

# René H. Reixach, Jr.

## Areas of Practice:

Elder Law/Long Term Health Care and Medicaid Planning  
Health Care  
Estate and Trust Administration  
Guardianships  
Estate and Trust Litigation



## Education:

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## Status:

Partner

## At a Glance:

René H. Reixach, Jr. is a partner in the firm's Elder Law and Health Care Practice Group and responsible for handling all elder law and health care issues.

Mr. Reixach received his J.D. degree from Harvard Law School, and his B.A. degree from Yale College.

Prior to joining Woods Oviatt, Mr. Reixach was the Executive Director of the Finger Lakes Health Systems Agency, a health planning agency covering a nine county region of western New York. In this capacity, he oversaw the local input to the State Department of Health process for planning and review of the development of the health facility services in this area.

## Representative Matters:

### *Elder Law Representation:*

- Successfully represented and was co-counsel for the plaintiff in *Lopes v. Starkowski*, no. 3:10-CV-307 (D. Conn. Aug. 12, 2010) in which U. S. District Judge Janet Hall in Bridgeport, Connecticut ruled that the policy of the Connecticut Department of Social Services to treat the income stream from an annuity owned by the spouse of a Medicaid applicant as an available resource that would disqualify the institutionalized spouse was illegal because it violates the federal Medicaid statute.

- Successfully represented Medicaid applicants in federal court litigation in New York, Connecticut and Pennsylvania, including an appeal to the United States Court of Appeals for the Second Circuit:

~~*Mahoney v. Wilbur, 2008 F.Supp.2d 3093 (D.N.C. 2008)*~~

*Mertz v. Houstoun*, 155 F. Supp. 2d 415 (E.D.Pa. 2001)

- Established rules favorable to Medicaid applicants throughout New York State through administrative hearings affirmed on review by the Supervising Administrative Law Judge, *e.g.*, *Appeal of Arnold S.*, establishing that retirement accounts, including IRAs, owned by a Medicaid applicant in a nursing home, are exempt resources so long as they are in periodic payment status.

- Represented *amicus curiae* in successful litigation establishing that guardianships for Medicaid planning are appropriate under New York law. *Matter of Shah*, 95 N.Y.2d 148, 733 N.E.2d 1093, 711 N.Y.S.2d 824 (2000).

#### **Health Law Representation:**

- Successfully represented large primary care medical group in contract dispute with HMO over change in contract terms by HMO during contract term. *Buffalo Family Practice Medical Associates, P.C.v. Individual Practice Association*, 256 A.D.2d 1230, 683 N.Y.S.2d 457 (4thDept. 1998).

- Successfully defended large medical group against federal government claims of millions of dollars of over billing to Medicare and potential False Claims Act liability, resulting in favorable settlement for a small fraction of alleged overpayments.

- Represented multi-disciplinary group in establishment of health care management organization to negotiate with local insurers and HMOs.

#### **Community Involvement:**

Among Mr. Reixach's civic and charitable involvements are serving as a board member of the Wesley Group, a Rochester long term care community, and he is past president of the Foundation of the Monroe County Bar.

#### **Bar Admissions:**

Mr. Reixach is admitted to practice in the State of New York, all federal district courts in New York, the United States Court of Appeals for the Second Circuit and the Supreme Court of the United States.

#### **Professional Affiliations:**

Mr. Reixach is a member of the Monroe County, New York State and American Bar Associations.

#### **Other:**

Mr. Reixach authors a monthly health column in the Rochester Business Journal and has written for other professional, trade and business publications. He has lectured frequently on health care topics, including Medicaid litigation, Medicaid eligibility and health planning for the New York State Bar Association, the National Academy of Elder Law Attorneys, National Business Institute, the University of Rochester, Rochester Institute of Technology, and Cornell Law School. He also appeared as an expert witness on Medicaid eligibility for the New York State Supreme Court.

Mr. Reixach is listed in the current edition of "The Best Lawyers in America". He was named the "Best Lawyer's Lawyer of the Year - Health Care" for 2011 by the *Best Lawyers In America* publication.

### **Past Presentations**

November 2010: Elder Law Section Meeting of the Pennsylvania Bar Association in Harrisburg, PA

October 2010: 13th Annual New England Elder Law Symposium at Suffolk Law School in Boston.

October 2009: 12th Annual New England Elder Law Symposium at Suffolk Law School in Boston.

March 2008: Estate Planning Council, Rochester NY, on recent Medicaid eligibility changes under the Deficit Reduction Act. He previously presented this topic in October of 2006.

April 2008: Missouri Chapter of the National Academy of Elder Law Attorneys in Branson, Missouri on Medicaid eligibility litigation in federal court.

July 2008: Pennsylvania Bar Institute's 11th Annual Elder Law Institute in Harrisburg, Pennsylvania on Medicaid eligibility litigation in federal court.

August 2006: Council of Advanced Practitioners, National Academy of Elder Law Attorneys in Chicago on using federal court litigation to protect spouses.

October 2006: The New York State Bar Association Elder Law Section fall meeting in White Plains NY, on Medicaid eligibility issues and the use of administrative fair hearings to correct erroneous decisions.

November 2006: at the National Academy of Elder Law Attorneys Advanced Elder Law Institute in Salt Lake City, on using the federal right of spousal refusal to protect spouses of nursing home residents.