



Health Matrix: The Journal of Law-Medicine

Volume 12 | Issue 2

2002

Volume 12 Issue 2 (2002)

Volume 12 (Issue 2) (2002)

Follow this and additional works at: <https://scholarlycommons.law.case.edu/healthmatrix>

 Part of the [Health Law and Policy Commons](#)

Recommended Citation

Volume 12 (Issue 2) (2002), *Volume 12 Issue 2 (2002)*, 12 Health Matrix Iss. 2 (2002)

Available at: <https://scholarlycommons.law.case.edu/healthmatrix/vol12/iss2/2>

This Front Matter is brought to you for free and open access by the Student Journals at Case Western Reserve University School of Law Scholarly Commons. It has been accepted for inclusion in Health Matrix: The Journal of Law-Medicine by an authorized administrator of Case Western Reserve University School of Law Scholarly Commons.



HEALTH MATRIX:



Journal of Law-Medicine

SYMPOSIUM:

BARRIERS TO ACCESS TO HEALTH CARE

INTRODUCTION: ARE THE WALLS TUMBLING DOWN?
HARDLY. ARE THE SANDS SHIFTING? SURELY.

Louise W. McKinney

MEDICAID: PAST SUCCESSSES AND FUTURE CHALLENGES

Jane Perkins

INTO THE RED TO STAY IN THE PINK:
THE HIDDEN COST OF BEING UNINSURED

Hugh F. "Trey" Daly III
Leslie M. Oblak
Robert W. Seifert
Kimberly Shellenberger

INFORMED CONSENT FOR MEDICATION IN PERSONS
WITH MENTAL RETARDATION AND MENTAL ILLNESS

Joan L. O'Sullivan
Breck G. Borcharding

OLMSTEAD v. L.C.: IMPLICATIONS FOR MEDICAID
AND OTHER PUBLICLY FUNDED HEALTH SERVICES

Sara Rosenbaum
Joel Teitelbaum
Alexandra Stewart

ENSURING THE SUPREMACY OF FEDERAL LAW:
WHY THE DISTRICT COURT WAS WRONG IN
WESTSIDE MOTHERS v. HAVEMAN

Erwin Chemerinsky

WORKING ON THE PUZZLE: HEALTH CARE
COVERAGE FOR LOW-WAGE WORKERS

Louise G. Trubek

NOTE

PLAYING THE LOTTERY: HCBS LAWSUITS AND
OTHER MEDICAID LITIGATION ON BEHALF OF
THE DEVELOPMENTALLY DISABLED

Margaret K. Feltz

HEALTH MATRIX: JOURNAL OF LAW-MEDICINE



Volume 12

Winter 2002

Number 1

Copyright by Health Matrix: Journal of Law-Medicine

HEALTH MATRIX: JOURNAL OF LAW-MEDICINE

Editor-in-Chief

John N. Neal

Managing Editor

Caroline Regallis

Executive Articles Editor

Barbara A. Binzak

Executive Development Director

Kevin Coker

Executive Editors

Charles Suk Hong

Simon Jenner

Jennifer L. Talvitie

Maritza Tamayo

Senior Editors

Ann Eileen Driggs

Hugh McClean

Jennifer Rak

Associate Editors

James M. Baranowski

Eric J. Bonsall

Michael Brink

Alexandra J. Geffert

David J. Joy

Hilary Leeds

Courtney McCormick

Jae Park

Jennifer P. Pulley

Jennifer Woods

Lynn Zondorak

Faculty Advisor

Maxwell J. Mehlman

Manager of Academic Centers & Law Journals

Alice M. Simon

HEALTH MATRIX: JOURNAL OF LAW-MEDICINE (ISSN 0748-383X) is published by the students of Case Western Reserve University School of Law. The views expressed in this issue are those of the authors and do not necessarily reflect the views of HEALTH MATRIX, its Editors and Staff, or the Case Western Reserve University School of Law.

HEALTH MATRIX welcomes submissions of original articles. Possible topical areas include: legal medicine, health law and policy, professional liability, biomedical ethics, and medical-legal research. HEALTH MATRIX conforms to THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (17th ed. 2000), and the style conforms generally to THE CHICAGO MANUAL OF STYLE (14th ed. 1993). Submissions will be considered for publication by the Editorial Board. The Editorial Board regrets that it cannot return submissions to authors unless the manuscript is accompanied by a self-addressed stamped envelope. Correspondence and manuscripts should be sent to:

Editorial and Business Office
HEALTH MATRIX: JOURNAL OF LAW-MEDICINE
Case Western Reserve University School of Law
11075 East Boulevard
Cleveland, OH 44106
Telephone: (216) 368-2099

All accepted manuscripts are subject to editing by the HEALTH MATRIX Editorial Board. Manuscripts selected for publication are accepted with the understanding that editorial changes may be made to improve the readability of the Article and to ensure conformity with style policy. Accepted manuscripts become the permanent property of HEALTH MATRIX and may not be published elsewhere without written permission.

Annual subscriptions may be entered for the entire volume for \$24.00 for both foreign and domestic subscribers. Any correspondence regarding subscriptions should be sent to the Manager of Law Journals at the address listed above. Single issues of the current volume are available for \$12.00 each. Back issues may be obtained from HEALTH MATRIX, if available. Back issues from earlier volumes are available from William S. Hein & Co., Inc., 1285 Main Street, Buffalo, New York 14209.

Except as otherwise provided, HEALTH MATRIX grants permission for each Article in this issue to be copied for use by nonprofit educational institutions, provided that 1) copies are distributed at or below cost, 2) the author and HEALTH MATRIX are notified, and 3) proper notice of copyright is affixed on the copies.

Selected HEALTH MATRIX Articles are indexed in the National Reference Center for Bioethics Literature, Kennedy Institute of Ethics, Georgetown University, Washington, D.C. Volume 3 and subsequent volumes are indexed in the Index to Legal Periodicals. Selected Articles also are available on Lexis/Nexis, Westlaw, and PAIS.

This issue went to press in February 2002.

Health Matrix: Journal of Law-Medicine is grateful to the Law-Medicine Center at Case Western Reserve University School of Law for its sponsorship of symposia and conferences concerning the latest developments in the area of law and medicine. During the more than forty years of its operation, the Center has broadened its focus from issues involving forensic medicine to the whole range of legal, social, economic, scientific, and ethical issues in which law and medicine are interrelated.

The Journal would also like to acknowledge Greg Fernengel for his work on volume 12, issue 1.

HEALTH MATRIX: JOURNAL OF LAW-MEDICINE

SYMPOSIUM: BARRIERS TO ACCESS TO HEALTH CARE

INTRODUCTION: ARE THE WALLS TUMBLING DOWN?

HARDLY. ARE THE SANDS SHIFTING? SURELY.

Louise W. McKinney..... 1

MEDICAID: PAST SUCCESSES AND FUTURE CHALLENGES

Jane Perkins 7

INTO THE RED TO STAY IN THE PINK: THE HIDDEN

COST OF BEING UNINSURED

Hugh F. "Trey" Daly III

Leslie M. Oblak

Robert W. Seifert

Kimberly Shellenberger..... 39

INFORMED CONSENT FOR MEDICATION IN PERSONS WITH

MENTAL RETARDATION AND MENTAL ILLNESS

Joan L. O'Sullivan

Breck G. Borcharding..... 63

OLMSTEAD V. L.C.: IMPLICATIONS FOR MEDICAID AND

OTHER PUBLICLY FUNDED HEALTH SERVICES

Sara Rosenbaum

Joel Teitelbaum

Alexandra Stewart 93

ENSURING THE SUPREMACY OF FEDERAL LAW:

WHY THE DISTRICT COURT WAS WRONG IN

WESTSIDE MOTHERS V. HAVEMAN

Erwin Chemerinsky..... 139

WORKING ON THE PUZZLE: HEALTH CARE

COVERAGE FOR LOW-WAGE WORKERS

Louise G. Trubek 157

NOTE

PLAYING THE LOTTERY: HCBS LAWSUITS AND OTHER MEDICAID

LITIGATION ON BEHALF OF THE DEVELOPMENTALLY DISABLED

Margaret K. Feltz..... 181