

The Cancer Legal Resource Center CHRONICLE

Volume II

Orange County Edition

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Navigating Managed Care

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Staff Attorney, Cancer Legal Resource Center

Ways to Get and Keep Health Insurance

The most common way that people obtain health insurance coverage is through their own employment or a family member's employment. There are certain rights that are guaranteed to people who are insured through their own or a family member's employment. These rights have to do with the continuation of coverage during certain leaves of absence (under the Family and Medical Leave Act) or upon termination of employment (see COBRA, discussed below). Persons with employment-based health insurance are also protected from health insurance discrimination based on their pre-existing conditions under the Health Insurance Portability & Accountability Act (see HIPAA, discussed below).

COBRA is a federal law that allows you to continue the same health insurance coverage that you had through your or your family member's employer. It's the same health insurance policy you had when you were employed, so you don't have to worry about changing providers. The insured person is responsible for the full premium for the coverage. Cal-COBRA is California's state version of COBRA.

California also has a program called the Health Insurance Premium Payment Program. If you qualify for Medi-Cal and currently have COBRA coverage, you may be able to get your COBRA premiums paid for through the HIPP program rather than receive Medi-Cal insurance.

HIPAA prohibits health insurance discrimination against individuals based on their pre-existing conditions, when going from a group health insurance plan to another group health insurance plan or from a group plan to a HIPAA guarantee issue plan.

HIPAA also: 1) provides a federal right to an individual health insurance plan (called a guarantee issue plan); 2) reduces the maximum pre-existing condition exclusion period to 12 months; and 3) gives you credit for the time that you had health insurance coverage in the past to eliminate or reduce a pre-existing condition exclusion period.

If you are not able to get insurance through COBRA, and are not eligible for a HIPAA plan, then you may be eligible for a Major Risk Medical Insurance Plan (MRMIP).

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Disability Rights Legal Center
CLRC
Cancer Legal Resource Center

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919 Albany Street • Los Angeles, CA 90015
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Phone: 213.736.1455 TDD: 213.736.8310
Fax: 213.736.1428 Email: CLRC@LLS.edu
Web: www.disabilityrightslegalcenter.org

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MRMIP provides limited health insurance for Californians who are unable to obtain coverage in the individual health insurance market due to a pre-existing condition.

Handling Health Insurance Disputes

If you disagree with a decision that your health insurance provider has made regarding coverage, you have the right to appeal that decision. You must first exhaust your health plan's internal appeals process, and then you can request an external review of the decision. In California, reviews are conducted by either the Department of Managed Health Care (DMHC) or the Department of Insurance.

Before you begin an appeal, understand your coverage and applicable laws. You should know whether your plan is an employer-sponsored health plan or an individually purchased plan. If your plan is an employer-sponsored plan, you need to know whether it is a self-insured plan. You also need to know what is covered and what is not covered by your plan. Know what procedures and deadlines are required by your plan.

You must exhaust your plan's internal grievance process before you may pursue external review through the DMHC or the Department of Insurance. If you need assistance finding your plan's contact information, you can go to the DMHC's website, type in the name of your plan, and get your plan's information.

If your problem is not urgent, your health plan must give you a decision within 30 days. If your problem is urgent, meaning there is a serious threat to your health, your health plan must give you a decision within 3 days.

You can file a complaint with the DMHC or the Department of Insurance if you are not satisfied with your health plan's decision, if you have not received the plan's decision within 30 days, or if the problem is urgent. The DMHC oversees HMOs and all Blue Cross and Blue Shield plans. The Department of Insurance oversees all other health plans².

¹ http://www.dmhc.ca.gov/dmhc_consumer/pc/pc_contact.asp.

² Medicare and Medi-Cal have their own dispute resolution procedures. However, DMHC will handle a Medi-Cal HMO dispute if someone does not want to go through the fair hearing process.

Cancer can be a life-altering experience. At the CLRC, we can explain the laws in more depth, explore your options, and provide materials and resources that may be available. By educating yourself about your rights, you empower yourself and pave the way to getting your needs met. For more information, please contact us at 866.THE.CLRC (866.843.2572) or by e-mail at CLRC@LLS.edu. ❖



CLRC Staff at their booth at the California Women's Conference in October, 2007

Meeting the Members of the CLRC Professional Panel: **Patrick A. Mesisca, Jr., Esq.**

By: Mahin Salehi, Esq.
Staff Attorney, CLRC

Patrick Mesisca, Jr. is one of the lawyers on the CLRC's Professional Panel. As a member of this panel, Mr. Mesisca volunteers his time to assist callers who are referred to him by the CLRC. He has been practicing law for thirty-seven years and is currently a partner at Mesisca Riley & Kreitenberg located in downtown Los Angeles. His practice areas include employment, employment discrimination, medical and legal malpractice, and insurance.

What makes Mr. Mesisca such a valuable resource to CLRC callers is that in addition to being an exceptional and highly qualified attorney, he is also a cancer survivor. After being diagnosed with cancer in 1998, he underwent treatment and multiple surgeries until 2002. During that process, he met many individuals who were undergoing treatment or were anticipating surgery. Many of them had concerns that bordered on legal issues, such as health insurance, employment rights, termination from

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Where We'll Be . . .

We'll be at these events coming soon. If you would like more information, please contact the CLRC.

MAY 2008

EVENT: Latino Health Access
(English/Spanish)
DATE: May 17, 2008
PLACE: Latino Health Access – Santa Ana
TIME: 11 a.m. to 12 p.m.

EVENT: Cordelia Knott Wellness Ctr.
Seminar
DATE: May 22, 2008
PLACE: 230 S. Main Street
TIME: 12 p.m. to 1:30 p.m.

EVENT: 7th Annual Women's Health Day
Laguna Beach Community Clinic
DATE: May 17, 2008
PLACE: Main Beach, Laguna Beach
TIME: 9 a.m. to 1 p.m.

JUNE 2008

EVENT: Community Alliances Conference
DATE: June 19, 2008
PLACE: Westminster Rose Center – 14140
All American Way, Westminster
TIME: 9 a.m. to 2 p.m.

SEPTEMBER 2008

EVENT: Komen Orange County Race for
the Cure®
DATE: September 28, 2008
PLACE: Fashion Island, Orange County
TIME: 7:30 a.m. to 1 p.m.



CLRC STAFF

Joanna Morales, Esq; Director

Elise Meerkatz, Esq.; Staff Attorney

Mahin Salehi, Esq.; Staff Attorney

Tiffany Sirikulvadhana, Esq.; Staff Attorney

Laura Urias, Esq.; Staff Attorney

Jennifer Chayo Fenton, JD, Outreach & Education

Coordinator

Sarah Semrow; Administrative Assistant

Kenia Rodriguez, Clerical Assistant

employment during treatment, denial of CFRA/FMLA benefits, and the failure on the part of employers to give notice of employee rights.

When he returned to the practice of law, he began to place an emphasis on assisting people who had cancer. He wanted to help in more ways than just from a legal standpoint, because of his experience; he also helped with issues that terminally ill patients might face. Along the way, Mr. Mesisca was introduced to the CLRC and joined the Professional Panel in early 2002.

Since then, he has handled representation on behalf of patients referred by the CLRC. He has brought cases to litigation with satisfying results for the patients; and in doing so, hopes it has a deterrent effect. Mr. Mesisca recently represented a woman regarding a medical insurance issue after she was denied a blood factor for her hemophilia. He wrote a letter on her behalf which prompted the insurance company to re-evaluate the issue.

Mr. Mesisca is eager to put his legal expertise to use, especially when he can help someone with cancer. We are appreciative and grateful for the work that Mr. Mesisca does on behalf of callers from the CLRC. Patrick Mesisca is an attorney who truly makes a difference in people's lives. ❖

Getting to know . . . the Cancer Legal Resource Center



The Cancer Legal Resource Center (CLRC), a joint program of the Disability Rights Legal Center and Loyola Law School, is a non-profit organization. The CLRC provides services throughout the US. Founded in 1997, the CLRC's mission is to provide information about laws and resources to people coping with cancer. Pictured (from left): front - Laura Urias and Tiffany Sirikulvadhana, middle - Joanna Morales and Mahin Salehi, back - Elise Meerkatz and Sarah Semrow ❖

Cancer-Related Resources

For employment related questions:

Equal Employment Opportunity Commission
(213) 894-1000 or (800) 669-4000
www.eeoc.gov

California Dept. of Fair Employment & Housing
(714) 558-4266 or (800) 884-1684
www.dfeh.ca.gov

Job Accommodation Network (JAN)
(800) 526-7234 www.jan.wvu.edu

For Family & Medical Leave Act (FMLA) questions:

U.S. Department of Labor
(626) 966-0478 or (866) 487-9243
www.dol.gov/dol/topic/benefits-leave

For State Disability Insurance (SDI) questions:

California Employment Development Department
(800) 480-3287 www.edd.ca.gov

For Social Security Disability Insurance (SSDI) & Supplemental Security Income (SSI) questions:

Social Security Administration
(800) 772-1213 www.ssa.gov

For COBRA questions:

U.S. Department of Labor
Employee Benefits Security Administration
(866) 275-7922 www.dol.gov/ebsa/

For Cal-COBRA (CA version of COBRA) and HIPAA questions:

California Department of Managed Health Care
(888) 466-2219 www.dmhc.ca.gov

For major risk Insurance questions:

Major Risk Medical Insurance Program (MRMIP)
(800) 289-6574 www.mrmib.ca.gov/mrmip

For Health Insurance Premium Payment Program questions:

Department of Health Services
(800) 952-5294 or (866) 298-8443

For Women's Health and Cancer Rights Act questions:

Employee Benefits Security Administration
(626) 229-1000 or (866) 275-7922

For Health Privacy questions:

U.S. Department of Health and Human Services
Office for Civil Rights
(866) 627-7748 www.hhs.gov/ocr/hipaa/

For general information about cancer:

American Cancer Society
(800) ACS-2345 www.cancer.org

Susan G. Komen For the Cure
(800) IM-AWARE www.komen.org

The Wellness Community
(888) 793-9355 www.thewellnesscommunity.org

National Cancer Institute
(800) 4-CANCER www.cancer.gov

Young Survival Coalition
(646) 257-3000 or (877) YSC-1011
www.youngsurvival.org

For possible financial assistance:

Beckstrand Cancer Foundation
(949) 955-0099

Breast Cancer Angels
(714) 891-1429 www.breastcancerangels.com

Breast Cancer Survivors
(949) 421-1206 www.bcsurvivors.org

Cancer Care, Inc.
(800) 813-HOPE (4673) www.cancercare.org

HealthWell Foundation
(800) 675-8416 www.healthwellfoundation.org

Patient Services Incorporated
(800) 462-9273 www.uneedpsi.org

211 Orange County
Dial 211 or (888) 600-4357

About Susan G. Komen for the Cure, Orange County Affiliate

Komen is the world's largest grassroots network of breast cancer survivors and activists fighting to save lives, empower people, ensure quality care for all and energize science to find the cures. Komen is dedicated to curing breast cancer at every stage - from the causes to the cures, to the pain and anxiety of every moment in between. They have supported every advance in breast cancer research over the past 25 years, while empowering people and ensuring quality care for all through community grants for breast health and treatment. Komen also engages millions of people in events like Komen Race for the Cure® in thousands of local communities. Please visit <http://www.komen.org> for more information on how you can get involved. ❖

CLRC Student Spotlight

Angela Kil, a graduating Loyola Law School student, has externed at the Cancer Legal Resource Center during the past five months. Angela decided to work at the Center because of her personal connection to cancer. Angela's mother passed away from cancer in 2003, and her experience prompted Angela to want to give back to those in the cancer community. Angela knows first-hand of the difficult and often overwhelming feeling cancer can cause amongst those fighting the disease.

As an extern, Angela conducted intakes with callers on the CLRC's national Telephone Assistance Line (866-THE-CLRC). After determining the issues with which the caller needs assistance, Angela researches the most appropriate resources and explain any laws that might apply to the caller's particular situation. Doing this kind of work has enabled Angela to develop a familiarity with the major legal issues affecting cancer survivors, as well as the resources that are available to assist with those issues.



Upon graduating, Angela will be working at an estate planning firm, but hopes to continue to be involved and give back to the cancer community. ❖

The CLRC Hosts the First Cancer Rights Conferences

In March, the CLRC hosted two Cancer Rights Conferences – one in Riverside on March 15, 2008, and one in Los Angeles on March 29, 2008. These conferences were the first of their kind nationally, and focused on the legal issues that cancer survivors most often face as a result of their diagnosis.

Session topics included, employment rights, taking time off work for treatment, health insurance options, access to government benefits, Medicare and Medi-Cal, and estate planning. The feedback was excellent and the CLRC hopes that this event will become a community outreach model for the future. ❖



The CLRC participated in "painting the capitol pink" during the Komen California Community Challenge in Sacramento in January, 2008

Advocacy Corner

The Cancer Legal Resource Center believes strongly that cancer is a political issue. Legislative advocacy in the Cancer Rights arena is very important because it is an effective way to address the employment and health insurance laws that fail to provide adequate protections for people with cancer. Laws can: provide access to a particular treatment; protect people from discrimination in employment and health insurance; require the provision of health insurance coverage; create government benefits programs; and provide access to screening, treatment and research.

The CLRC and Disability Rights Legal Center (DLRC) are currently supporting important pieces of legislation in California, including Senate Bill 1348 and Assembly Bill 2887. The DLRC is also supporting the federal Americans with Disabilities Restoration Act of 2007 (H.R. 3195 & S. 1881).

For more information, please visit: www.disabilityrightslegalcenter.org/about/legislative_advocacy.cfm. ❖



CLRC Staff Attorney, Laura Urias, assisting a Cancer Rights Conference attendee

Cancer Legal Resource Center services are...

- National
- Free
- Confidential
- Specific to your situation
- Available in English and Spanish

The Cancer Legal Resource Center can help you if you have questions about:

- Employment
- Medical Leave
- Reasonable Accommodations
- Health Insurance
- Access to Healthcare
- Government Benefits
- Medicare
- Medi-Cal & Medicaid
- Patient Rights
- Disability Insurance
- Estate Planning
- Advanced Health Care Directives
- Life Insurance
- Custody & Guardianship
- Conservatorship
- Consumer Rights

Yes! I want to support the important work of the Disability Rights Legal Center!

PAYMENT INFORMATION

LLS 11-3-71400-00000-7465

Federal Tax ID# 95-2960607

First Name _____ Last Name _____

Mailing Address _____

City _____ State _____ Zip _____ Daytime Phone # _____

CREDIT CARD PAYMENTS:

Please complete following information and mail or fax to DRLC:

Visa or MasterCard # _____ Exp. Date _____

Name on Credit Card _____

Zip Code Where Statement Sent _____

Signature Authorizing Charge _____

Amount Authorized \$ _____

Credit card payments will appear on your statement as "Loyola Law School"

PAYMENTS BY CHECK:

Please make check payable to the Disability Rights Legal Center:

919 Albany Street

Los Angeles, CA 90015

Secure Fax Number: 213-736-1030

Disability Rights Legal Center



Cancer Legal Resource Center

919 Albany Street

Los Angeles, CA 90015

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