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January 10, 2013

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Lorie A. Mayorga, Esq. Deputy Director, Eligibility Policy  
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201 West Preston Street, Suite L-9  
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*Via email to [Lorie.Mayorga@maryland.gov](mailto:Lorie.Mayorga@maryland.gov)*

Re: *Smith v. Colmers - Post-Settlement Conference*

Dear Ms. Mayorga:

I am writing as Class Counsel to memorialize our meeting this morning addressing administrative implementation of our agreement that all post-eligibility payments are to be disregarded in determining the amount of pre-eligibility medical expenses (PEME) to be deducted in calculating patient pay liability.

First, we agree that the amount of deductible PEME is fixed, as it were, on the first day of eligibility. In most cases that will be the first day of the initial period of eligibility. No payments made on or after that day will be taken into account; such payments will not reduce PEME.

Second, we agreed that I will informally bring this to the attention of the elder law community – including how to get open cases resolved, as noted in the next item – pending drafting and promulgation of changes to the Maryland Medicaid Eligibility Manual.

Third, you kindly agreed that Ms. Rizzo will handle any pending case where a post-eligibility payment is at issue. Anyone having a dispute on this issue with a local department, whether still pending there or on appeal, should scan and send to Ms. Rizzo the bills in question, with a brief explanation, and she will resolve the matter consistent with our understanding. Ms. Rizzo's email address is [deborah.rizzo@maryland.gov](mailto:deborah.rizzo@maryland.gov).

Third, going forward, we agreed that the most efficient way to get a clear presentation of a PEME claim involving nursing home expenses is for the nursing home to provide a final

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bill as of the last day of private pay status showing all unpaid charges as of that date. Applicants and their representative can of course ask for such bills from nursing facility. Independently, you will at your meeting with providers explore whether there are any problems with making that standard practice.

Finally, this rule makes is unnecessary to provide current (dated within 30 days) bills showing PEME claims, and you will see that the Manual is rewritten accordingly.

Again, thank you and Ms. Rizzo for your flexibility in getting this issue resolved.

Yours truly,



Ron M. Landsman

RML/

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