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## News & Notes

March 2010

health law **advocates**  
Lawyers Fighting for Health Care Justice

**HLA**

### You're Invited!

HLA is pleased to announce a **free** legal training:

**Assisting Children with Mental Health Needs:**  
Becoming Part of HLA's Mental Health Guardian ad litem Project

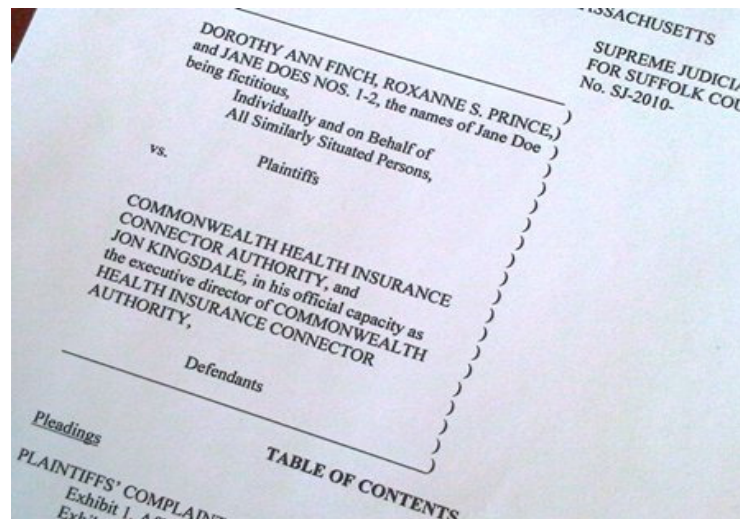
Wed., March 10, 2010  
8:45 - 11:00AM  
Health Law Advocates  
30 Winter St, 9th Floor  
Boston, MA

For more information, visit [www.healthlawadvocates.org](http://www.healthlawadvocates.org)

**RSVP is required** - please contact Megan Passafaro at [mpassafaro@hla-inc.org](mailto:mpassafaro@hla-inc.org) or 617-338-5241.

### Grant News

### Health Law Advocates Challenges Law Excluding Legal Immigrants from Healthcare Coverage



On February 25th, HLA filed a lawsuit in the Massachusetts Supreme Judicial Court to restore health insurance coverage for more than 30,000 low-income legal immigrants. These immigrants were terminated from eligibility for the State's Commonwealth Care program by a State law passed last year as a cost-cutting measure. Most members of this class were relegated to a second-tier program with fewer benefits, fewer providers and much higher

HLA was recently awarded the following new grants:

**For HLA's Child Mental Health Access Project:**

**\$25,000 from the Klarman Family Foundation**

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**For HLA's General Operations:**

**\$40,000 from the Blue Cross Blue Shield of Massachusetts Foundation**

**HLA wishes to thank the following foundations and organizations for their generous financial support of ongoing HLA programs:**

**Blue Cross Blue Shield of Mass. Foundation**

-  
*Operating Support*

**Children's Hospital Boston**

-  
*Children's Hospital/HLA Medical Legal Partnership & Children's Mental Health Campaign*

out-of-pocket costs. Others were left completely uninsured. Many of these people are going without care for chronic illnesses and accumulating enormous debt for the care they do receive.

The Commonwealth Care program was created in 2006 as the centerpiece of Massachusetts' landmark effort to create universal health coverage. Commonwealth Care has provided comprehensive health coverage for hundreds of thousands of low-income residents of Massachusetts.

In this lawsuit, HLA asserts that our clients' right to equal protection under the law provided by the Massachusetts and United States Constitutions has been violated by this new law.

HLA attorneys representing the plaintiffs are **Senior Staff Attorney Lorianne Sainsbury-Wong** and **Staff Attorney Matt Fox**. The plaintiffs' legal team also includes **HLA Board Member Wendy Parmet, Attorneys Tom Sobol and Lauren Barnes of Hagens Berman Sobol Shapiro LLP** and **Attorney Jack Cushman** all of whom are generously donating pro bono services.

To learn more about the lawsuit, read the [February 25th press release](#) or the [complaint](#) filed with the Supreme Judicial Court.

## *In Her Own Words...*

***Kate Thurman, an HLA client, reached out to us asking if there was a way for her to share her experience working with HLA. Here is Kate's story - in her own words.***

I contacted HLA after my health insurer denied coverage for an updated speech processor for my ten-year old cochlear implant, claiming it was not medically necessary. The technology of this recently FDA-approved processor far exceeds the capabilities of the model I had received a decade ago, allowing for significantly better sound quality.

After working with me for several weeks to compile and review my medical and insurance documentation, HLA referred my case to one of their *Pro Bono* Legal Network attorneys, **Elizabeth Sanghavi of Holland & Knight**. Elizabeth immediately began delving into

**Jessie B. Cox Family  
Trust**

-  
*Children's Mental Health  
GAL Project in Boston and  
Worcester*

**The Klarman Family  
Foundation**

-  
*Children's Mental Health  
Access Project*

**Massachusetts Bar  
Foundation**

-  
*Children's Mental Health  
GAL Project in Boston*

**Proskauer Rose**

-  
*Legal Network  
&  
Operating Support*

research to learn the ins-and-outs of cochlear implants, and we spoke frequently over the course of several months. Elizabeth spoke multiple times with the company who makes the implant, in addition to contacting my audiologist so as to fully understand the benefits of the new speech processor. What resulted was an incredibly impressive and thorough letter of appeal.

While awaiting a response from the insurance company, I got a new job, and with it a new health insurance policy, which was to go into effect on January 1, 2010. Because the speech processor had to be ordered while my coverage was still active, I became rather anxious for the insurance company's response as the deadline was rapidly approaching. It finally arrived on Christmas Eve, and I could not have possibly asked for a greater gift! The story doesn't end with the notice of approval, though. In the final four days of the year when many of the players were out on vacation, there was a lot of confusion as to what amount of the several-thousand dollar device would be covered. I thought for a moment that it was all for naught, but Elizabeth's relentless efforts, despite the holidays, including multiple calls back and forth between the insurance company, the manufacturer, and myself, won us the answers we needed. Thanks to this amazing work, the difference in my hearing is absolutely phenomenal!

While there really are no words to express how deeply grateful I am for the assistance provided by Elizabeth and HLA, my email to Elizabeth upon receiving the final word of 100% coverage a mere 12 hours before the termination of my policy sums it up pretty well: "Wow. Just, wow."

## Client Success Stories

### *A sampling of HLA's recent case work*

**R.M.**, a Norfolk County resident, came to HLA when her public insurance carrier denied a prior authorization request for a deep cleaning dental procedure, claiming an x-ray showed it was not a medically necessary procedure. Through the appeal process, **HLA attorney Audrey Perlow** resubmitted the x-ray and provided additional health information about **R.M.** in the form of letters from her primary care doctor and her dentist. **R.M.** has a chronic condition, which, among other symptoms, doesn't allow her hands and arms to be used to their full extent, affecting her ability to maintain adequate oral

hygiene on her own. At the hearing, the dentist from the insurer reviewed the x-ray and additional supporting documents and immediately approved **R.M.'s** treatment in its entirety.

\*\*\*\*\*

**F.R.**, a Worcester County resident, had experienced an out-of-state medical emergency approximately two years ago. At the time of his emergency, **F.R.** was transitioning between two different Massachusetts state-subsidized insurance programs and had only minimal, emergency coverage that did not extend to out-of-state services. **F.R.** was facing approximately \$56,000 in medical debt as a result of his out-of-state treatment and was facing a lawsuit by the provider to recover the debt. Working with counsel for the provider, **HLA Attorney Megan Mahle** was able to get the provider to consider **F.R.'s** request for a charity care waiver based on his low income. **F.R.'s** request for a waiver was granted by the provider for 100% coverage of the \$56,000 debt, leaving **F.R.** with no further expenses from his emergency treatment.

## ***Changes at HLA!***

**BOARD...**At the HLA Board of Directors' meeting on December 18, 2009, members nominated three candidates to join the HLA Board of Directors. Health Law Advocates and the Board are pleased to announce these new additions to the Board:

- Brian Carey, Foley Hoag LLP
- Joshua Greenburg, Children's Hospital Boston
- Mala Rafik, Rosenfeld & Rafik, P.C.

***Welcome Brian, Josh & Mala!***



**STAFF...** During the month of January, HLA welcomed several new staff members to our office.

**Megan Passafaro** joined the HLA team as the new intake paralegal. Megan comes to us from Northeastern University where she is currently a junior working towards a degree in psychology. Through Northeastern's co-op program, Megan was previously employed at the Boston Bar Association. She is interested in pursuing a career in law.

HLA is lucky to have two legal interns for the Spring semester. **Chuck Redmond**, originally from Greenville, South Carolina, is a 2L at Harvard Law School. **Omaima Poonawala**, an Austin, Texas native, is a 2L at Suffolk University Law School.

*Welcome Omaima, Chuck, & Megan!*



## Legal Network Training



On February 10, 2010, HLA held a judicial appeals

training for members of the Pro Bono Legal Network. The training was lead by HLA attorneys **Lorianne Sainsbury-Wong, Audrey Perlow, Samuel Leadholm**, as well as **Attorney Clare McGorrian**. Attendees were taken through the steps of filing an appeal of a state agency ruling, learning about the best steps to take prior to, during, and after such an appeal has been filed.

Special thanks for **Foley & Lardner LLP** for hosting the event.

For materials or more information about this training, please contact Mary Lavelle at [mlavelle@hla-inc.org](mailto:mlavelle@hla-inc.org).

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