

**Co-editors:**

Laura Healey  
Georgia Maheras  
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**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!

**For sponsorship**

**HLA Celebrates the Passage & Signing of the  
Children's Mental Health Bill!**



Marylou Sudders, President of the MA Society for the Prevention of Cruelty to Children; Representative Ruth Balsler; Secretary of Health and Human Services Dr. JudyAnn Bigby; Governor Deval Patrick; and Senate President Therese Murray gather at the signing.

On Wednesday, September 24, Governor Deval Patrick held a ceremonial signing of An Act Relative to Children's Mental Health. The bill was officially signed into law (Chapter 321 of the Acts of 2008) in August.

**information**, please contact Tom Boland at [tboland@hla-inc.org](mailto:tboland@hla-inc.org).

## In This Issue

[Website Launch!](#)

[Comings & Goings](#)

[HLA's Consumer Tips](#)

[Grant News](#)

[Children's Mental Health Bill](#)

[HLA News](#)

[Meet the Board: Breakfast Edition](#)

## Website Launch

HLA's website has undergone a major overhaul! [Click here to check out the brand new site, brilliantly designed by Articulated Man.](#)

## HLA Comings & Goings

### Departures

HLA was sad to see **Aimee Dendinos**, Parmet Fellow and Staff Attorney, leave in July. Aimee proved a spectacular addition to the HLA staff, advocating on behalf of her clients with tenacity and enthusiasm. Aimee now resides in Cheyenne, Wyoming with her husband.

HLA was the primary drafter of the legislation and is a member of the Executive Committee of the Children's Mental Health Campaign which worked diligently over the past two years for the bill's passage. At the signing ceremony, Governor Patrick recognized the efforts of families, advocates, and policy makers in successfully working for the passage of legislation to reform the children's mental health system, and spoke about his Administration's commitment to implementation of Chapter 321. Following the signing event, there was a reception at the Social Law Library at the Adams Courthouse. At the reception, parents, advocates and legislators spoke about the importance of this landmark legislation.

This law will fundamentally reform the state's child mental health system by ensuring:

- 1) The early identification of children with mental health needs by reaching them in familiar and easily accessible settings such as pediatricians' offices, early education programs and schools;
- 2) That children are treated in the least restrictive, most appropriate setting;
- 3) That insurance coverage for children with mental health needs will be improved; and
- 4) That the Commonwealth will restructure how it oversees, provides and coordinates children's behavioral health services.

HLA is now deeply involved in the implementation process to ensure that all the provisions of the law come to fruition.

HLA also bids farewell to paralegal **Jessica Haeffner**, whose Northeastern co-op placement ended in July. We will miss her exceptional client skills - but we wish her the best of luck as she enters her fourth year at Northeastern!

Finally, HLA says good-bye to Administrative Assistant **Laura Healey**, who left HLA in August to begin her first year at Northeastern University School of Law. But although Laura is gone she hasn't gone far - she will continue to assist HLA as an events consultant for the annual Breakfast.

### Arrivals:

HLA is pleased to announce its newest paralegal, **Laura Henry**. Laura, a fourth-year student at Northeastern University, will be with HLA through a co-op placement until December. Laura has already proved a vital part of the intake process - even setting an HLA record with 113 intakes in the month of July!

HLA is also delighted to bring **Thomas Boland** on board as the new Legal Administrative Assistant. Thomas is a Suffolk University Law School evening student who comes to us from State Street Bank & Trust Co. In addition to assisting the attorneys, Tom will be a major player in the planning of the 2008 HLA Breakfast!

HLA welcomes **Zachary Olson** as the current Parmet Fellow.

## \*HLA NEWS\*

### Case News

**Georgia Maheras** was able to get B.C. retroactively enrolled in her employers' retiree benefits health plan. B.C. can now get the treatment she needs without worrying about her coverage.

**Lorianne Sainsbury-Wong** obtained MassHealth coverage for braces for G.L., a 14-year-old from Mattapan, after prior authorizations had been denied repeatedly. MassHealth reviews orthodontic needs by using a Peer Assessment Review (PAR) of the malocclusion in a patient's mouth. Because G.L.'s PAR index score was too low for MassHealth approval, Lorianne obtained a second medical opinion from a dentist that rebutted the low score and detailed the severity of G.L.'s oral health needs. Lorianne represented G.L. and his mother before the MassHealth Board of Hearings and proved that the severity and handicapping malocclusion entitled G.L. to dental coverage.

**Matt Selig** closed the case of F.D., a 47-year-old Saugus man who was improperly billed approximately \$2,100 by a nursing home for services rendered in 2006. F.D. was insured at the time of his stay, but the nursing home failed to bill his insurer. Matt advocated with the nursing home on F.D.'s behalf and his account was cleared in full.

**Georgia Maheras** assisted E.D. in obtaining relief from the individual mandate tax penalty. After a significant delay on the part of the state, E.D. became eligible for Commonwealth Care in early 2008. Unfortunately, due to this delay, she was not insured on 12/31/07. We were able to help her explain this to the state and she avoided paying the tax penalty.

**Matt Selig** assisted P.G. and his 16-year-old daughter C.G. of South Dennis. P.G. has physical custody of C.G. and joint legal custody with C.G.'s birth mother. Under the custody agreement, C.G.'s birth mother was responsible for making sure she was enrolled in health insurance. As a result, P.G. was not able to obtain information about C.G.'s health benefits and present them to her health care providers to facilitate access to care. Matt worked with C.G.'s health plan to recognize P.G. as a party authorized to act on C.G.'s behalf.

Zack, a recent graduate of Northeastern University School of Law, is no stranger to HLA - He worked with us for several months last year as a Northeastern law co-op student. We are thrilled to have him back!

### Our Fall interns arrived!

**Hadar Sayfan**, from Boston University School of Law, will be working with us on various projects and direct client representation. **Natalie Manchian**, from Suffolk University Law School, will be at HLA for the 2008-2009 academic year and is working on several long-term projects for us in addition to client representation. Finally, **Christina Chan**, who is obtaining a joint J.D./M.P.H from Northeastern and Tufts, is working on our Hospital Accountability Project.

## HCFA v. Romney Dental Case Update

There was a status conference on September 16th where we updated Judge Rya Zobel on the MassHealth dental program initiatives. HLA has fought for years to expand the MassHealth dental program to include alternative delivery systems including school-based programs and expansion of fluoride varnish programs. This Fall both of these become a reality!

On October 1st, MassHealth will

**Carolyn Pointer** was able to assist O.T., a 12-year-old with major mental health problems, to access appropriate services through an appropriate Individualized Education Program (IEP) and by working with MassHealth to make sure O.T. was deemed eligible for MassHealth CommonHealth. This will enable O.T.'s family to take him to his psychiatric appointments, and to afford to fill his prescription medications.

**Lorianne Sainsbury-Wong** assisted the Spanish-speaking family of B.M. from Somerville. Because B.M.'s Employer Sponsored Insurance was not comprehensive, B.M. also applied for MassHealth to assist her 13-year-old disabled child. Lorianne appeared before the Revere MassHealth Enrollment Center for a hearing, and MassHealth found the child disabled and entitled to benefits and, due to the severity of the child's medical condition, MassHealth waived the yearly Eligibility Review process. At Lorianne's request, MassHealth also retro-activated the start date so that the client's medical bills were covered.

**Georgia Maheras** assisted R.C. in obtaining prior approval from MassHealth for a prescription drug. With our help, R.C. was able to prove medical necessity to MassHealth for the medication.

**Matt Selig** closed the case of N.M., a Weymouth man who tried to disenroll his 16-year-old son from MassHealth after they gained access to private insurance. However, despite N.M.'s efforts, his son stayed enrolled for several months and N.M. was billed \$168 dollars for premiums for those months. N.M. also was unable to get these premiums waived by explaining he had tried to disenroll his son. Matt advocated with officials at MassHealth who agreed to waive the outstanding premiums.

**Georgia Maheras** assisted D.A. in obtaining prior approval from MassHealth for a root canal on a non-covered tooth (posterior). D.A. can now receive much needed dental work!

**Matt Selig** represented S.O. at a June 19 MassHealth Board of Hearings appeal after S.O. was improperly terminated effective April 30 from his Commonwealth Care plan. S.O., who has cancer, was dropped from his Commonwealth Care plan because the State asserted he had access to insurance through the State's Medical

launch a statewide fluoride varnish program that allows all primary care providers to apply fluoride varnish to MassHealth children. For more details on this program [click here](#). MassHealth is also expanding their school-based dental program in under-served cities and towns. This program should cover 16,000 more children in the coming months!

## 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, 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"

Security Program (MSP). In fact, S.O. was previously deemed ineligible for the MSP. Despite numerous efforts to inform the State that he did not have alternative insurance he could not maintain his Commonwealth Care coverage. At the hearing Matt successfully advocated on S.O.'s behalf and he was granted MassHealth coverage retroactive to August 2007 because he should have been deemed eligible for MassHealth coverage at that time. This coverage will pay for the medical care S.O. received when he was uninsured prior to enrolling in Commonwealth Care in the fall of 2007 and after he was terminated from Commonwealth Care on April 30, 2008.

**Georgia Maheras** assisted S.T. in obtaining retroactive coverage from MassHealth for dental services received in 2006. Georgia assisted the client in contacting both the provider and MassHealth to make sure the correct documents were submitted and then re-processed. This coverage prevented S.T. from being sent to collection for the unpaid dental bills.

Legal Network Attorney **Sabrina Rusnak** of **Proskauer Rose LLP** successfully represented C.M., a 37-year-old Holbrook woman billed over \$1,000 by a dentist who provided services to C.M.'s three young children. The dentist asserted he accepted the family's insurance but did not disclose he was out-of-network and the family would incur costs. The dentist sued C.M. in small claims court. Attorney Rusnak successfully negotiated a settlement that eliminated nearly C.M.'s entire debt.

## Other News

HLA organized and conducted a very successful legal training on June 25 entitled Representing Clients with Medical Debt. Presenters included HLA's Executive Director **Barbara Anthony**, Senior Staff Attorney **Lorianne Sainsbury-Wong** and Paralegal/Intake Coordinator **Jess Haeffner**. Guest lecturers included **Chi Chi Wu** of the National Consumer Law Center, **Lois Johnson** of the Mass. Attorney General's Office, and **Andrew Cohen** of The Access Project. Topics included: how to investigate a medical debt case, negotiating with health care providers, the Attorney General's regulations on collection practices,

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.

federal debt collection and reporting statutes, Massachusetts Division of Health Care Finance and Policy debt collection regulations and Massachusetts consumer protection statute applicability in medical debt matters. The training was held at HLA's office at 30 Winter Street in Boston.

On July 8, **Rebecca Brink** and **Carolyn Pointer** hosted a Children's Mental Health Access training for the staff at the Medical-Legal Partnership for Children at Boston Medical Center and the Volunteer Lawyers Project. About 20 staffers learned about eligibility for state-subsidized insurance, rights to care under private and public insurance, and state agencies that may provide services to families with mental health care needs.

**Lorianne Sainsbury-Wong** spoke at the "Health Law Coalition Meeting" through the Massachusetts Law Reform Institute, addressing CommCare premium hardship waiver denials and the erroneous terminations of CommCare members. Lorianne also spoke about "Financial and Legal Issues" before the Comprehensive Cancer Control Coalition in Framingham. The workshop identified medical debt and eligibility for state-subsidized health care insurance plans as primary or secondary coverage for low-income and disabled consumers.

**HLA Attorney Carolyn Pointer named Public Interest Leadership participant!**

On September 17th, the Boston Bar Association named **Carolyn Pointer** as one of their 2008-2009 public interest leaders. The program provides young lawyers with the skills to become leaders in the legal community. Participants focus on leadership development and personal growth and commit 250 hours to seminars, workshops, and networking. **Carolyn** is focusing her year on developing new innovative ways to use our legal training to help low-income families.



**Meet the Board**

Each issue, HLA turns the spotlight on a member of our fabulous Board of Directors. This month, we talk to Board member **Jeff N. Catalano** and his wife, **Elizabeth Ryan-Catalano**, who are serving as co-chairs for the 2008 HLA Benefit Breakfast.



"As many of you know, HLA's 13th Annual Benefit Breakfast will take place on November 10, 2008, at the Sheraton Boston Hotel, featuring an encore performance by the brilliant social and political humorist Jimmy Tingle. Each year, nearly 1,000 people attend this entertaining Breakfast, which is very fulfilling on a cultural, professional, and personal level.

Pitching this Breakfast is an easy sell based on the fact that HLA is a unique, charitable, public interest law firm whose sole mission is health care justice. The success of this Breakfast is essential to HLA and allows it to continue to help low-income, disabled, and vulnerable individuals gain access to critical health care. Through the proceeds from the Annual Breakfast, HLA has assisted more than 5,000 people over the last 13 years.

With tens of thousands of new low-income people now eligible for health care coverage under the state's new health reform law, there are many obstacles that pose a challenge to the law's fair implementation. HLA is in the forefront of the effort to meet these challenges and needs your support more than ever.

Please consider a Corporate Sponsorship at \$2,500 or more, which offers a table for 10 guests and an appearance in the program. Otherwise, please consider an Individual Sponsorship at \$500, which entitles you to two seats at the event and appearance in the program, or a single ticket at \$150. As Ambassadors of HLA, your attendance at this event helps to promote this terrific organization. We look forward to seeing you there."

## Grant News

A huge **thank you** to the **Massachusetts Bar Foundation**, which voted to approve grants for both the Children's Mental Health Project and the Medical Debt Project. HLA is extremely grateful for these funds, which total \$40,000.



**Prof. David Cutler**

**Senior Health Policy Advisor to Presidential Candidate Sen. Barack Obama and Otto Eckstein Professor of Applied Economics, Department of Economics and Kennedy School of Government, Harvard University**

On September 15th, Prof. Cutler gave a broad overview of Senator Obama's health care reform proposals. The open forum included an explanation of the Senator's three step process:

1. Quality, affordable and portable coverage for all.
2. Lower costs by modernizing the U.S. health care system.
3. Fighting for new health care initiatives.

Prof. Cutler answered a variety of questions including the Senator's position on health spending accounts and how Massachusetts health reform would fare under a national plan.



**Jarrett T. Barrios**

**President of the Blue Cross Blue  
Shield of Massachusetts  
Foundation, leads the discussion:**

**"The Shadow of ERISA and Mass.  
Health Reform"**

Wednesday, October 8, 2008

12:00pm-1:30pm

AARP of Massachusetts Building  
1 Beacon St., 23rd Floor Ste 2301  
Boston, MA 02108



**Marylou Sudders**

**President and CEO of the Massachusetts Society for the  
Prevention of Cruelty to Children**

**"Children's Mental Health: The Stepchild of Health Care"**

Tuesday, November 18, 2008

12:00 - 1:30 p.m.

AARP of Massachusetts Building  
1 Beacon St., 23rd Floor Ste 2301  
Boston, MA 02108