

# HealthLawAdvocates

## News & Notes

December 2007

### 12th Annual Benefit Breakfast

Over \$460K Raised!

THANK YOU to all our  
supporters!



Jimmy Tingle and Barbara Anthony, HLA Executive Director

On November 6th, HLA held its annual benefit at the Sheraton Boston Hotel. Over 1,000 supporters and friends gathered for the early morning event. The morning's highlight was a hilarious performance by Boston's own Jimmy Tingle, the social and political humorist. After the scheduled performer cancelled at the last minute, Mr. Tingle jumped in to save the day with a remarkable performance of great wit and high energy.

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### \*HLA NEWS\*

Every day, HLA attorneys represent clients who have nowhere to turn for necessary health care treatment. Here are some recent examples of how HLA staff makes life better for the men, women and children of Massachusetts.

This year to date, HLA has assisted nearly 800 families and individuals in obtaining access to health care.

**Aimee Dendinos**, HLA's Parmet



Laurie Martinelli and Steve Rosenfeld

Another highlight of the morning was the honoring of HLA's founding executive director, Laurie Martinelli. HLA announced the establishment of the Laurie Martinelli Internship Fund to provide financial support to HLA's dedicated legal interns.

*PLEDGES to the Martinelli Internship Fund can be made by emailing a pledge amount to [Laura Healey](#)*

**SAVE THE DATE!! 2008 HLA  
BREAKFAST:**

**November 10th, 2008**

**Sheraton Boston Hotel**

## HLA's Brown Bag Luncheon Series

On September 26th, HLA launched its new Health Law and Policy Forum. HLA's Brown Bag Luncheon Series features distinguished speakers discussing hot topics in health law and policy. HLA's first two Luncheons featured discussions led by former Massachusetts Governor **Michael Dukakis** and former Massachusetts Attorney General **Scott Harshbarger**.

Fellow, helped T.C. become eligible for MassHealth Commonwealth. T.C. can now receive life-saving treatment for her end-stage renal disease.

**Lorianne Sainsbury-Wong** and Legal Intern **Zachary Olson** succeeded in getting CommonwealthCare coverage for J.W., a legal immigrant with an H1B visa. Prior to HLA's involvement, MassHealth had been denying J.W. coverage for seven months.

It's easy to take good dental care for granted. But, if you don't have it, you can't eat properly or maintain proper nutrition. **Georgia Maheras** obtained much needed bridgework for L.H. at a MassHealth Board of Hearings appeal. L.H., who is disabled and has severe osteoporosis, was unable to eat properly for two years due to a large number of missing teeth. This affected her overall health and well-being. L.H. will undergo her treatment in the next few weeks, allowing her to eat properly again and to maintain good overall health.

**Becky Brink** is serving as Guardian ad Litem (GAL) for J.S., a 17-year-old girl from Fitchburg charged with sexual assault. J.S. has several mental health conditions and an intensive trauma history. Becky is working with the Department of Mental Health to find J.S. an appropriate residential treatment program.

**Becky Brink** and **Carolyn Pointer** are working with a grandmother in Roslindale to get appropriate educational services for her grandson who has serious mental health needs and has not attended school regularly for the past 18 months.



Legal Network Mgr. Matt Selig and Gov. Dukakis at the 9/26 Luncheon

### Upcoming Luncheons:

December 13th:

**Clare McGorrian**

*"The Anatomy of a Class Action Trial:  
HCFA v. Romney"*

January 16th:

**Judith Kurland**

*"Bait and Switch: Medicare Part D and  
Other Scams"*

For more information, please [click here](#).  
To RSVP for upcoming events, email  
[Laura Healey](mailto:Laura.Healey)

### Comings & Goings

**\*\*HLA Welcomes Carolyn Pointer,  
our new Children's Mental Health  
Attorney!**

**\*\*HLA thanks our excellent  
interns: Zachary Olson, Michael  
Greenberg and Susan Barrett!**

HLA had an amazing group of interns this Fall. Zachary, Michael and Susan provided on the spot research, assisted with client cases and advocated for HLA's clients. We don't know what we would have done without them! Zachary is headed back to Northeastern for his final semester in December. Michael and

### **Lorianne Sainsbury-Wong**

represented SB in a hearing at the Connector Board, the new state agency that implements health reform. According to the state, SB qualifies for Commonwealth Care, but is unable to afford the premiums, over \$1200 per year, that the Connector deems "affordable" for someone in her income bracket. Regulations allow the Connector to lower or waive premiums in cases where utilities have been shut-off. S.B.'s utilities were not shut off because she lives in a town that provides short term help in such situations. Lorianne argued that it is an arbitrary interpretation of the regulation not to lower or waive the premium for S.B., who received financial hardship assistance from her town in order to prevent a utility shut-off. We are awaiting the Connector's decision.

### **HLA in the news!**

On November 28<sup>th</sup>, HLA's Executive Director **Barbara Anthony** was interviewed by *Channel 5 Investigates* for a story spotlighting the shortfalls of insurance coverage and medical debt. [Click here](#) to read the story and watch the Channel 5 video.

### **Philadelphia Conference**

**Carolyn Pointer** and **Dr. David Keller** participated in the Physician Advocacy Fellows Conference in Philadelphia on November 15-16, 2007. Dr. David Keller, a pediatrician in Worcester County, has a two-year fellowship to work with HLA on improving children's mental health services in Massachusetts. The conference participants included past and current Physician Advocacy Fellows, along with community partners. Dr. Keller and three other Fellows reported on the state of their advocacy project. In addition, the

Susan are both finishing up at New England School of Law in May. We wish all of them the very best as they wind-up their coursework and prepare for the bar!

## HLA's Consumer Tips: Protect Yourself from Health Insurance Loopholes

1. Insurers won't cover services they deem unnecessary, so **call ahead**.
2. Have your doctor **submit a request** to the insurer explaining why this service is necessary for **you**.
3. **Experimental treatment** is usually not covered by an insurer. You need to show that this treatment is safe and effective - letters from your provider and medical journal articles may help prove this.
4. **Read the book:** the most important weapon is your health plan's plan description. This is a detailed document that explains what is covered, when it is covered, where it is covered and what is NOT covered.
5. **Appeal** the plan's decision. Submit doctor's letters, clinical information, and records of phone conversations with health plan representatives in support of your case.
6. **Write down** the date and time of each call made to your insurer. Send email and fax confirmations of conversations.
7. Treat any medical bill the way an accountant would -**Double check** that the charge is in error by reading your plan benefits and provide proof that the insurer should pay the bill.

group worked on developing ways to inculcate medical students and physicians with the desire to advocate for social, legal, and community changes as part of their professional work.

## HLA's Legislative Activity

**Becky Brink** submitted testimony to the Joint Committee on Financial Services in support of House Bill 989 requiring insurance companies to provide comprehensive coverage for eating disorders. Currently, eating disorders are not on the list of "biologically-based" illnesses which are entitled to robust insurance coverage. This legislation also requires insurers to make their appeals processes more patient-friendly and transparent.

**Georgia Maheras** testified in front of the Joint Committee on Public Health in support of House Bill 2085. This bill will support a full time dental director to manage the MassHealth dental program and coordinate with the Department of Public Health to develop programs to improve oral health and access to care and will create a mandated Office of Oral Health within the Department of Public Health in order to bring oral health issues into parity with other public health programs.

## Children's Mental Health

**Becky Brink** and **Steve Rosenfeld** continue their work with the Children's Mental Health Campaign. The omnibus bill, *An Act Relative to Children's Mental Health* (H. 4276), which HLA drafted in December 2006, is now before the Joint Committee on Health Care Financing. Becky continues to join

**8. Find out what your plan really covers.** Some plans have deductibles, co-payments, co-insurance and other 'hidden costs'.

**9. Stay in-network.** Most health maintenance organizations and managed care organizations will not pay for services outside your provider network without special approval.

**10. Keep everything you get from the insurer.** A paper trail is the best way to prove your case.

## Client Testimonials

"You have helped me through a very difficult time in my life. My wife died unexpectedly...[and her] treatment incurred considerable bills which I was unable to pay. I thank you very much for helping me move on with my life."

-H.S., a 40-year-old Woburn man left with \$14,000 in doctor's bills from care for his wife during a fatal heart attack.

"I can't begin to express how grateful I am to (HLA Attorney) Matt Selig. Together we won a battle that looked very bleak from the beginning. Not only did we win, but it was an exception to the policies at MassHealth...If we had not won, I fear to think what may have happened to my son. I will always remember what you did for us. Thank you from the bottom of my heart."

-P.G., mother of a 26-year-old Boston man with multiple personality disorder.

"We are a family of moderate means of income, and we are very well aware of how expensive it can get to have a lawyer to represent you...[but when] your little one needs medical supplies

with other Campaign members in meetings with key legislators and other important stakeholders. We are also working to draft accompanying budget requests.

## Meet the Board

Each Month, HLA turns the spotlight on a member of our fabulous Board of Directors. This month, we proudly feature HLA Secretary **Paul W. Finnegan**. In his own voice, Paul describes what being an HLA board member means to him...



I am a lifelong resident of Boston, having retired several years ago from Peabody & Arnold LLP after a long career as a private-sector lawyer. From the time I had to be lifted up to reach the doorbell, I engaged in local and statewide political and charitable processes. I served on charitable boards continuously since I was 25 - not so much *choosing* these boards as having been *led* to them in strange and wondrous ways.

It was in that mode that in 1999 a friend, then serving as Development Director of Health Care for All, asked if I could help with fundraising. I had never before volunteered in the health care arena, but I recalled that, as one of seven children (four of whom were born after my father was 50), we had no health insurance. We lived in fear of what would happen to us if my father were to

and medical care to get through every single day of her life, then you have no choice...We are thankful Health Law Advocates has touched our lives."

-G.M., mother of a 5-year-old girl whose health plan cut coverage for sterile catheters used to clean the child's breathing tubes.

### HCFA v. Romney Update

In early November, the HCFA v. Romney Legal Team appeared before Judge Rya Zobel for a status hearing. Thanks to efforts of the Legal Team and Independent Court Monitor, **Dr. Catherine Hayes**, we were happy to report that the state resolved the MassHealth provider enrollment issues that had discouraged dentists from signing on to the MassHealth program. At the hearing the Legal Team, led by **Clare McGorrian**, pushed the state to continue increasing rates, to eliminate any and all administrative delays in processing prior authorizations and payments, and to provide a detailed report on improvements in access for our next status hearing. We continue to push the state to find creative solutions to the access problems in the Commonwealth.

get sick or die. I decided that HCFA would be a wonderful match.

In 2001, my friend and mentor Steve Rosenfeld extended an invitation to join the board of the public interest law firm HLA, which began as a subsidiary of HCFA. I eagerly accepted because, time and again, I witnessed HLA's ability to convert one consumer's complaint into a system-wide remedy. This was impact advocacy at its best, and I wanted to be a part of it.

My hope for HLA in the short term is that it will effectively transition from its pre-teen years (we are 12 years old) with each staffer performing multiple functions, to full adulthood, with each staffer having the luxury to specialize and be supported by a full cadre of paralegal, development, and communications support staff. Long-term, my goal would be to deploy the greater human-resource leverage by expanding HLA's operations so that there are offices and outreach in more distant parts of the state, and to keep doing better what HLA now does so well. For this, we shall require expanded financial resources, which I know will come: The need is great; the cause is right, and I am proud and honored to be a part of it.

From HLA's  
Executive  
Director...



These days, HLA is busier than ever. It seems that Health Reform is good for our business, although we wish it were not so. The huge increases in the numbers of insured consumers is fantastic progress toward universal coverage. In many cases, however, it also means that the same problems of unfair insurance denials and wrongful insurance terminations are being experienced by larger numbers of citizens. In addition, HLA is also struggling with another Health Reform issue: representing low income consumers who the state says can afford premiums, when the consumers believe they cannot afford such premiums. If the state prevails, these consumers are not only penalized by forfeiting their tax exemption of \$219, but they are also no longer eligible for any health care services under the state's downsized Health Safety Net. These are difficult issues with which many advocates, officials, and consumers are struggling. HLA will continue to follow these cases and to keep our supporters informed.

We hope you like our new HLA News & Notes e-newsletter format, and welcome your comments and views on our work.

**Sincerely,**

*Barbara Anthony*

