

NEWSDAY

After claims, award just adds to her pain BY ANN GIVENS

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Mary Jane Boil lost just about everything on the night in 2004 when her husband was run down on Long Beach Road in Hempstead.

She lost her husband of 50 years, who spent a year in a coma before he died. She lost her life's savings, which went to the long-term care facility where her husband survived on a respirator for 11 months. And she lost part of the Social Security income she used to get, since now it was covering one person instead of two.



So Boil, 73, was deeply relieved in February when she learned that her late husband, Hosie, had won a \$50,000 settlement from the driver who hit him - until she found out a month later that she would be losing most of that, too.

Boil, who has four children, knew all along that about a third of her \$50,000 settlement would go to the lawyer, Cathy Flanzig of Mineola, who helped her win the settlement. What she didn't count on was that Nassau County would be taking a third as well, as repayment for the Medicaid money it spent on Hosie's medical bills. Of the \$50,000, Boil will receive about \$16,666.

"I'm just trying to stay afloat," said Boil, who now squeaks by on about \$2,700 a month from Social Security. Legally, Nassau could take all of Boil's settlement left after legal fees - about \$33,000. Even so, Flanzig said she thinks the county should waive its recovery entirely in Boil's case, since she has suffered such hardship.

"It's the only money she has," Flanzig said. The attorney added that she will reduce her own fee to about \$10,000, but she needs to recoup at least that for the hundreds of hours her office has put into the case over the past two years.

Deputy Nassau County Attorney Meredith Feinman said the money belongs to the taxpayers, and the county has an obligation to go after it, except in extreme cases. She said the county paid about \$139,000 for Hosie Boil's medical expenses, and is getting only about \$16,666 back.

"It was never their money to begin with," Feinman said. "The county paid those expenses. When they were reimbursed by the driver of the automobile, all we're saying is, 'Send it over to us.'"

By law, when a Medicaid recipient wins a personal injury lawsuit, the county has a right to recoup every dollar it spent on that patient's medical care. Counties exercise some discretion, however, sometimes taking less when a person recovers only a small amount of money, Feinman said. In Nassau, a committee at the Department of Social Services reviews each case and decides how much to recoup.

Boil is waiting for Dominic Petruso, 20, of Long Beach, the man convicted of hitting her husband, to be sentenced for his crime. The district attorney's office had recommended a 6-month jail sentence for leaving the scene of the accident, but Petruso was re-arrested on a drug charge, and his sentence has been delayed until that case is resolved, said Eric Phillips, a spokesman for the district attorney's office.

Boil said that for now her life is full of worry.

"I'm worrying about this bill here, that bill there," said Boil. "The car conked out, I need a new oil burner. These are just the basic necessities."