

## RECIPIENTS OF MEDICAID WIN AN INJUNCTION



A number of Medicaid recipients have recently won an injunction in New York City. The groups of elderly and disabled individuals who receive Medicaid and also receive daily care have been told that they cannot be denied the services that they need without receiving a warning beforehand. The ruling came from the United States District Judge, Shira Scheindlin, earlier on in the week. Scheindlin had pointed out that the city continuously made reductions or even terminated care for patients without even giving them a fair warning or any type of notice at all. Scheindlin said, "There is very strong evidence that the city defendant has attempted to deny medical benefits to putative class members who are legally entitled to them." The judge also made it clear that because of the city and its decision to deny some of these individuals of the care they needed, some of these individuals were left sitting around in soiled diapers, unable to change themselves. The city of New York has one of the largest Medicaid programs in the entire nation, assisting several million people. While other states are not as obligated, the state of New York is willing to take on part of the cost, encouraging the different counties to do so. The judge's ruling meant that the injunction would be made against the city and that the city would no longer be able to reduce care or terminate recipients care. Scheindlin also said, "The city has expanded what was meant to be a narrow exception into a mechanism for simply reducing services arbitrarily." The lawsuit against the city was first created by three individuals who received Medicaid and also received split-shift care services. Those who receive split-shift care services are able to receive services 24-hours per day. At this point in time, in New York City, there are a total of 945 individual who receive this type of care, which is fewer than the number of recipients from 2011. Back in 2011, there were a total of around 1,274 individuals receiving this type of care. In the meantime, a spokesperson for the HRA has said, "While we respectfully disagree with some of the court's finding, we will, of course, comply with the court's order." A lawyer for one of the three plaintiffs, Benjamin Taylor, on the other hand, was excited about the ruling. In fact, he even said, "I think it is going to protect the very vulnerable population that we seek to protect." A second hearing for the case has been set for the 10<sup>th</sup> of September.