

Medicare and Medicaid: Getting Your Grounding and Staying up to Date

by Frederick W. Dingley

Medicare and Medicaid are two of the best-known government programs in the United States. They have appeared in the news quite a bit recently, often mentioned during discussions about the Affordable Care Act. Numerous Virginians rely on these medical-assistance programs. Out of roughly 8.4 million residents of the commonwealth, over 1.3 million are enrolled in Medicare, and at least another 1.3 million in Medicaid.¹ With so many people affected by these programs, an attorney may find a client asking for help with them. Happily, there are several resources lawyers can use to get an orientation in this area of law.

Medicare and Medicaid are often discussed together, but they are actually two separate programs. Medicare, mainly designed to assist elderly people and people with disabilities, is run by the federal government. Medicaid, primarily intended to help people with low income, is jointly operated by the federal and state governments. Some of the resources listed here cover both programs, while others focus on one or the other. If your office does not have access to the resources listed here, your local academic or public law library may have them.

Medicare + Medicaid

The attorney who wants one source that covers both programs has a couple of options. The *CCH Medicare and Medicaid Guide*, available through the CCH Internet Research Network or as a print looseleaf set, offers detailed descriptions, analysis of Medicare and state-by-state Medicaid laws, and gets updated with new cases and adminis-

trative rulings. Harvey L. McCormick's *Medicare and Medicaid Claims and Procedures* (4th ed. 2005, updated annually, available in print or on Westlaw) describes both programs and discusses the law in extensive detail.

Medicare

The Library of Congress's nonpartisan Congressional Research Service (CRS) is known for its well-regarded reports summarizing important political and legal issues. CRS's *Medicare Primer* (CRS no. R40425, 2017, available at <https://fas.org/sgp/crs/misc/R40425.pdf> or <https://perma.cc/ACA6-658N>) is an excellent nutshell of Medicare's history, coverage, financing, and administrative organization. CCH's *Medicare Explained* (published annually) is akin to a deskbook for Medicare law, similar to the company's annual *Master Tax Guide* — a detailed look at Medicare designed for a lawyer or beneficiary to quickly look up answers to their questions. The official federal government website, Medicare.gov, is a useful resource with sections explaining benefits and describing how to file claims and appeals. The website also provides links to useful forms and publications with more detailed explanations.

Medicaid

A CRS produced report titled *Medicaid: An Overview* (CRS No. R43357, 2014, available at <https://fas.org/sgp/crs/misc/R43357.pdf> or <https://perma.cc/Y5QE-VDV7>) summarizes eligibility requirements, financing, and payment provisions for the program in a nutshell. The report also discusses how the Affordable Care Act changed Medicaid (although

this paper was published in 2014, so some things may have changed). Virginia CLE does not have any publications solely focused on Medicaid, but its treatise *Elder Law in Virginia* (3d ed. 2017) has a chapter devoted to Medicaid practice. *Drafting Special Needs Trusts and Medicaid Planning Seminar Materials* (Va. CLE 2015) has a section that focuses on how to arrange the assets of elderly clients who may soon need Medicaid assistance with paying for long-term care. The website for Virginia's Department of Medical Assistance Services, www.dmas.virginia.gov/, is also an excellent resource for information on Medicaid in Virginia which includes rules for eligibility and for covered services, as well as a section explaining how the ACA has changed Medicaid in the commonwealth.

Keeping up to date

Once you've learned the basics of Medicare and Medicaid, there are several resources to help keep you informed of new events. BloombergBNA has a number of daily and weekly newsletters that discuss Medicare and Medicaid: *Health Care Daily*, *Health Care Policy Report*, *State Health Care Regulatory Alert*, *Health Insurance Report*, and *Health Law Reporter*. The Center for Medicare & Medicaid Service's free weekly *MLNConnects* newsletter <https://www.cms.gov/Outreach-and-Education/Outreach/FFSProvPartProg/> discusses new developments. Virginia CLE's *Annual Advanced Elder Law Update Seminar* often has a section discussing Medicaid.

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Endnotes:

1 U.S. Centers for Medicare & Medicaid Services, *MDCR ENROLL AB 2 — Total Medicare Enrollment: Total, Original Medicare, and Medicare Advantage and Other Health Plan Enrollment and Resident Population, by Area of Residence, Calendar Year 2015*, <https://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/CMSProgramStatistics/2015/>

Downloads/MDCR_ENROLL_AB/2015_CPS_MDCR_ENROLL_AB_2.pdf [<https://perma.cc/M8PE-G359>] (last visited Aug. 1, 2017); Virginia Department of Medical Assistance Services, *2017 Medicaid at a Glance*, http://www.dmas.virginia.gov/Content_atchs/atchs/MAG%20FINAL_1_13_17_.pdf [<https://perma.cc/9PS8-YWPU>] (last visited Aug. 1, 2017).



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