

HealthLawAdvocates

News & Notes

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In This Issue

[Brown Bag Luncheon Series](#)

[Comings & Goings](#)

[HLA's Consumer Tips](#)

[Tax Penalties](#)

[Thanks!](#)

[CMHP Update](#)

[HLA News](#)

[Meet the Board](#)

[Message from HLA's
Executive Director](#)

[Intern Search](#)

[HLA's Brown Bag
Luncheon Series](#)

Legal Network Attorney

HLA Continues to Push for Children's Mental Health

One of the most serious deficiencies in our health care system involves access to mental health services and treatment for children. In 2005, HLA initiated the Children's Mental Health Access Project to represent parents and guardians who seek needed mental health treatment for their children. In addition, HLA works with a broad-based activist coalition, the Children's Mental Health Campaign, to draft and advocate for legislation that hopefully will revolutionize the way mental health services are delivered to Massachusetts children. Last year, HLA's Children's Mental Health Project (CMHP) served 80 children who were experiencing severe problems accessing mental health services. The two people who drive the HLA CMHP are staff attorneys **Rebecca Brink**, who is on a two-year Equal Justice Works fellowship to HLA, and **Carolyn Pointer**, formerly with the Legal Assistance Corporation of Central Massachusetts, who is an expert in children's law.



Rebecca Brink



Carolyn Pointer

Clare McGorrian of Clare D. McGorrian Health Law Counsel and Consulting spoke at HLA's Law and Policy Forum: Brown Bag Luncheon Series on December 13. The event, held at HLA's office at 30 Winter Street, featured Attorney McGorrian's in-depth discussion of the class action lawsuit HCFA v. Romney. The presentation included a terrific explanation of how this successful lawsuit, to gain dental care for Medicaid-eligible children, was litigated.



HLA's Brown Bag Luncheon Series features distinguished speakers discussing hot topics in health law and policy. To date, HLA has welcomed **Gov. Michael Dukakis, Hon. Scott Harshbarger**, and Attorney **Clare McGorrian** to discuss topics such as non-profit governance and health care cost control.

Rebecca has been very involved with the state-wide Children's Mental Health Campaign and was a primary drafter of the omnibus bill, *An Act Relative to Children's Mental Health* (H.4276) which is now before the Joint Committee on Health Care Financing. Rebecca continues to join with other Campaign members in meetings with key legislators and other stakeholders.

If you would like to get involved in helping children with mental health needs by joining our pro bono network, hosting a training, or otherwise, please contact Carolyn, cpointer@hla-inc.org, or Rebecca, brink@hla-inc.org.

HLA Welcomes Dr. David Keller



Dr. David Keller, a pediatrician from South Worcester County and an associate professor of pediatrics at UMass Medical School, received a two-year Physician Advocacy Fellowship to partner with HLA to improve children's mental health access in Worcester County.

Part of Dr. Keller's work includes co-chairing the Worcester Mental Health Network. The Network planned two meetings around Rosie D. v. Romney, a 2006 case in which a federal judge found that Massachusetts was violating the Medicaid statute by failing to provide adequate services to children with serious emotional disturbances. On January 8, 2008, Dr. Keller, along with HLA attorney **Carolyn Pointer** and other Worcester Mental Health Network members, met with Kathryn Rucker from the Center for Public Representation to hear the plaintiff's view of the case and the remedy; on February 12, they are meeting with Emily Sherwood to hear the Commonwealth's views.

Dr. Keller started a blog, titled "*Rosie D. and Me*," which you can read by [clicking here](#). He was also interviewed by the *Worcester Telegram and Gazette* as part of coverage of the initiation of mental health screening in pediatric practices around the Commonwealth. To read Dr. Keller's comments to the *Telegram*, please click [here](#).

Upcoming Luncheons:

January 16th:

Judith Kurland

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

February 13th:

Honorable Margot Botsford

Details to follow.

March 20th:

Patricia McGovern

Details to follow.

For more information, or to RSVP for upcoming events, email lhealey@hla-inc.org

Comings & Goings

****HLA welcomes**

Jessica Haeffner, our newest Paralegal! Jessica is a student at Northeastern University and will replace **Chris Haner** as the full-time intake paralegal. Chris will remain on the staff part-time as he finishes up his final semester at Northeastern. Chris has done a fantastic job at HLA, he will be missed!

**HLA's
Consumer Tips**

HLA NEWS

Case News

Consumers with medical debt problems continue to reach out to HLA. **Aimee Dendrin** was faced with the situation of a client, F.A., who owed significant debt, and had no assets and little income, but was willing to enter a long-term payment plan to preserve her clean credit rating. The problem was the provider who was owed the debt had turned it over to a debt collection mill and they wanted a judgment against F.A., even though they knew our client was essentially judgment proof. The collection mill backed down when Aimee threatened to force the case to trial and the matter was resolved with our client entering a payment plan and preserving her credit history.

Rebecca Brink is working with the family of 17-year-old J.C., who has autism, to ensure he receives necessary mental health services from his insurer, relevant state agencies and school system. Prior to HLA's involvement, J.C. had not left his house in almost two years. Due to HLA's advocacy, he was admitted to an appropriate hospital for evaluation. Recently, HLA negotiated with the Department of Mental Retardation to pay for a respite placement for J.C. while the family battles with the school system over paying for a residential school.

Lorianne Sainsbury-Wong and **Matt Selig** assisted A.B., a 68-year-old Stoughton resident. A.B. was enrolled in MassHealth Limited based on his immigration status. He needs hip replacement surgery, treatment for high blood pressure, asthma and a hearing aid. HLA requested a review of A.B.'s immigration status and coverage type. As a result, A.B. was upgraded to the MassHealth Essential plan, which provides coverage for the services he needs at this time.

State Health Programs: Eligibility & Coverage

Please [click here](#) for a link to Health Law Advocates' updated "State Health Program Eligibility and Coverage Chart." HLA updates this chart periodically as the requirements change for the state-subsidized health programs. The latest version of this chart includes the NEW Commonwealth Care plans: BMC HealthNet, Fallon Community Health Plan, Neighborhood Health Plan, and Network Health. If you have any questions about this chart, or need help determining eligibility, please [contact us](#).

Medical Debt

Numerous studies and media reports over the past few years have discussed the increasing burden of medical debt on consumers. More and more individuals owe money to health care providers because they do not have health insurance or they have limited coverage. Consumers face numerous hardships as a result of medical debt, including difficulties accessing health care. Among HLA's clients are many who are saddled with hundreds, thousands and tens of thousands of dollars in medical debt.

Because HLA has recently

Matt Selig represented J.L., an inmate at the Suffolk House of Correction, who was not receiving needed physical therapy and a hip replacement. He also reported a lack of adequate pain medication. Matt advocated with the House of Correction on J.L.'s behalf and he is now receiving appropriate physical therapy, is scheduled for hip replacement surgery and his pain medication has been increased to a medically necessary dosage.

Rebecca Brink is working with a family whose 8-year-old daughter, G.K., has several mental health diagnoses and suffered from physical and sexual abuse. G.K. has been hospitalized 8 times in the past 4 years. Currently, Rebecca is negotiating with the insurance company to admit G.K. into an Acute Residential Treatment program for a long-term evaluation.

Testimony

Georgia Maheras wrote comments on November 26, 2007, on the revised dental regulations put forth by MassHealth. These regulations included many changes required under the HCFA v. Romney Judgment. HLA's comments ranged from correcting formatting issues to requesting substantive changes that would greatly benefit HLA's clients. The final regulations were promulgated on January 1, 2008.

Court

HCFA v. Romney had a status hearing on November 7th. This hearing was a follow-up to our October 3rd hearing, where Judge Rya Zobel expressed concerns over how MassHealth was handling provider enrollment and credentialing. HLA worked with the Independent Court Monitor, Dr. Catherine Hayes, and the state to develop a process that is much simpler for providers and allows them to start delivering services to MassHealth patients much faster. We also discussed several other areas of concern at this status hearing including the State's under-funding of dental services, and the need for an

seen a dramatic rise in cases involving medical debt, we established a special project to address this issue. In 2007, HLA was awarded a \$20,000 grant from the Massachusetts Bar Foundation (MBF) to support our work on medical debt. In 2006, HLA and the Volunteer Lawyers Project collaborated to publish a guidebook to help consumers and non-lawyer advocates address medical debt. Now, facilitated by the MBF grant, HLA is convening a group of legal and other consumer advocates to develop legal strategies to assist low-income consumers with medical debt. The group consists of attorneys from the Volunteer Lawyers Project, Greater Boston Legal Services and Shelter Legal Services. Advocates from The Access Project, Community Catalyst and Health Care For All are also members of the group. The medical debt group plans to publish a legal practice guide for lawyers representing low-income clients with medical debt and conduct legal trainings for attorneys. HLA also plans to refer several cases involving clients with medical debt to members of HLA's *Pro Bono* Legal Network. HLA Attorneys Matt Selig and Lorianne Sainsbury-Wong are leading HLA's medical debt project.

in-depth analysis of access to services by MassHealth Eligible Children.

Other News

Georgia Maheras and **Barbara Anthony** traveled to Amherst to the Western Massachusetts Health Access Network (HAN) meeting of outreach and enrollment workers. Maheras and Anthony gave a training on "The Individual Mandate: Exemptions, Waivers and Penalties." Under the new Massachusetts Health Reform Law, residents who did not purchase insurance in 2007 may be subjected to a penalty of \$219. HLA staff focused the training on the new Department of Revenue Schedule HC, which allows taxpayers to apply for an exemption from the mandate to buy insurance and thereby avoid the penalty of \$219.

On January 14, 2008, **Carolyn Pointer** became a member of the Family Advocates of Central Massachusetts (FACM) Board. The Board's goal is to support the joint venture between UMass Medical School and Legal Assistance Corporation of Central Massachusetts. FACM provides assistance with legal issues impacting child health in low-income Worcester County families.

In December 2007, Attorney General Martha Coakley appointed HLA's Executive Director **Barbara Anthony** to the Attorney General's Community Benefits Advisory Task Force. The Task Force is charged with a number of responsibilities, including working with the AG's office to update and revise the Guidelines, and developing ways that the Community Benefits Program can be used to address state-wide health challenges.

Tax Penalties

In April 2008, Massachusetts taxpayers will be assessed the tax-year 2007, \$219 penalty if they did not have affordable health insurance on December 31, 2007.

As of January 1, 2008, the penalties for tax year 2008 will begin to accrue for people who do not have affordable health insurance in 2008. The Department of Revenue has released a draft of these penalties. [\[Click here\]](#) The penalty schedule provides that for individuals under 300% of the federal poverty level (FPL), penalties are half the cost of the Commonwealth Care plan premiums. For those 18-26 years old and over 300%, the penalties are half the cost of the cheapest Young Adult Plan. For adults over 26, whose income is above 300% FPL, the penalties will be half the cost of the lowest Commonwealth Choice Bronze plan (without drug coverage).

These regulations are still in draft form and are being reviewed over the next month by the Connector Board and the Department of Revenue. More to come!

Meet the Board

Each month, HLA turns the spotlight on a member of our fabulous Board of Directors. This month, we proudly feature HLA Treasurer **Eleanor Soeffing**.



"I became involved with HLA in 2005 when Wendy Parmet approached me about serving on the Board. Initially I served as board member and Deputy Treasurer, but this past year I was elected Treasurer. In that capacity I also serve on the Executive Committee. In the short time I have been on the board, the budget, resources and reach of the organization have grown. This has been possible due to prudent management of resources and the careful management of the finances. I can truly say that every dollar is well spent! I really enjoy working with HLA's dedicated staff and board members."

Ellie has over 25 years experience in the health care industry. She currently works as Senior Director in Government Programs for Health Dialog, a leading provider of care management services. Prior to joining Health Dialog in 2005, Ellie had extensive experience working for both providers and insurance companies. Some of her previous positions include: Vice President of Managed Care for a Boston area community hospital, Director of Product Management for Harvard Pilgrim Health Care, and Administrator for Ambulatory Care at the Children's Hospital in Boston. Ellie also taught a class in Payment and Reimbursement at the Harvard University Graduate School of Public Health for two years. Ellie received a BS with Distinction from Cornell University, and a MHA in Hospital Administration from the University of Michigan School of Public Health. She has two teenage sons and two golden retrievers and enjoys traveling, gardening, walking, biking, reading, and good food and wine.

**THANK YOU,
THANK YOU!**

**December was a
great month for
HLA...**

HLA expresses its deep appreciation to the **Blue Cross Blue Shield Foundation of Massachusetts** for its tremendous operating grant, the **Klarman Foundation** for its wonderful grant to fund a new website for HLA, and to **Proskauer Rose LLP** for its generous grant to help fund the *Pro Bono* Legal Network.

Also, a big thanks to all our supporters who gave so generously in response to HLA's Year End Ask letter.

Thank You!!

Interns!

HLA is eagerly interviewing summer interns! If you know of interested law students looking for a fabulous intern opportunity, please tell them to contact **Georgia Maheras** at (617)275-2981 before the **end of January**.

**From HLA's Executive
Director...**

Dear Friends,

As you can see from this issue, tax time in Massachusetts has a new flavor this year. The "mandate" to purchase health insurance that is part of the state's new health reform law is being enforced through the state income tax system. This means that every taxpayer in the Commonwealth has to fill out a new tax form, Schedule HC, and declare whether or not she has health insurance. This form also provides a way for taxpayers without insurance to claim a financial hardship and ask the state to exempt them from the mandate. If a taxpayer does not have insurance and is denied an exemption, not only will that person pay \$219 through the Department of Revenue tax system, (penalties will be significantly higher in 2008), but most importantly perhaps, that person, if low-income, is ineligible for any so-called free care.

HLA is taking cases representing low income people who claim that even though the state says they can afford insurance, the opposite is true and they cannot afford to buy health insurance. The state bases its view of affordability on a person's gross income - not a person's disposable income. Under this formula, there is certainly room for error. We take these cases because of the serious consequences for low-income people - in addition to a tax penalty, these taxpayers are no longer eligible for any kind of free care - perhaps the toughest penalty of all. For HLA, this turns into a health care access issue. While we support notions of shared responsibility in order to make health reform work, we are concerned that the 'mandate' be carried out with justice and fairness for our client population.

Sincerely,





