

**23-715 ADVOCATE CHRIST MEDICAL V. KENNEDY, SEC. OF HHS**

DECISION BELOW: 80 F.4th 346

LOWER COURT CASE NUMBER: 22-5214

QUESTION PRESENTED:

Because low-income patients are often costlier to treat, Congress directed the government to reimburse hospitals that treat a disproportionate share of low--income patients at higher Medicare rates. A hospital qualifies for higher payments in part based on the number of days that a hospital provides inpatient care to senior (or disabled) low-income patients, measured as those who "were entitled to benefits under part A of [Medicare] and were entitled to supplementary security income [SSI] benefits." 42 U.S.C. § 1395ww(d)(5)(F)(vi)(I).

In *Becerra v. Empire Health Foundation*, this Court agreed with the agency that "entitled to [Medicare part A] benefits" included "all those qualifying for the [Medicare] program," whether or not Medicare paid for that hospital stay. 597 U.S. 424, 445 (2022). But *Empire* expressly left open the question of whether "entitled to [SSI] benefits" likewise includes all those who qualify for the SSI program. *Id.* at 434 n.2. The agency still insists, contrary to its Medicare interpretation, that only patients who received an SSI cash payment for the month of their hospital stay are "entitled to benefits." This case thus presents *Empire's* open question:

Does the phrase "entitled ... to benefits," used twice in the same sentence of the Medicare Act, mean the same thing for Medicare part A and SSI, such that it includes all who meet basic program eligibility criteria, whether or not benefits are actually received.

CERT. GRANTED 6/10/2024