

Adapting to High Court's Medicaid Recovery Ruling

Published Article
August 25, 2022
Law360

In an article for *Law360*, Aaron Frishman shines a light on a decision from the United States Supreme Court that has set the stage to significantly, and possibly negatively, affect millions of Americans. Decided on June 6, *Gallardo v. Marstiller* effectively, and nearly immediately, expanded the reach of state Medicaid recovery rights beyond the limitation of prior care and into an unknown realm of the future including unknown medical expenses that arguably might never be provided by Medicaid to the plaintiff.

Aaron breaks down the implications of the *Gallardo* decision, which include disrupting a long-standing approach to Medicaid liens, among many other questions that will inevitably require further litigation to clarify. His article underscores the most critical questions for attorneys representing plaintiffs in third-party liability matters. He writes, "Regardless of how any state approaches such matters, both plaintiffs and their attorneys should be mindful of the broadened recovery right by Medicaid with any matter in which Medicaid benefits are involved. Further, such individuals and their attorneys should consider, at the onset of any negotiation talks, the consequences of the characteristics and amount of damages, how they are allocated, and the effects on the continuing care often needed for the plaintiff."

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