

## Frequently Asked Questions

### **What is the lawsuit about?**

The lawsuit claims individuals who received services in a nursing home in 1989 may have been overcharged. Plaintiffs allege that the New York Medicaid program allowed nursing homes to bill both Medicare and Medicaid for the same services. This policy allowed nursing homes to collect the individual's Medicaid "co-payment" for services that were covered by their Medicare. The Settling Defendants have decided to settle the claims to avoid the additional expense of litigation. The New York Department of Health has agreed to create an \$11 million Settlement Fund to provide cash payments to the heirs of Settlement Class Members who file a valid claim form. Defendants, working in conjunction with research experts, have compiled a list of all eligible Settlement Class Members. You can contact the Settlement Administrator to see if you are an heir to a Settlement Class Member @ 866-478-3441 or you may use the search screen on the left of the website [www.nursinghomeselement.com](http://www.nursinghomeselement.com) to search for a Class Member.

### **Who is part of the Class?**

The "Settlement Class" consists of individuals who received payment from both Medicare and New York's Medicaid program toward their care in a skilled nursing facility during any month of 1989 ("Settlement Class Members"). The Settlement provides an \$11 million fund to refund the heirs of patients who were overcharged co-payments for Nursing Home Services.

### **Can I file on behalf of another person (deceased)?**

Yes, the claim form can be filed by an executor, administrator, legal representative, spouse, son, daughter or the next of kin. You may be required to provide documentation of your relationship or capacity.

### **What if I don't want to participate or receive a payment?**

Then you simply do nothing. You do not need to fill out any forms and you do not need to write any letters.

### **How can I get payment?**

Simply fill out the Claim Form provided in the Notice, and mail it to the Settlement Administrator, postmarked no later than 30 days of the Date Mailed to you (Postmark Date).

### **How do I know if I am part of the Settlement?**

The Settlement provides money to heirs of Class Members who received payment from both Medicare and New York's Medicaid program toward their care in a skilled nursing facility during any month of 1989. Complete a claim form and mail it to the Settlement Administrator, no later than **30 days of the Date Mailed to you (Postmark Date)**.

### **Do you have a website?**

Yes. Please visit our website at [www.Nursinghomesettlement.com](http://www.Nursinghomesettlement.com).

### **What are the terms of the Settlement?**

The \$11 million Settlement was approved by the Court on December 28, 2006. The Settlement Fund ("Net Settlement Fund") will be distributed to the Settlement Class Members or heirs, pursuant to the Plan of Distribution approved by the Court.

### **Do I need to submit supporting documentation?**

You may be required to provide documentation of your relationship or capacity.

### **Why is there a Settlement?**

The Court did not decide in favor of the Plaintiffs or Defendants. Instead, both sides agreed to a Settlement. That way, they avoid the cost and risk of a trial, and the people affected will get compensation. The Defendants and Plaintiffs counsel representing the Class think the Settlement is best for all Class Members/heirs.

### **What are my choices as a Claimant?**

You have a choice of whether to remain a member of the Class or simply do nothing if you do not want to participate. *If you remain a member of the Class*, you can fill out a Claim Form and send it to the Settlement Administrator no later than **30 days of the Date Mailed to you (Postmark Date) or if the Claim Form is printed from the website 30 days after the web print date.**

### **What do I have to do to remain a member of the Class?**

You must fill out a Claim Form and mail it to the Settlement Administrator no later than **30 days of the Date Mailed to you (Postmark Date) or if the Claim Form is printed from the website 30 days after the web print date.**

### **Can I have my own lawyer?**

The appointed class counsel as listed in the notice represents you; however, you have the right to hire your attorney at your own expense.

### **When does the Court rule on the Settlement?**

The Final Approval Hearing was held on **December 28, 2006** before the Honorable John T. Curtin of the United States District Court for the Western District of New York and granted approval to the \$11 million class action settlement.

**What is an objection?**

An objection is a written submission by a Class Member or representative to the Court that states a disagreement with some aspect of the settlement.

**Can I object to the Settlement?**

The deadline to file your objection has passed.

**Will a photocopied Claim Form be considered valid?**

Yes, as long as there is an original signature (not photocopied).

**When would I get my payment?**

You will not receive your payment until the Court both approves the settlement and authorizes distribution of proceeds to approved claimants. The location process of the heirs and claims processing can take a substantial period of time.

**What am I giving up to get a payment?**

Unless you exclude yourself, you are staying in the Class, and that means that you can't sue, continue to sue, or be part of any other lawsuit about the legal issues in this case.