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## Research Guide

### Medicare, Medicaid and Medi-Cal

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#### **Overview and Introduction**

This Research Guide will assist in locating legal resources regarding Medicare, Medicaid and Medi-Cal. It is not intended as a substitute for legal advice. The laws and regulations change frequently, so check to make sure that any resources you are using are up to date. Please consult with an attorney if you need legal advice.

Created in the mid-1960s as part of the Social Security system, Medicare and Medicaid are often confused with each other, but there are crucial differences. Medicare is a federally funded health plan providing medical benefits to people 65 and older, as well as individuals who are blind or disabled. Medicaid is a federal program operated at the state level. To qualify for Medicaid (known as Medi-Cal in California), a person must meet the income and resource guidelines in his/her state.

#### **Treatises**

Treatises provide commentary and explanations regarding Medicare and Medicaid law. They are not the actual law, but it is a good idea to consult them first to obtain an overview of the law, as well as citations to relevant cases and statutes. Please note that not all treatises are available at all of the Law Library branches.

#### **Federal and General Treatises:**

Joseph L. Matthews and Dorothy Matthews Berman, *Social Security, Medicare and Government Pensions* (12<sup>th</sup> ed. 2007). Call number KF3650.M37.

This Nolo Press self-help legal book provides a plain-English explanation of Medicare and Medicaid law. It is available at all branches of the SDCPLL.

Lawrence A. Frolik, Richard L. Kaplan, *Elder Law in a Nutshell* (4<sup>th</sup> ed. 2006). Call number KF390.A4.F752.

Chapter 4 on Medicare and Medigap, in addition to Chapter 5 on Medicaid, provide a good overview.

Lawrence A. Frolik and Melissa Brown, *Advising the Elderly or Disabled Client* (2<sup>nd</sup> ed. 2000, updated 2005). Call number KF390.A4.F75.

Contains a well-written discussion of Medicare benefits, the Medicare decision-making process, appeals, and integration with other health care benefits (*Note: USE WITH CAUTION, updates to this title have been cancelled*).

Pam Carron, et al., Eds., *Medicare and Medicaid Guide* (CCH, Inc., 2007). Call number KF3608.A4.C64.

Has six volumes of detailed information regarding Medicare and Medicaid, particularly provider reimbursement and billing instructions

Harvey L. McCormick, *Medicare and Medicaid Claims and Procedures* (4th ed. 2005, supp. 2006). Call number KF3605.M3.

This is a two-volume treatise that discusses how to file Medicare and Medicaid claims.

**California treatise:**

Marilyn D. Anticouni, et al., *California Elder Law Resources, Benefits, and Planning: An Advocate's Guide* (2003, updated 2007). Call number KFC111.A34.C356.

A comprehensive California-oriented treatise regarding Medicare and Medi-Cal law. There is also a “forms” CD available at the same call number.

**Websites**

**CCH Health and Human Resources (Free at the Law Library):**

This website provides access to primary law, secondary material on HIPAA, Medicare and Medicaid, ERISA, pensions, food and drug information. To access at a law library computer open the Legal Research Databases folder and select the CCH Health and Human Resources option; then click on the Health Care Reimbursement Tab. Wireless users in the library can go to <http://0-hr.cch.com.millennium.sdcll.org/ipnetwork> then click on the Health Care Reimbursement Tab. For California specific materials scroll down to State Health Care Laws and Regulations and then select California.

**Federal and General Websites (free on the Internet):**

Centers for Medicare & Medicaid Services (CMS): <http://www.cms.hhs.gov>

CMS, a federal agency within the U.S. Department of Health and Human Services, is responsible for health programs, including Medicare and Medicaid. This site provides links to Medicare & Medicaid manuals, outreach and education materials, research and statistics, among other tools and resources.

Nolo.com: <http://www.nolo.com>

Created by the publishers of the popular Nolo Press series of self-help legal manuals. This is a good starting point for researching Medicare and Medigap issues. Click on the “Family Law and Immigration” tab at the top menu bar, then click on the link to “Health Care & Elder Care” in the “Main Topics” field, and then click on the “Medicare, Medicaid, Medigap and Managed Care” link.

Medicare Prescription Drug Act of 2003 and 2006 Prescription Drug Coverage:

<http://www.medicare.gov/pdphome.asp> and

<http://www.medicare.gov/MPDPF/Public/Include/DataSection/Questions/MPDPFIntro.asp>

These Web pages contain specific information regarding Prescription Drug Coverage and Plans beginning January 1, 2006, and the Medicare Prescription Drug Improvement and Modernization Act of 2003.

Center for Medicare Advocacy Web site: <http://www.medicareadvocacy.org>

Staffed by attorneys, nurses, and other professionals, this Website provides links to various facets of Medicare, including FAQs, Medigap, Medicare reform, Medicare Part D, and prescription drug coverage, as well as a link to information in Spanish.

National Senior Citizens Law Center Website: <http://www.nsclc.org/areas/medicaid>

The NSCLC’s Website for Medicare and Medicaid issues is informative and easy to understand. It includes links to Federal Rights, Long-term Care, Medicaid, Medicare Part D, Income Security, and under Consumer Information, there are several links to Assisted Living issues.

AARP Web site: <http://www.aarp.org/health>

This site has Web pages devoted to Medicare and Medicaid. There are several links in the left hand side column heading “Topics in Health” to information regarding insurance, including a Medicaid link, Medicare, Prescription Drugs, and other topics.

**California Medi-Cal Web sites (free on the Internet):**

California Department of Health Services: <http://www.Medi-Cal.ca.gov>

This site provides general Medi-Cal information, including Forms, Contract\_Drugs Lists, Medi-Cal Rates and more.

California Medical Care Services: <http://www.dhs.ca.gov/mcs/Medi-Calhome/default.htm>

This useful Website has Medi-Cal information, including FAQ's, Forms, Applicant/Beneficiary Information, and Brochures in English and Spanish.

### **Statutes and regulations**

#### **Federal statutes:**

*Medicare* laws: 42 U.S.C. §§1395-1395b-9 and Parts A-E, found online at <http://www.law.cornell.edu/uscode/>, Title 42, Chapter 7, Subchapter XVIII, or in the U.S. Code Annotated at call number KF62.U5.

*Medicaid* laws: at 42 U.S.C. §§1396-1397f, found online at <http://www.law.cornell.edu/uscode/>, Title 42, Chapter 7, Subchapter XIX and XX, or in the U.S. Code Annotated at call number KF62.U5.

#### **Code of Federal Regulations:**

*Medicare* regulations are at Title 42 CFR §§400.200 to 424.555 and 475.1 to 498.103; see also Title 42 CFR §§ 430.0 et seq, 430.10 et seq., found online at <http://cfr.law.cornell.edu/cfr/>, Title 42, Chapter IV, or at call number KF70.A3.A2.

*Medicaid* regulations are at Title 42 CFR §§430.30 to 430.104 and §§ 435.2 to 436.1102, found online at <http://cfr.law.cornell.edu/cfr/>, Title 42, Chapter IV, or at call number KF70.A3.A2.

#### **California (Medi-Cal) statutes and regulations:**

The California Code for Medi-Cal is at Cal. Welf.& Inst.Code §§14000-14029.5, found online at <http://www.leginfo.ca.gov/calaw.html>, or at call number KFC30.5.D4.

California regulations regarding Medi-Cal are at Cal.Code Regs. Title 22, §§50000-50965, found at call number KFC35, or online at <http://www.calregs.com/linkedslice/default.asp?SP=CCR-1000&Action=Welcome>.