

Michigan lawsuit tries to save adult Medicaid

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By: Laird Harrison, Senior Editor

Two weeks after an indigent Michigan woman's death was blamed on her advanced periodontitis, a Lansing lawyer has filed suit to block the state's termination of adult dental Medicaid benefits.

Gary Gordon filed the suit in U.S. District Court for the Western District of Michigan on behalf of 400,000 Michigan Medicaid beneficiaries who lost their access to dental care through Medicaid when Gov. Jennifer Granholm canceled the benefit by executive order effective July 1.

The lawsuit claims the state didn't file the necessary paperwork to notify the federal government of a change in its Medicaid plan.

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“Some clinics may have to close, flooding emergency rooms.”

— Thomas Veryser, D.D.S., M.H.S.A

"Unfortunately, the State has left no alternatives to

this group of disadvantaged citizens but to take the State to court to ensure that their federally protected rights to a certain minimum level of medical services are protected," said Gordon in a press release. "The State holds a legal, moral, and fiduciary obligation to these citizens and to the taxpayers."

Gov. Granholm's press secretary, Elizabeth Boyle, said the governor had no comment on the lawsuit. In response to the Oct. 7 death of Blanch LaVire, who was denied treatment for her periodontitis, Boyle said Granholm had no choice in cancelling the benefits.

"No one has fought harder to provide health care to the most vulnerable citizens in our state than Gov. Granholm, but she cannot appropriate money into the state budget," she said. LaVire's death "underscores the need in our state and why Gov. Granholm will continue to fight for increased funding for Medicaid."

Cutting dental benefits saved the state about \$5 million, but cost it more than \$16 million in matching federal funds, according to Gordon.

Granholm proposed a 3% tax on healthcare services to raise money for Medicaid, and the measure passed in the state House but was defeated Oct. 29 in the Senate, according to the Detroit Free Press.

The lawsuit claims that Michigan has not officially notified the federal government that it was discontinuing adult dental benefits under Medicaid and therefore must continue providing the benefits.

Contacted Friday, Mary Kahn, spokesperson for the U.S. Centers for Medicare and Medicaid Services (CMS), confirmed that states must ask permission to change their benefits.

The federal government provides the bulk of the funds for state Medicaid programs, but states must pay the remainder. In exchange for the money, CMS sets general guidelines for what services the states must provide. Dental coverage for adults is optional under these guidelines.

"As with any contract, when one party wants to make a change, they have to go to the other party," Kahn said. "If a state wants to change its plan, they have to come to us for permission."

Can the state get the lawsuit dismissed simply by filing the necessary paperwork with the federal government? "I don't think it's that easy," said Gordon, declining to elaborate.

He also did not disclose the identities of the parties that are funding the lawsuit. Thomas Veryser, D.D.S., M.H.S.A., executive director of Michigan Community Dental Clinics where LaVire was getting dental treatment, said two organizations had funded the lawsuit, but he didn't know which ones.

Adults comprise up to 70% of the caseload at some public dental clinics, he said, so the termination of adult benefits leave them in dire straits. "Some clinics may have to close, flooding emergency rooms," Dr. Veryser said.

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