

# **Bond Case Briefs**

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## **EMINENT DOMAIN - FLORIDA**

### **Baker County Medical Services, Inc.**

**United States Court of Appeals, Eleventh Circuit - August 14, 2014 - F.3d - 2014 WL 3954005**

Hospital commenced action against various federal agencies and officials, seeking declaratory judgment that statute imposing Medicare rate as full compensation for medical services rendered to federal detainees was unconstitutional taking as applied to it. The District Court dismissed action. Hospital appealed.

The Court of Appeals held that requiring hospital to treat federal detainees at Medicare rate on basis that it had opted into Medicare and Emergency Medical Treatment and Active Labor Act (EMTALA) was not a taking.

Requiring hospital to treat federal detainees at Medicare rate on basis that it had opted into Medicare and Emergency Medical Treatment and Active Labor Act (EMTALA) was not a taking, since hospital voluntarily undertook that obligation. Even if opting out of Medicare would amount to grave financial setback for hospital and hardship to Medicare participants, economic hardship was not equivalent to legal compulsion for purposes of takings analysis and practicalities did not make participation involuntary.