

Using the Supremacy Clause to Overturn Medicaid Denials: A Novel and Successful Approach

Cona Elder Law PLLC

When appealing an adverse Medicaid determination, attorneys will often cite the due process rights enshrined in our Constitution in arguing that appellants' rights were violated during the Medicaid application process. A less commonly utilized argument, however, and one that has resulted in a number of recent successful Fair Hearing decisions in cases argued by Cona Elder Law, lies in invoking the Supremacy Clause of the United States Constitution based on the supremacy of federal law over conflicting state laws and regulations.

Immigration Status

In a number of recent Fair Hearings, Cona Elder Law attorneys have argued that the Supremacy Clause mandates that federal laws supersede conflicting New York state regulations. Our attorneys argued that state regulations requiring a Medicaid applicant to prove citizenship to the Medicaid program after having already proven lawful immigration status to the federal government is pre-empted by federal regulations on the grounds that a person need only prove their lawful immigration status to the government once – not on successive occasions when seeking to qualify for different types of government benefits. By citing these federal regulations and the Supremacy Clause of the U.S. Constitution, Cona Elder Law attorneys successfully argued that the state regulations requiring a person to prove a satisfactory immigration status after having already proven their legal right to reside in the U.S. to federal authorities could not be upheld in the context of a Medicaid application denial. Accordingly, Medicaid benefits were authorized.

Authority to File a Medicaid Application

Cona Elder Law attorneys have also argued in several recent Fair Hearings that the Supremacy Clause mandates that federal laws supersede conflicting New York state regulations which strictly limit who may file a Medicaid application on behalf of a third party. Pursuant to New York state regulations, only specific persons can file a Medicaid application on behalf of another individual. However, federal laws are more expansive and allow any individual acting responsibly on behalf of an applicant to submit an application for Medicaid benefits. Again, by invoking the Supremacy Clause of the U.S. Constitution, Cona Elder Law successfully overturned Medicaid denials.

Through these landmark Fair Hearing decisions, Cona Elder Law not only obtained favorable results for their health care facility clients but secured legal precedent which may be used in future Fair Hearings addressing similar issues in order to overturn Medicaid denials.

The experienced attorneys at Cona Elder Law can assist you in utilizing creative solutions to overcome adverse Medicaid benefits determinations for your health care facility residents thereby improving your bottom line. Please contact us for your free virtual "Best Practices" seminar specifically for LeadingAge New York members. Contact Christina Pecoraro at 631.390.5000 or cpecoraro@conalaw.com to schedule yours today.

Cona Elder Law PLLC is an award-winning Elder Law and Health Care Law firm. In practice for over two decades, Cona Elder Law offers unsurpassed expertise in Health Care Facility Reimbursement and Recovery, Elder Law, litigation and collections. Health care facilities turn to Cona Elder Law for innovative strategies and cutting-edge solutions regarding complex Medicaid eligibility matters, Guardianship proceedings, PRUCOL matters, collections, litigation, and other matters related to resident financial accounts and the facility's bottom line. Representing over 200 skilled nursing facilities, CCRCs and assisted living facilities throughout New York and New Jersey, Cona Elder Law is a preeminent law firm in this practice area. The firm has been ranked the #1 Elder Law Firm by Long Island Business News for eight consecutive years and received the Business Achievement Award from the Hauppauge Industrial Association (HIA-LI). For additional information, visit www.conaelderlaw.com.

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