



Case Law Update

July, 2018

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This Update contains summaries of all relevant Appellate decisions for the preceding week, with comments on how a particular decision affects you. In addition, we review daily the Merit Orders posted on the DOAH website. This Update contains summaries and links to relevant JCC decisions for the past week. Please feel free to contact Rogers Turner (rturner@hrmcw.com) with questions or comments on any of the listed cases.

Supreme Court Cases

Giraldo v. AHCA, ___ So. 3d ___ (Fla. 7/5/2018)

Medicaid Liens/Lien Limited to Medical Care "furnished" in the past, not future

Following a DCA split, the Supreme Court quashed the 1st DCA's decision below, approving the 2d DCA's reasoning in Willoughby. ACHA asserted a lien of \$321,720.16 on the injured party's one million dollar settlement. The injured party objected, and at the DOAH hearing proved that only \$13,881.79 was for past medical. The injured party died shortly thereafter, seemingly giving his Estate further grounds to argue that Medicaid's lien should be capped at that amount. The Supreme Court analyzed the Federal Medicaid Act's language on the "ceiling" portion to which a recipients tort recovery may be subject to lien. That language specifically discusses a lien right only to such "...health care items or services *furnished* to an individual..." (emphasis supplied). As such, they saw no reasonable way other than to conclude that federal law allows AHCA to lien only the past medical expenses portion of a Medicaid beneficiary's third-party tort recovery to satisfy its Medicaid lien. They remanded the case to the First DCA with instructions to direct the ALJ to reduce the awarded amount to \$13,881.79 for satisfaction of AHCA's lien. [Click here to view Opinion](#)

Please note that the DCA Opinions and Merit Orders contained in this newsletter are non-final until 30 days after their rendition. Until that time, they are subject to amendment, vacation, or other action which may remove or alter some or all of the decision. Please contact any HRMCWW attorney if you have a question as to the finality and applicability of an Opinion or Order. We endeavor to include any amendments or alterations to Opinions or Orders that may occur at a later date.

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