

HealthLawAdvocates

News & Notes
April 2008

Co-editors:

Georgia Maheras

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HLA's Brown Bag Luncheon Series

On March 13th, HLA welcomed **Nick Littlefield** of Foley Hoag LLP to lead a discussion on "Lessons Learned from the Health Care Wars of the 90s for 2009." Nick served from 1989-1997 as Sen. Edward M. Kennedy's staff director/chief counsel for the U.S. Senate Committee chaired by Senator Kennedy with jurisdiction over most health care legislative issues. Nick relayed from an insider's view a narrative of all the political intrigue and legislative maneuvering that went into the development, consideration and ultimately the failure of health care reform in the early 90's. Nick described in detail the lessons that today's policymakers in Washington should draw from last decade's experience to

HLA Challenges State to Provide Retroactive Insurance Coverage - and Wins!

Commonwealth Care, the state-subsidized health insurance plan, is available to those whose income is at or below 300% of the Federal Poverty Level (FPL). Commonwealth Care, which enabled hundreds of thousands of Massachusetts residents to obtain health insurance coverage, is a prospective health insurance program- it does not have the look-back period found in other state-subsidized insurance or free care programs. Because Commonwealth Care lacks retroactive coverage, some people incur medical debt while waiting to enroll or during gaps in coverage even when those gaps result from mistakes made by state government. HLA and other advocates have argued strenuously to the state that it is fundamentally unfair for consumers to suffer because of mistakes made by the state that result in the untimely enrollment of such consumers. HLA is working to change Commonwealth Care so our clients and all consumers can acquire retroactive coverage that is fair and reasonable.

In a landmark settlement, HLA represented a client, L.J., and obtained retroactive coverage for her after such coverage had been denied by the state even after the state acknowledged that it has erroneously terminated her enrollment. Attorneys **Georgia Maheras** and **Lorianne Sainsbury-Wong** filed an appeal in Suffolk County Superior Court to reverse Commonwealth Care's refusal to correct L.J.'s dates of coverage after an acknowledged error by the state left her owing thousands in medical bills. HLA's attorneys also cited the case while testifying at a February 4th Connector Board hearing on Commonwealth Care regulations. In this case, which illustrates how HLA effectively combines legal and policy advocacy, we obtained retroactive enrollment for L.J., resulting in full payment for her medical bills.

Case Study: L.J.

L.J. works and goes to school. Her income is between 250-300% FPL. In February 2007, she successfully enrolled in Commonwealth Care Plan

ensure the success of much-needed health care reform to guarantee health care coverage to all Americans.



Nick Littlefield

HLA also welcomed **Patricia McGovern**, who led a discussion on April 23 entitled "Getting Serious About Quality Health Care: Benefits & Costs." Ms. McGovern drew on her extensive experience as both a Massachusetts State Senator and an executive officer at a major Boston hospital to spark a provocative exchange about controlling health care costs in Massachusetts.



Patricia McGovern

Type 3 for a \$105 monthly premium. She paid her premiums each month.

From April to July 2007, L.J. worked approximately four hours a week at another job and was paid a lump sum at the end for this work. As required, L.J. immediately notified MassHealth of this additional pay by sending in her pay stubs, time sheets and a letter explaining that the income was for four months of work, not one month. Unfortunately, MassHealth miscalculated her income and deemed her ineligible for Commonwealth Care for the month of September. They calculated her income monthly, not spread out over four months. Meanwhile, L.J. paid her premium for the month of September not knowing that her insurance would be inactive for that month.

Unfortunately, L.J. underwent medically necessary surgery in September. After this surgery, she discovered her insurance was inactive. She got reinstated on Commonwealth Care effective October 1st, but nothing could be done for September. The gap in coverage left L.J. with over \$30,000 in medical debt.

Using a two-pronged attack, HLA filed an appeal in Suffolk Superior Court and also provided testimony to the Connector Authority. Before the Court could reach a decision, the state changed its position and the result was the first instance of retroactive coverage in the Commonwealth Care program. HLA intends to use this success to help other clients in need of relief, and to change the policy for all future Commonwealth Care members.

HLA NEWS

Case News

Georgia Maheras successfully represented three clients with medical debt cases: She worked with the provider to reduce A.B.'s debt from over \$3,000 to under \$500. She also negotiated down debt for M.M. and M.D. and arranged payment plans for their medical bills.

Aimee Dendrinis helped C.M. eliminate nearly \$2,000 of her disabled son's medical bills.

Matt Selig represented S.G., a 28-year-old Cambridge woman with over \$2,400 in bills from a Boston-area hospital after she visited the emergency room in November. The hospital's billing department took the position that the bills could not be submitted to any State program for reimbursement. Matt presented the hospital with an analysis of State regulations showing that the hospital could be reimbursed for the services from a State program. The hospital submitted the bills to the State, the

Upcoming Luncheons:

May 15th:

James Roosevelt, Jr.
President and CEO, Tufts
Health Plan

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

Congrats Matt!



Please join us in
congratulating Legal
Network Manager and Staff
Attorney **Matt Selig**, who
has recently been named
HLA's new Deputy Director!

claims were paid, and S.G. was released from responsibility for the bills.

Georgia Maheras obtained retroactive enrollment for H.B. H.B. had been unfairly disenrolled from his private insurance plan. She was able to get him back on his insurance plan without any gaps in coverage.

Carolyn Pointer assisted K.M., a widow with two children who contacted HLA for help with her autistic daughter's CommonHealth premiums. K.M. was paying for a catastrophic-only policy for herself and her son. After analyzing the family's situation, HLA was able to help K.M. get her income reported accurately in the MassHealth system. This enabled K.M. to enroll in Commonwealth Care and both children to enroll in MassHealth programs, with access to regular primary care.

Aimee Dendrinis helped M.L. obtain necessary medication that MassHealth previously denied.

Georgia Maheras and **Aimee Dendrinis** helped K.M. obtain coverage from her employer's self-insured plan for visits to a therapist they were wrongfully denying.

Aimee Dendrinis helped R.F. ensure outstanding bills were paid after his employer filed for bankruptcy. Aimee also made sure R.F. had suitable insurance going forward.

Other News

On March 24, HLA Senior Staff Attorney **Lorianne Sainsbury-Wong** submitted comments to the Centers for Medicare & Medicaid Services regarding proposed rule 42 CFR Part 440, CMS-2232-P. Ambulance carriers often pursue aggressive collection actions against consumers, including lawsuits. Sainsbury-Wong commented that even in a state such as Massachusetts, which covers non-emergency ambulance transportation for its Medicaid members, consumers incur burdensome ambulance bills. Medically necessary ambulance transportation is a lifeline and often the only means for disabled consumers to get medical treatment. It can cost hundreds or thousands of dollars, depending on the level of service rendered. Eliminating coverage for non-emergency ambulance transportation will result in potential barriers to health care access and leave consumers with medical debt.

Barbara Anthony was named to the Boston Bar Association's Health Law Section Steering Committee. She also plans to be active on the Committee's Social Action Sub-committee and to focus a spotlight on the growing problem of consumer medical debt. Earlier in her career, Anthony had served as secretary and vice-chair of the Steering Committee.

HLA is joining with the **Rappaport Center at Suffolk University Law School!** Students from SULS will partner with SULS alums **Matt**

HLA's Consumer Tips: How to Choose a Doctor

(*Courtesy of Massachusetts Health Quality Partners)

Most patients have a primary care physician. This can be a family doctor, internist, pediatrician or general practitioner. Your primary care physician helps you stay healthy and coordinates care when you are sick. He or she will also refer you to specialists (such as allergists, cardiologists, or surgeons) when needed. Doctors are not all the same. They vary in terms of training, expertise, and the quality of care they give. Here are some things to do when choosing a doctor:

- Make a list of the qualities you want in a doctor.** This may include the doctor's training, experience, credentials, personal or "bedside" manner, availability (how quickly you can get an appointment), hospital affiliation, and languages spoken. You can often find out this information by going to the [Massachusetts Board of Registration in Medicine](#).
- Ask for referrals**

Get opinions about doctors from people you trust. This may be friends, family, other doctors, medical society, health plan, or your local hospital.

Selig and **Georgia Maheras** to take cases from HLA's Legal Network. We are thrilled to be working with the Rappaport Center to extend HLA's mission and bring pro bono opportunities to SULLS alumni and students.

On April 17, **Barbara Anthony** spoke at a national women's health conference called "Hear Us Now: Raising Women's Voices," hosted by Simmons College. Anthony presented on health care coverage rights after divorce, referencing the informational booklet "Staying Healthy: A Guide to Health Insurance After Divorce," which HLA and the Attorney General's Office published.

HLA Published in BBA's *Health Law Reporter*

The Winter 2008 issue of the Boston Bar Association Health Law Section's *Health Law Reporter* featured an article co-authored by HLA's own Barbara Anthony, Matt Selig, and Georgia Maheras. The article, titled "Chapter 58 Notes: The 'Individual Mandate': Up Close and Personal," offers advice on how to advise clients who may be faced with a tax penalty under the Chapter 58 Health Reform Act mandate.

[Click here](#) to read this issue of *Health Law Reporter*. **Scroll to page 10 for HLA's article.**

-Talk to staff in the doctor's office.

Ask whether the doctor is taking new patients, what hours the office is open, how long it takes to get routine appointments, and ways emergencies are handled.

Find out who works with the doctor.

Some doctors work with nurse practitioners, physician's assistants, and others to take care of patient's needs. Ask who else treats patients and how they work with the doctor.

-Find out about the doctor's network of care.

This includes specialists, hospitals, and medical groups the doctor works with and could refer you to. Also consider your comfort level with the size of the doctors' office, such as whether you prefer a small doctors' office or a larger site, where many doctors work together.

-Meet the doctor. Make an appointment to meet the doctor you are thinking about working with. Talk about what matters to you and decide whether this is a doctor you trust and feel comfortable working with.

Compare quality information.

Use information from this website to compare how medical groups and doctors' offices do in areas that matter to you.

Meet the Board

Each month, HLA turns the spotlight on a member of our fabulous Board of Directors. This month, we proudly feature HLA Immediate Past Treasurer **Thomas Sellers.**



Thomas Sellers became a member of HLA's Board of Directors in 1998, and served as HLA Treasurer from 1999 - 2006. As Chief Financial Officer for the American Cancer Society New England Division, Mr. Sellers is responsible for all financial, administrative, information system and real estate operations. He also serves as Project Manager for Hope Lodge Boston, a \$27 million project that will provide free, temporary housing to cancer patients who must travel far from home for treatment at Boston hospitals. Prior to his position at the American Cancer Society, Mr. Sellers worked for over 20 years in public service and non-profit management, including 13 years in senior positions in Massachusetts state government and five years as Senior Vice President for Finance and Administration at the United Way of Massachusetts Bay. Mr. Sellers has a Master's degree in Public Administration from the John F. Kennedy School of Government at Harvard University and attended Amherst College. In addition to HLA, Mr. Sellers also serves on the Boards of the Kenneth B. Schwartz Center, Massachusetts Prostate Cancer Coalition, and Technical Development Corporation. As a prostate cancer survivor since 1999, Mr. Sellers appeared in commercials for the Dana-Farber Brigham and Women's Cancer Center where he was treated, as well as anti-tobacco commercials for the Massachusetts Department of Public Health. Mr. Sellers, who is married with two daughters, has a passion for golf and enjoys cooking, mystery novels, poetry and politics.

Welcome Bob!

We are pleased to announce the addition of **Bob MacPherson.**

Bob joined HLA on March 24th as HLA's first Chief Operating Officer. Bob comes to HLA from a distinguished career in operations and accounting at Bank Boston. In addition to holding a Masters degree in Finance, Bob, who has chosen a new career path in the non-profit sector, recently obtained a certificate in non-profit management from Northeastern University. We are very pleased that Bob chose HLA and 30 Winter Street to begin his new direction.

SAVE THE DATE!

Health Law Advocates'

13th Annual Benefit Breakfast

will be held November 10, 2008 at the Sheraton Boston Hotel.
Stay tuned for further details and sponsorship opportunities!

From HLA's Executive Director...

Dear Friends and Colleagues,

Spring is thankfully upon us and that means it is time to participate in Health Care for All's signature event, *For the People: A Celebration of Health Care Leaders*, on May 14, 2008, at the Westin Copley Place Boston from 5:00 pm to 8:00 pm. This year HCFA is honoring Dennis Keefe, CEO of Cambridge Health Alliance, the Rev. Ray Hammond, a key leader in health care reform and Chairman and Co-Founder of the Ten Point Coalition, and Janice B. Yost, founding President of the Health Foundation of Central Massachusetts.



For the past 23 years, HCFA, the parent organization of HLA, has relied upon this event to help support its vital advocacy and policy work that benefits millions of Massachusetts health care consumers. If you haven't yet registered, there is still time to do so by going to the HCFA website at www.hcfama.org or contacting Marla Stein at stein@hcfama.org for further information.

Hope to see you on May 14th at this wonderful celebration!

Sincerely,

A handwritten signature in cursive script that reads "Barbara Anthony". The signature is written in black ink and is positioned above a thin horizontal line.