

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-2006

THREE LOWER COUNTIES COMMUNITY HEALTH SERVICES,
INCORPORATED,

Plaintiff - Appellant,

v.

MARYLAND DEPARTMENT OF HEALTH AND MENTAL HYGIENE; JOSHUA M.
SHARFSTEIN, in his official capacity as Secretary of the
Maryland Department of Health and Mental Hygiene,

Defendants - Appellees.

No. 11-2175

THREE LOWER COUNTIES COMMUNITY HEALTH SERVICES,
INCORPORATED,

Plaintiff - Appellee,

v.

MARYLAND DEPARTMENT OF HEALTH AND MENTAL HYGIENE; JOSHUA M.
SHARFSTEIN, in his official capacity as Secretary of the
Maryland Department of Health and Mental Hygiene,

Defendants - Appellants.

Appeals from the United States District Court for the District
of Maryland, at Baltimore. William M. Nickerson, Senior
District Judge. (1:10-cv-02488-WMN; 1:05-cv-01280-AMD)

Argued: October 25, 2012

Decided: November 29, 2012

Before DUNCAN and DIAZ, Circuit Judges, and Catherine C. EAGLES, United States District Judge for the Middle District of North Carolina, sitting by designation.

Affirmed by unpublished per curiam opinion.

ARGUED: Khaterah S. Ghiladi, FELDESMAN, TUCKER, LEIFER & FIDELL, LLP, Washington, D.C., for Appellant/Cross-Appellee. Mark Jason Davis, OFFICE OF THE ATTORNEY GENERAL OF MARYLAND, Baltimore, Maryland, for Appellees/Cross-Appellants. **ON BRIEF:** Rupinderjit S. Grewal, FELDESMAN, TUCKER, LEIFER & FIDELL, LLP, Washington, D.C., for Appellant/Cross-Appellee. Douglas F. Gansler, Attorney General of Maryland, Baltimore, Maryland, for Appellees/Cross-Appellants.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

This is the second suit by Appellant Three Lower Counties Community Health Services, Inc. ("TLC") against the Maryland Department of Health and Mental Hygiene ("the Department") related to Medicaid reimbursements to come before this court on appeal. TLC is a nonprofit Maryland corporation that provides healthcare services to low-income patients and Medicaid enrollees. The Department is responsible for administering the Medicaid program in Maryland. TLC alleged in this lawsuit that (1) the Department underpaid its supplemental payments to TLC for care TLC provided to in-network Medicaid patients, and (2) the Department failed to ensure TLC was compensated for the emergency services it provided to out-of-network Medicaid patients. TLC sought full payment for past and future services rendered.

TLC moved for summary judgment. In a January 5, 2011, order, the district court denied TLC's motion on its supplemental payment claim, concluding that it amounted to a claim for retroactive monetary relief barred by 42 U.S.C. § 1983. The court granted TLC's motion as to its out-of-network emergency services claim, finding that the Department had not complied with the requirement set forth in 42 U.S.C. § 1396b(m)(2)(A)(vii) that it contract with managed care organizations to provide reimbursements for out-of-network

emergency services, as interpreted by this Court in Three Lower Counties Community Health Services, Inc. v. Maryland (Three Lower Counties I), 498 F.3d 294 (4th Cir. 2007).

Both TLC and the Department moved to alter or amend the judgment pursuant to Federal Rule of Civil Procedure 59(e). TLC also moved to enforce our decision in Three Lower Counties I and a subsequent district court order issued on remand. The district court denied TLC's motions in an August 23, 2011, order and the Department's motion in an October 19, 2011, order. TLC timely appealed and the Department filed a timely cross-appeal.

Having carefully reviewed the briefs, record, and applicable law and considered the parties' oral arguments, we affirm for the reasons stated by the district court in its thorough opinions. See Three Lower Cntys. Cmty. Health Servs., Inc. v. Md. Dep't of Health & Mental Hygiene, No. WMN-10-2488, 2011 WL 4986133, (D. Md. Oct. 19, 2011); 2011 WL 3740781 (D. Md. Aug. 23, 2011); 2011 WL 31444 (D. Md. Jan. 5, 2011).

AFFIRMED