



DeSario v. Thomas (f/k/a Slekis v. Thomas), 139 F.3d 80 (2d. Cir. 1998)

Topics Covered: Medicaid

Outcome: Very Favorable

Issue

The issue in this case was whether a state Medicaid program could provide health care coverage to a majority of the Medicaid recipients, rather than according to the standards of the Medicaid Act.

AMA Interest

The AMA believes that every United States citizen should have access to necessary medical care, regardless of ability to pay.

Case Summary

This class action lawsuit challenged the use of an exclusive list of coverage for durable medical equipment by the Connecticut Medicaid program. The United States Court of Appeals ruled that an exclusive list would be acceptable and that states can limit Medicaid coverage to services that meet the needs of the majority of its population. The court acknowledged that its ruling was inconsistent with the rulings of other circuits which had addressed the same issue. The plaintiffs then sought certiorari from the U.S. Supreme Court.

The Health Care Financing Administration ("HCFA") subsequently distributed a clarification letter to all state Medicaid directors. The letter stated that the coverage test that the Second Circuit had (arguably) approved in DeSario would not, in the future, be acceptable to HCFA. In light of HCFA's policy pronouncement, the U.S. Supreme Court granted certiorari, vacated the Second Circuit decision, and remanded the case for reconsideration.

Litigation Center Involvement

The Litigation Center joined approximately 200 other public interest organizations in filing an amicus brief in support of the petition for certiorari.