



AAP disappointed in Supreme Court decision that could affect Medicare, Medicaid, other health programs

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The AAP and other health organizations said they are disappointed that the Supreme Court on Friday struck down a 1984 decision that compelled federal courts to defer to executive agencies in interpreting ambiguities in laws as long as an agency's interpretation is reasonable.

In a joint statement, the groups said they anticipate the ruling, which eliminated the so-called Chevron deference, "will cause significant disruption" to publicly funded health insurance programs as well as the stability of health care and food and drug review systems.

"Before today, Chevron deference protected the legal stability of public health programs such as Medicare and Medicaid," the statement read. "It ensured that laws passed by Congress were interpreted and implemented by expert federal agencies such as the Centers for Medicare and Medicaid Services (CMS)."

The Chevron deference — named for the 1984 outcome of *Chevron, U.S.A., Inc. v. National Resources Defense Council, Inc.* — gave agencies like CMS the power to interpret ambiguities in the law when making policy decisions. Public health was at the center of the original case over conflicting interpretations of the Clean Air Act.

Friday's 6-3 decision in *Loper Bright Enterprises v. Raimondo*, a case concerning the federal oversight of fisheries, could keep federal agencies from enacting health-related policies on the environment, vaccines, tobacco, immigration and gun safety.

Justice Elena Kagan echoed the AAP's concerns in her dissenting opinion.

“Some interpretive issues arising in the regulatory context involve scientific or technical subject matter. Agencies have expertise in those areas; courts do not,” she wrote.

In the majority opinion, Chief Justice John Roberts wrote that courts must be able to exercise their independent judgment in deciding whether a federal agency has acted within its authority and said ambiguity is no reason for courts to defer to expert opinion.

The joint statement from the AAP and its peers refute this assertion.

“(L)arge health programs such as Medicaid and Medicare, as well as issues related to the Food, Drug and Cosmetic Act, are extremely complex, so it is key that decisions about how to interpret and implement relevant laws are made by experts at government agencies,” the statement read. “Yet today’s majority opinion explicitly ends the use of this sensible doctrine.”

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