



# Medicaid Update

## IMPORTANT NOTICE

### **NOTICE TO MEDICAID RECIPIENTS REGARDING MEDICAID COVERAGE OF ORTHOPEDIC FOOTWEAR AND COMPRESSION STOCKINGS**

*Davis et al. v. Shah is a lawsuit filed in federal district court in the Western District of New York. The case was filed on March 14, 2012 (case number: 12-CV-6134-CJS).*

On January 7, 2013, Judge Charles J. Siragusa has certified this case as a class action lawsuit on behalf of all current and future New York State Medicaid recipients for whom Defendant has directly or indirectly failed to provide coverage for medically necessary orthopedic footwear and compression stockings as a result of New York Soc. Serv. Law § 365-a(2)(g)(iii) and (iv) and regulations and policies promulgated thereto. Judge Siragusa appointed the Empire Justice Center and the National Health Law Program as legal counsel for the class.

The case alleges that the New York State Department of Health is violating the Medicaid Act when it denies coverage of orthopedic footwear and compression stockings to Medicaid recipients whose doctors have prescribed these services as medically necessary for their health conditions. The lawsuit also alleges that the Department of Health has violated the Medicaid Act and United States Constitution by denying these services without giving you notice of the denial and an opportunity to contest the denial.

**If you are a Medicaid recipient and you have been unable to get Medicaid to cover your doctor-prescribed orthopedic footwear or compression stockings, contact the Health Law Unit at the Empire Justice Center at (800) 724-0490.**