants’ approval of the Healthy Indiana Plan (HIP) under Section 1115 of the Social Security Act.
2. The Plaintiffs moved to set an expedited briefing schedule, and the Federal Defendants and the Intervenor-Defendant jointly cross-moved for a stay pending the issuance of the mandates in *Stewart v. Azar* and *Gresham v. Azar*. ECF Nos. 16, 18. The Court granted each motion in part and denied each motion in part, but did not stay the case. Min. Order (Nov. 21, 2019).
3. On April 3, 2020, the parties filed a joint status report, in which Indiana requested, without opposition, that the Court stay proceedings during the pendency of the COVID-19 public health emergency. ECF No. 36. The Court granted the stay and directed the parties to submit a joint status report within two weeks of the COVID-19 public health emergency being declared over. Min. Order (April 6, 2020).

4. On June 24, 2021, CMS notified Indiana that it was withdrawing the approval of the work requirements previously approved as part of HIP, based on its determination that they are not likely to promote the objectives of the Medicaid program. *See* Letter from Chiquita Brooks-LaSure, Adm'r, CMS, to Allison Taylor, Medicaid Dir., Ind. Family & Social Servs. Admin. 3, 22 (June 24, 2021), <https://bit.ly/3hi4twT>.
5. CMS simultaneously notified Indiana that it is reviewing the other authorities that it had previously approved in HIP and that the “review remains ongoing.” *See id.* at 23.
6. On June 28, 2021, the Court ordered the parties to file a joint status report. Min. Order (Jun. 28, 2021). In response to that report, ECF No. 40, the court ordered the parties to “file a further joint status report within two weeks of the COVID-19 public-health emergency being declared over or CMS completing its review of the current Healthy Indiana Plan approval, whichever occurs first.” Min. Order (July 8, 2021).
7. On May 11, 2023, the COVID-19 public health emergency ended. *See* Letter to U.S. Governors from HHS Secretary Xavier Becerra on Renewing COVID-19 Public Health Emergency (PHE) (Feb. 9, 2023) <https://www.hhs.gov/about/news/2023/02/09/letter-us-governors-hhs-secretary-xavier-becerra-renewing-covid-19-public-health-emergency.html> (last accessed May 24, 2023).
8. Since the parties filed their last joint status report, CMS and Indiana have had further discussion. As a result, CMS has tentatively concluded its review of HIP’s remaining requirements. CMS intends to issue a final decision document explaining the outcome of its review no later than December 22, 2023.
9. After CMS issues its final decision document, Federal Defendants intend to confer with Indiana and Plaintiffs about next steps in the case.

10. Therefore, Federal Defendants propose to continue the stay in this case to allow CMS to issue its final decision document and for the parties to confer before filing another joint status report by January 12, 2024.
11. Plaintiffs do not oppose the Federal Defendants' request. Intervenor agree with the Federal Defendants' proposal.

Dated: November 14, 2023

Respectfully submitted,

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