

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

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| _____ |) | |
| MELISSA WILSON, <i>et al.</i> , |) | |
| |) | |
| <i>Plaintiffs,</i> |) | |
| |) | |
| v. |) | Civil Action No. 3:14-cv-1492 |
| |) | |
| DARIN GORDON, <i>et al.</i> , |) | Judge Campbell |
| |) | Magistrate Judge Bryant |
| Defendants. |) | |
| _____ |) | |

**STATEMENT OF INTEREST
OF THE UNITED STATES OF AMERICA**

Pursuant to 28 U.S.C. § 517, the non-party United States of America respectfully submits this statement on behalf of the Secretary of Health and Human Services (“HHS”).

Under the Medicaid statute, 42 U.S.C. § 1396a *et seq.*, it is the state Medicaid agency, in this case TennCare, that at all times retains the ultimate responsibility to ensure that a reasonably prompt decision is made on applications, including ones that have been submitted in the first instance to the federally facilitated Exchange in the State.

Although the Secretary thus respectfully disagrees with some of the legal and factual arguments presented by TennCare that appear to deny that responsibility, the Secretary’s priority is to ensure that plaintiffs and other applicants for Medicaid benefits receive decisions on their applications in a timely manner. Accordingly, the Secretary affirms HHS’s intention to continue to work with TennCare over the next few weeks to reach a resolution that would achieve this priority.

Dated: August 29, 2014

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served via the Court’s electronic filing system, this 29th day of August 2014, upon:

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
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