



# Children's Healthcare is a Legal Duty v. HCFA, 212 F.3d 1084 (8th Cir. 2000)

Topics Covered: Christian Science, Medicare

## **Outcome: Very Unfavorable**

The American Academy of Pediatrics, the Litigation Center, the Iowa Medical Society, and the American Nurses Association joined in an amicus curiae brief to challenge the validity of certain provisions of the Balanced Budget Act of 1997 under the First Amendment. The law provides Medicare and Medicaid reimbursement for services provided in “religious nonmedical health care institutions,” 42 USC §1395x (ss), a euphemism for Christian Science sanitarium. The lower court upheld the statute, and so Children’s Healthcare Legal Duty, Inc. (CHILD) appealed the case to the Eighth Circuit. The amicus brief argued that the statute implies that spiritual healing is on a par with medical care. Moreover, the federal support of these institutions facilitates medical neglect of children. The AMA, by special permission of the court, participated in the oral argument.

By a 2-1 decision, a three-judge panel of the Eighth Circuit affirmed. CHILD then petitioned the United States Supreme Court for certiorari. The Litigation Center joined the American Academy of Pediatrics and other non-profit organizations in an amicus brief in support of CHILD’s petition. However, the Supreme Court denied CHILD’s petition.