



PROVIDER BULLETIN

BT 200356

AUGUST 29, 2003

**To: All Providers**

**Subject: Notice of Preliminary Injunction Regarding Medicaid Spend-down**

Provider bulletin, *BT200332, Medicaid Eligibility Change for Spend-down*, dated June 2, 2003, explained that beginning July 1, 2003, medical expenses that were subject to payment by a third party could not be used to meet a member's spend-down. That change was never implemented due to a temporary restraining order issued in the case of *Ringo et.al. v. Hamilton*. A hearing was subsequently held on August 1, 2003, and on August 6, 2003, Judge William J. Hughes, Hamilton County Superior Court, issued a preliminary injunction preventing the Family and Social Services Administration from making this change in spend-down.

As a result of the Court order, the Local Offices of the Division of Family and Children will continue to allow medical expenses to meet spend-down even if Medicare or other insurance will pay all or part of the bill.

Judge Hughes has ordered the Family and Social Services Administration to notify providers about two matters:

1. Providers are not to refuse to give Medicaid beneficiaries statements of their incurred charges at the time of rendering services.
2. Providers may, but are not required to, provide evidence of payment by Medicare or another third party unless that payment has already been made.

Providers are expected to comply with these provisions of the Court order until further notice.

It is possible that the spend-down policy could change at some time in the future, because the preliminary injunction could be overturned, or the regulations governing spend-down could be changed. Until such time, the Local Offices of Family and Children will continue to allow expenses that are subject to payment by a third party to meet spend-down.