

LEGAL NOTICE

Proposed Class Action Settlement Concerning New York State Medicaid Dental Benefits

WHO SHOULD READ THIS NOTICE?

You should read this notice if:

1. You are over the age of 21; **AND**
2. You are eligible for dental benefits under the New York State Medicaid program (“NY Medicaid”); **AND**
3. You were denied NY Medicaid coverage for dental implants, replacement dentures, root canals, or crowns treatments (the “Services”); **OR**
4. You received any of the Services but were denied reimbursement under NY Medicaid; **OR**
5. The Services are otherwise not covered for you under NY Medicaid.

WHAT IS THIS NOTICE ABOUT?

In 2018, multiple people (the “Plaintiffs”) sued the Commissioner of the New York State Department of Health (“DOH”) in a federal class action lawsuit, alleging that they were denied medically necessary dental care due to NY Medicaid’s ban on coverage for dental implants and strict limits on coverage for replacement dentures, root canals, and crowns. The Plaintiffs claim that this denial was illegal. The lawsuit is titled *Ciaramella et al. v. McDonald*, No. 18 Civ. 6945 (MKV).

This is a class action case, which means that it was brought on behalf of a group of people (the “Class”) who had the same problem — *i.e.*, the inability to get NY Medicaid to cover certain medically necessary dental care. Both sides in the case have reached an agreement to address this problem (the “Proposed Settlement”) and have asked the judge to approve the Proposed Settlement.

On September 25, 2023 at 2 PM, the Court will hold a hearing in the United States District Court for the Southern District of New York to determine whether the Proposed Settlement is fair, reasonable, and adequate and should receive final approval, and whether the application for Plaintiffs’ attorneys’ fees should be granted.

WHO IS A CLASS MEMBER?

You are a Class member and covered by the Proposed Settlement if you are:

1. Over the age of 21; **AND**
2. Eligible for NY Medicaid; **AND**
3. Any of the following services are or were medically necessary for you:
 - (a) Dental implants;
 - (b) Replacement dentures;
 - (c) Root canals;
 - (d) Crowns; **AND**

Your expenses associated with these services are not covered by New York Medicaid due to New York Medicaid’s: (a) Previous ban on coverage for dental implants; (b) Previous limits on replacement dentures, root canals, and crowns; **OR** (c) Current limits on dental implants, replacement dentures, root canals, and crowns

WHAT DOES THE SETTLEMENT PROVIDE?

A summary of the Proposed Settlement is below. This summary does not include all details. Because the Plaintiffs and Class did not seek money damages in this lawsuit, no money damages will be awarded to class members as a result of the Proposed Settlement.

1. Expanded coverage. DOH will provide expanded NY Medicaid coverage for the Services to Class members for whom the Services are medically necessary, subject to certain requirements detailed in the Proposed Settlement.

2. Policy and guidance. DOH will revise official DOH policy concerning the Services (the “Revisions”) and issue guidance concerning the Revisions (the “Guidance”). Furthermore, DOH will provide a notice and a webinar to Managed Care Organizations (“Plans”) that provide dental coverage to Medicaid recipients in the State of New York, as well as local social services districts and the Office of Temporary Disability Assistance, to educate these parties about the Revisions and the Guidance.

3. No future changes. For four years, DOH will not change the Revisions in any way that could deny or limit any of the Services, without the agreement of Plaintiffs’ lawyers or a change of law requiring changes to the Revisions;

4. Monitoring. DOH will provide various reports to Plaintiffs’ lawyers in order to facilitate the monitoring of DOH’s compliance with the Revisions. DOH will document noncompliance by Plans, and require corrective action, if needed.

5. Release from future claims. Plaintiffs and the Class agree to release DOH from past, present, or future claims relating to the rules challenged in this lawsuit.

YOU HAVE A RIGHT TO COMMENT ON OR OBJECT TO THE SETTLEMENT TERMS

If I agree with the Settlement do I have to do anything?

No. If you agree with the settlement, you don’t need to do anything. If the Court approves the Settlement, Class members will be legally bound by it and by all orders and judgments of the Court. This means that you will not be able to sue, or continue to sue, the DOH in a lawsuit based on the same facts or claims involved in this lawsuit.

How can I Object to the Settlement?

Class members who do not support the proposed settlement have the right to tell the Court that they object to or do not agree with it by coming to the hearing in person. The hearing set for 2:00 PM on September 25, 2023 at:

Judge Sarah L. Cave
United States District Court
for the Southern District of New York
United States Courthouse
500 Pearl Street, Courtroom 18A
New York, NY 10007

Class members can also object by sending a letter marked “Dental Class Action” and postmarked by September 18, 2023 to the Court’s above address, with copies sent to the addresses for the lawyers on both sides, below. Objections in writing must be sent by September 18, 2023 to be considered.

The Legal Aid Society
Attention: Belkys Garcia
199 Water Street, 3rd Floor
New York, NY 10038

New York State Office of the
Attorney General
Attention: Glenne Fucci
28 Liberty Street
New York, NY 10005

Please Do Not Call the Court.

Court staff are unable to respond to calls and ask that you reach out through the E-mail, phone number, or address above.