

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

Taylor v. Colorado Department of Health Care Policy and Financing

811 F.3d 1230 (10th Cir. 2016) · No. 14-1161 · Decided January 26, 2016

SUMMARY

The Tenth Circuit affirmed dismissal of claims under Title II of the Americans with Disabilities Act and § 504 of the Rehabilitation Act arising from Colorado's refusal to compensate attendants for driving a Medicaid recipient to medical appointments. The court held that the agency did not discriminate based on disability because the same benefits were provided to similarly situated Medicaid recipients, and the requested accommodation would have created a benefit unavailable to anyone. The court also affirmed denial of the plaintiffs' motion for reconsideration.

CASE DETAILS

COURT	United States Court of Appeals for the Tenth Circuit
WRITING FOR THE COURT	Bacharach, Circuit Judge; Briscoe, Circuit Judge; Matheson, Circuit Judge
JURISDICTION	Federal
DECIDED	January 26, 2016
DOCKET	14-1161
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiffs appealed the district court's dismissal of their Americans with Disabilities Act and Rehabilitation Act discrimination claims and denial of their motion for reconsideration.
STANDARD OF REVIEW	Dismissal was reviewed de novo, accepting the complaint's factual allegations as true and asking whether they plausibly suggested liability. The denial of reconsideration was reviewed for abuse of discretion.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Leslie Taylor, Caroline Nichole Cooke, Jacob Cooke, Colorado Cross-Disability Coalition v. Colorado Department of Health Care Policy and Financing, Sue Birch, in her official capacity as Executive Director of the Colorado Department of Health Care Policy and Financing

TOPICS

ada / disability

reasonable accommodation

medicare medicaid

appellate procedure

standard of review

PRACTICE AREAS

disability discrimination

Medicaid

administrative law

appellate procedure

QUESTIONS PRESENTED

1. Whether Colorado's refusal to compensate Taylor's attendants for driving her to medical appointments constituted disability discrimination under Title II of the Americans with Disabilities Act or § 504 of the Rehabilitation Act.
2. Whether the per-mile transportation reimbursement was discriminatory because it did not fully compensate Taylor's transportation costs.
3. Whether Colorado discriminated by failing to provide Taylor with a compensated driver when some Medicaid recipients elsewhere in Colorado received transportation services involving drivers.
4. Whether 28 C.F.R. § 35.130(b)(7) required Colorado to modify its Medicaid programs to create a benefit paying Taylor's attendants for driving.
5. Whether the district court abused its discretion by denying the plaintiffs' motion for reconsideration.

HOLDINGS

1. Colorado's decision not to pay attendants for driving Taylor did not constitute disability discrimination because the agency provided the same Medicaid benefits to all similarly situated recipients, disabled or not.
2. The per-mile reimbursement was not discriminatory merely because it failed to fully compensate Taylor's transportation costs.
3. Taylor was properly compared with Medicaid recipients residing in her county, and the claim failed because no one in that county could obtain compensation for a driver under the transportation program.
4. Colorado was not required to modify its Medicaid programs to create a new transportation benefit unavailable to anyone, because Taylor could otherwise receive the same benefits made available to nondisabled individuals.
5. The district court acted within its discretion in denying reconsideration because the submitted fee schedule would not have changed the basis for dismissal.

KEY QUOTATIONS

“With this discretion, states can decline to alter a benefit’s scope “simply to meet the reality that [certain] handicapped have greater medical needs.”” (6)

“Colorado must modify its Medicaid programs only if Ms. Taylor could not otherwise obtain the same benefits made available to nondisabled individuals.” (10)

“The Colorado agency provided the same benefits to all similarly situated Medicaid recipients, disabled or not.” (11)

FACTUAL BACKGROUND

Leslie Taylor, a Colorado Medicaid beneficiary with a disability, required attendants at home and when traveling to medical appointments but could not drive herself. Colorado administered attendant-support and non-emergency medical transportation programs, but the attendant-support program did not compensate attendants for driving and Taylor's county offered her only a per-mile reimbursement because she was under sixty. Taylor sought to have the programs combined so her attendants could be paid for driving her, but the agency refused; she and the other plaintiffs alleged discrimination under Title II of the ADA and § 504 of the Rehabilitation Act.

PROCEDURAL HISTORY

The plaintiffs alleged that Colorado Medicaid administrators discriminated against Leslie Taylor, who could not drive because of her disability, by refusing to combine Medicaid benefits to compensate her attendants for driving her to medical appointments. The United States District Court for the District of Colorado dismissed the claims and denied reconsideration. The Tenth Circuit reviewed the dismissal de novo and the reconsideration ruling for abuse of discretion, affirming both rulings.

DISPOSITION

affirmed

CASES CITED

- Keith v. Rizzuto, 212 F.3d 1190, 1192 (10th Cir. 2000)
- Khalik v. United Air Lines, 671 F.3d 1188, 1191 (10th Cir. 2012)
- Robertson v. Las Animas Cnty. Sheriff's Dep't, 500 F.3d 1185, 1193 (10th Cir. 2007)
- Jarvis v. Potter, 500 F.3d 1113, 1121 (10th Cir. 2007)
- Cohon ex rel. Bass v. N.M. Dep't of Health, 646 F.3d 717, 725-26 (10th Cir. 2011)
- Wilkerson v. Shinseki, 606 F.3d 1256, 1262 (10th Cir. 2010)
- Alexander v. Choate, 469 U.S. 287, 299 (1985)
- Alexander v. Choate, 469 U.S. 287, 303 (1985)
- Gorsuch, Ltd., B.C. v. Wells Fargo Nat'l Bank Ass'n, 771 F.3d 1230, 1239 (10th Cir. 2014)
- Patton v. TIC United Corp., 77 F.3d 1235, 1246 (10th Cir. 1996)
- Harris v. James, 127 F.3d 993, 1009-10 (11th Cir. 1997)
- Boatman v. Hammons, 164 F.3d 286, 292 (6th Cir. 1998)
- Bruggeman ex rel. Bruggeman v. Blagojevich, 324 F.3d 906, 911 (7th Cir. 2003)
- Wis. Cmty. Servs., Inc. v. City of Milwaukee, 465 F.3d 737, 751 (7th Cir. 2006) (en banc)
- Elephant Butte Irrigation Dist. of N.M. v. U.S. Dep't of the Interior, 538 F.3d 1299, 1301 (10th Cir. 2008)
- Richison v. Ernest Grp., Inc., 634 F.3d 1123, 1131 (10th Cir. 2011)