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*Governing Medicare*

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Abstract by Carrie Mitchell

The article offers an overview of the governance of Medicare including Supreme Court cases involving Medicare and other lower court cases in the history of Medicare. Courts have become deferential, procedurally and substantively, to those who administer the program. Congress also plays an important role in governing Medicare. Recently, Congress has attempted to control Medicare through constant small reforms. The Health Care Finance Administration (HCFA) largely governs the program and struggles to keep pace with changes made by Congress. HCFA governs the program via sub-regulatory issuances while courts look the other way.

The article makes several suggestions as to how Medicare should be run. Courts should take a more active role in ensuring compliance with legislative and constitutional constraints, but Congress should give the bureaucracy more latitude to do its work. Congress should implement an interim solution in the corporatist model, which would promote good governance of Medicare now and would help the transition into the future while serving the needs Medicare is meant to serve and promote.