

News & Notes
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Co-editors:

Georgia Maheras

Laura Healey

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Medical Debt Project

On June 25, HLA's Deputy Director and Legal Network Manager **Matt Selig** hosted a Legal Network Training entitled "Representing Clients with Medical Debt." The well-attended training covered topics such as challenging unfair billing and collection practices, protecting consumer's credit rating, and utilizing Consumer Protection laws. HLA is particularly interested in this area of health law - so interested, in fact, that staff have set up a **Medical Debt Project** targeted at low-income Massachusetts residents who have accumulated unaffordable medical debt.

HLA's Medical Debt Project focuses on the growing problem of consumers, particularly people with low incomes, assuming personal debt as a result of medical expenses. The onset of medical debt frequently has a snowball effect, quickly leading to additional financial and health problems: bad credit ratings, disruptions in housing and employment, and lack of access to medical care. Attorneys can help these consumers by challenging unfair billing practices, defending against aggressive collection efforts, and taking advantage of health care providers' debt forgiveness practices.

Medical debt often arises when a consumer is either uninsured or underinsured. However, medical debt is also becoming an unintended consequence of Massachusetts' new health care reform law and its individual coverage mandate. Because some of the new health plans under this law have high deductibles and other substantial out-of-pocket costs on top of premiums, enrolling in these plans may place low- and moderate-income consumers in a precarious situation.

Over the past several years, HLA's medical debt caseload has increased dramatically. In 2005, we conducted 33 cases involving clients with unaffordable medical debt. In 2006 we conducted 45 such in- takes, and in

HLA's Brown Bag Luncheon Series

On May 15, HLA welcomed **James Roosevelt, Jr.**, President and CEO of Tufts Health Plan. Mr. Roosevelt, who attracted a packed house to HLA's offices for the event, discussed the threat of rising health care costs to health care reform.



Jim Roosevelt speaks at the May 15 Luncheon

On June 24, Group Insurance Commission of the Commonwealth of Massachusetts Executive Director **Dolores Mitchell** provided the ultimate insider's view on Massachusetts Health Reform with her discussion "Health Care Reform: A Brave New World and Not for the Faint of Heart." Ms. Mitchell is also a board member on the Commonwealth Health Insurance Connector Authority.

2007 we conducted 55. This year the trend has continued, as we have received requests for assistance from over 80 clients with unaffordable medical debt in just the first half of 2008.

HLA NEWS

Case News

Georgia Maheras represented L.D., whose private information had been released by MassHealth due to a mistake. MassHealth met with the member and changed their system to ensure the client is fully protected. In addition to resolving the situation for L.D., MassHealth launched a new system of protecting member's information. This includes MassHealth's operations with their outside vendors who interact with members.

Becky Brink assisted N.B.'s mother in ensuring her daughter received appropriate special education services. N.B. is a 14-year-old who has Reactive Attachment Disorder and Post Traumatic Stress Disorder and had spent much of last year in and out of psychiatric placements.

Aimee Dendrinis helped C.S., a young woman whose doctor visits were being denied payment by the MEGA Life Insurance Company. Ms. Dendrinis assisted C.S. with what she needed to do and helped guide C.S.'s doctor in writing a letter that eventually led to MEGA Life paying the claims.

Georgia Maheras assisted R.B., whose Commonwealth Care premiums fluctuated over a six-month period. Ms. Maheras worked with the Connector to confirm the proper premium amount and credit R.B.'s account for overpayments.

Becky Brink assisted T.F.'s guardian in ensuring her son received appropriate special education services. T.F. is an 11-year-old who has Post Traumatic Stress Disorder, Anxiety and Attention Deficit Hyperactivity Disorder. Earlier this year T.F. was suspended because he was not receiving appropriate supports in school. Becky got the school to place him on an Individualized Education Plan through which he will receive better supports and education next year.

Lorianne Sainsbury-Wong closed the case of G.C., a 56-year-old woman from Medford, who was enrolled in a premium paying CommCare plan since



Dolores Mitchell

HLA expresses sincere gratitude to everyone who has participated in the Brown Bag Luncheon Series: Thank you to all our speakers, guests, and AARP Massachusetts for donating space for many of these events. The Luncheon Series will be on a brief hiatus for the summer, but please look forward to more distinguished speakers and riveting conversations in the fall!

Welcome Interns!

Our summer interns are here! HLA is truly fortunate to have a great crop of summer interns: **Sarah Donohue-Rolfe, Sebastian Korth, Vanessa Madge, Zoe Paolantonio, and Randall Yee.** HLA's interns assist with client representation, projects and legal research - they are an

November. G.C. incurred non-hospital medical bills for cyst and urinary tract infections and needed prescriptions. G.C., who discovered she was uninsured when she went to fill a prescription, was informed by both MassHealth and CommCare that due to an erroneous eligibility review her CommCare was terminated. Both MassHealth and CommCare insisted that CommCare coverage could only begin prospectively, which would have left G.C. with no current health insurance, medical debt, and unable to fill her prescriptions. Lorianne confirmed through MassHealth that it would cover G.C.'s prior expenses and services, and G.C. is now re-enrolled into her CommCare plan.

Georgia Maheras represented J.N. and Y.O., each of whom was in medical debt to various providers. Georgia worked with the providers to negotiate the bills down and set up payment plans for both clients.

Aimee Dendrinis helped F.G., a cancer patient who was erroneously kicked off Commonwealth Care because they thought she had access to other insurance. Ms. Dendrinis worked with MassHealth to ensure that F.G. had uninterrupted insurance coverage so she could continue her cancer treatment and not incur debt.

Carolyn Pointer assisted S.S., a 14-year-old seventh grader who was finally found eligible for special education services with the advocacy of Carloyn as his Guardian ad Litem (GAL). Since he started receiving special education services, his school attendance improved and his behavior problems have almost disappeared.

Becky Brink is working with the mother of E.R. to find an appropriate residential placement. E.R. is a 16-year-old who is severely anorexic. During the past year, she spent almost 6 months in hospital settings. Becky is working with her health insurer, the Department of Mental Health and her school system to arrange a cost-sharing agreement whereby they will split the cost of an appropriate placement where E.R. can receive medical, psychological and educational services.

Matt Selig closed the cases of three inmates at the Suffolk County House of Correction. The inmates notified HLA about their lack of care for, respectively, undiagnosed leg pain, a facial cyst and pain resulting from injuries from an auto accident. Matt worked with the medical staff at the House of Correction to ensure each of the inmates received appropriate care.

Georgia Maheras worked with J.S. to make sure that her medical bills were processed correctly by her insurer and established a payment plan for the remaining balance.

Aimee Dendrinis helped L.G., a naturalized US Citizen who lost her naturalization certificate and could not sufficiently prove to the state that she was a citizen in order to be found eligible for benefits. Because the cost of obtaining another naturalization certificate was prohibitive to L.G., Ms. Dendrinis drafted affidavits for L.G.'s friends and family and submitted the appropriate documentation to MassHealth to prove she was a citizen and obtain

invaluable resource!

HLA Annual Report



HLA is thrilled to announce the publication of its Annual Report. Please [click here](#) to download a copy and read more about HLA's recent achievements, financial highlights and fantastic donors.

HLA's Consumer Tips: Dealing with Medical Debt

(From credit.com)

-There are many types of financial assistance for people within a certain percentage of the poverty level. Of the hospitals that offer financial assistance programs, not all are forthcoming about them. Ask for a written copy of the hospital's financial assistance guidelines.

-To receive free or discounted care, you must show proof of your income, expenses and savings. This can include pay stubs, rent or mortgage statements, child support payments, utility bills, Social Security income,

MassHealth Standard coverage.

Georgia Maheras settled the medical debt for L.R. due to a gap in insurance coverage.

Matt Selig and **Jess Haeffner** assisted M.A., an underinsured Brewster resident who was deemed ineligible for enrollment in a health reform subsidized plan due to his enrollment in Medicare. Matt and Jess provided MassHealth with documentation regarding M.A.'s current work status to prove his eligibility for benefits under the MassHealth CommonHealth coverage type.

Aimee Dendrinis helped L.M., a disabled individual who had been terminated from MassHealth Standard for being over-income. Ms. Dendrinis helped L.M. submit the appropriate documentation to MassHealth to prove that she is eligible for MassHealth CommonHealth.

Georgia Maheras assisted L.H., who was in need of bridgework to that she could eat and drink properly. Ms. Maheras was able to obtain MassHealth approval for this non-covered benefit due to L.H.'s serious medical need.

Other News

Georgia Maheras completed a series of trainings to consumers, advocates, outreach workers and lawyers on the individual mandate and tax penalty. These trainings focused on taxpayer rights and the tax penalty appeals process. Georgia spoke at the HCFA Organizing Conference, the Boston HAN meeting, Covering Kids and Families, and MLRI's Basic Benefits Training. For more information, you may contact Georgia at gmaheras@hla-inc.org

On May 6, The Massachusetts Department of Education hosted a statewide conference, "Strategies for Creating Trauma Sensitive Schools." **Carolyn Pointer** co-presented a workshop with Jeff Wolf from the Massachusetts Law Reform Institute, titled "Creating Trauma-Sensitive Strategies for Dealing with Restraining Orders." The workshop explored how creating school-wide trauma-informed approaches to restraining orders helps school become a safety zone for children.

On Tuesday, May 27, 2008, HLA Executive Director **Barbara Anthony** and Senior Staff Attorney **Lorianne Sainsbury-Wong** submitted comments to the Commonwealth Health Insurance Connector Authority regarding 956 CMR 3.00 "Amendments to Eligibility and Hearing Process for Commonwealth Care." Anthony testified that, in this state, consumers who can afford to purchase health care insurance are required to do so under the Individual Mandate. HLA argues that the spirit of the mandate supports extending due process considerations to consumers enrolled in CommCare before their benefits are wrongfully terminated by either MassHealth or the Connector. [Click here](#) to read HLA's comments. Anthony strongly urged the Connector to change its policy of never providing retroactive coverage to CommCare insureds, even when the State is at fault for wrongfully or erroneously terminating an

unemployment checks, or tax returns.

-Avoid being reported to a collection agency by asking the hospital to "hold" your case while it considers your financial assistance application.

-Ask the hospital billing office to discount your bill to the rate charged to a typical insured patient. You should not have to pay a hospital's highest "self-pay" rate.

Some hospitals offer a sliding fee scale, which allows patients to pay according to income and family size.

-Some hospitals offer flexible payment plans for people to pay off their bills. Try to work out a payment plan that allows you to maintain your other monthly expenses. Be prepared to show proof of your income, expenses, and savings.

Crucial "Don'ts"

-Don't ignore your medical bills.
-Don't sign up for a healthcare provider-issued credit card or high-interest loan to deal with your debt.

-Don't give up looking for help. If a hospital doesn't offer financial assistance, government programs can help.

-Don't sign a payment plan with an acceleration clause - this penalizes late payments by binding patients to pay the remaining debt in full.

-Don't sign an agreement that binds family members or legal representatives.

-Don't sign an agreement that makes you responsible for the hospital's collection costs.

individual's coverage. Anthony pointed out that MassHealth and commercial insurance companies provide retroactive coverage when these payers are at fault.

Meet the Board

Each issue, HLA turns the spotlight on a member of our fabulous Board of Directors. This month, Volunteer Legal Director **S. Stephen Rosenfeld** sheds some light on the beginnings of HLA - and his hopes for the future.



"I have been asked to offer a few observations about HLA. I am pleased to do it. I was part of the group that planned and started HLA in 1996. It grew out of a project I started at Health Care For All in 2004, the Health Care For All Legal Network, as it was known then. Here's what happened.

Back before there was Internet and ipods, there was the Dukakis Administration. I served in that Administration, as chief legal counsel and then chief of staff, until its last day, January 3, 1991. I seriously doubted there was life after, but luckily, Rob Restuccia and HCFA offered me a new home as a born-again health care lawyer, starting in 1993. After months of volunteering and organizing a mini-conference of about 30-40 lawyers working on health care access cases, it became clear that there was a place for a pro bono legal network devoted to representing people with health access problems. Laurie Martinelli came into HCFA as the Network coordinator, and I was the gray-haired presence. The Network proved useful; a panel of lawyers represented dozens of clients referred by HCFA. We soon saw there was a need for an organized staff and a more extensive infrastructure, so we incorporated as Health Law Advocates, and to ensure we were accountable to an established grass roots health care movement, we became the legal subsidiary of HCFA. We became known as HCFA's public interest law firm. Laurie was the founding executive director, followed after 11 years by our current executive director, Barbara Anthony. I carry around the title Volunteer Legal Director, which means I am permitted to talk a good game, while others do the hard work.

Twelve years and 13 HLA Breakfasts later, we are the most active health access public interest law firm in the country - in fact, the only such firm connected at the hip to a grass roots advocacy organization. Along with our staff of seven full-time lawyers, we are constantly searching for ways to help secure access to care as a legal entitlement for everyone.

HLA is not only a great group of lawyers working for health care justice, it is a training ground. Several young law school graduates started at HLA straight out of law school and gained their first experience as lawyers - public interest

SAVE THE DATE!

Health Law Advocates'

13th Annual Benefit Breakfast

will be held November 10,
2008 at the Sheraton
Boston Hotel.



This year's Breakfast will
feature an encore
performance by Boston
comedian **Jimmy Tingle**
- with all-new material!

Stay tuned for further
details and sponsorship
opportunities!

lawyers - representing individuals and families with daunting problems. I have witnessed these young lawyers evolve, mature, and succeed on behalf of their clients. It's very satisfying. I hope in the process HLA has made it impossible for our lawyers to contemplate any other career than one of service to people in need. It may be as a public interest lawyer, or perhaps in public service, or maybe in some other similar setting. But whatever variation on the theme is chosen, let's hear it for staying the course."

Grant News

A huge **thank you** to the MetroWest Community Health Care Foundation for awarding a \$25,000 grant to HLA for its ongoing Hospital Accountability Project, which focuses on the Metro West area.

From HLA's Executive Director.

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Dear Friends,



It is hard to believe that I have just completed my first year as the now "not-so-new" Executive Director of HLA. And what a year it has been! With your help and support HLA has helped more citizens achieve health care access - about 850 - than ever before; we have a regular online newsletter; we published a terrific annual report; our HLA Health Law and Policy Forum is a resounding success; our new website is now under construction; we laid the foundation to expand our Children's Mental Health Guardian ad Litem project into the Boston and City of Worcester Juvenile Courts; we began an exciting new Hospital Accountability Project; we continued to make strides in dental access for kids through the remediation phase of the HCFA v. Romney lawsuit and we are about to embark on an exciting strategic visioning process for the future of HLA. You can read all about it in HLA's 2008 Annual Report which is linked to this newsletter. These are just some of the highlights-- none of this would be possible

without the on-going and loyal support of our friends, supporters and foundations. Thank you for your continued confidence in the men and women of Health Law Advocates.

Sincerely,


