

A Thirteen-Year-Old, Catastrophic Injuries, Medicaid and a Fight Over a Lawsuit Settlement

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by Michael A. Kurs

PREVIEW of United States Supreme Court Cases

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Pullman & Comley attorney Michael A. Kurs, member of the Health Care practice, authored the case study "A Thirteen-Year-Old, Catastrophic Injuries, Medicaid and a Fight Over a Lawsuit Settlement" for the American Bar Association's January 2022 publication *PREVIEW of United States Supreme Court Cases*.

Michael's analysis discusses the following court case issue:

In 2008, then 13-year old Gianinna Gallardo suffered catastrophic injuries when struck by a pickup. Her future medical expenses will likely run into the millions. A lawsuit brought by her parents, as her co-guardians, settled for somewhat less than the \$800,000 Florida Medicaid had already paid for Gianinna's care. Florida maintains that Florida Medicaid should receive some \$300,000 of the settlement as reimbursement for medical expenses paid by the state. This case call upon the Court to consider whether the federal Medicaid Act preempts or otherwise prohibits application of aspects of Florida's reimbursement law to the Gallardo settlement and any other state reimbursement laws that purport to take money allocated for future medical expenses.

To read the entire case study, please click on the attached PDF.

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