

The Cancer Legal Resource Center CHRONICLE

Volume II

Southern California Edition

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About the Cancer Legal Resource Center

The Cancer Legal Resource Center (CLRC), a joint program of the Disability Rights Legal Center and Loyola Law School Los Angeles, is a non-profit organization. The CLRC provides free services throughout the United States. Founded in 1997, the CLRC's mission is to provide information and resources on cancer-related legal issues to people coping with cancer.

Could the rules in your state be changing? HHS Makes Changes in Some States to the Pre-Existing Condition Insurance Plans

By Monica Fawzy Bryant, Esq.
Staff Attorney, Cancer Legal Resource Center

As part of the Patient Protection and Affordable Care Act (commonly referred to as Health Care Reform), Congress created new insurance options for individuals who had a pre-existing condition and as a result were unable to purchase health insurance in the individual market. While the exact name for these plans differs by state, generally they are

referred to as Pre-Existing Condition Insurance Plans (PCIP). Some of these insurance plans are operated by the state and in 23 states these plans are operated by the federal government through the U.S. Department of Health and Human Services (HHS).

On May 31, 2011, HHS announced that they would be reducing premiums in many states to make it easier for people to enroll in these plans. In 17 states and the District of Columbia, premiums will be reduced up to 40%, bringing costs for the PCIP programs closer to the rates of the states' individual health insurance markets.

In addition to reducing premiums, edibility requirements for the federally run PCIP programs will also be relaxed. To be qualified for a PCIP, individuals must be a U.S. Citizen or be lawfully present in the U.S., have a pre-existing condition, and have been without health insurance for the past six months. Previously, individuals had to apply for health insurance in the individual market, wait for a denial letter, and then apply for the PCIP program in their state. Often times this would result in an even longer delay in obtaining health insurance. Recognizing the flaw

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Disability Rights Legal Center

CLRC

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with this requirement, HHS will now accept a letter for a doctor, physician assistant, or nurse practitioner stating that the applicant has a pre-existing condition or illness.

These changes will make obtaining health insurance more affordable and accessible to those coping with cancer. It is important to note that these changes only apply to states in which HHS is running the PCIP program. However, HHS has sent a letter to the other 27 states letting them know about the opportunity to amend their programs as well. For more information about the PCIP plan in your state please visit www.PCIP.gov or contact the CLRC at 866-THE-CLRC. ❖

State Laws Giving Terminally Ill Patients a Right to Know About End-of-Life Options

By Jacquelyn Baylon
Guest Contributor

Michelle Hargett-Beebe was 43 years old with three young children when she was diagnosed with advanced pancreatic cancer. Within one year, the severity of Michelle's pain escalated, and she ultimately began receiving hospice care, hoping to find relief so that she could face the end of her life in peace and with dignity. However, Michelle continued to experience extreme pain and suffering, and even though her parents advocated for improved pain management with her health care team, her healthcare team failed to inform Michelle of palliative sedation or other treatments that could have helped with her pain. As a result, she died in agony.

Unfortunately, Michelle's story is not uncommon. Terminally ill patients have a number of end-of-life options available to them, such as continued curative treatment, hospice care, aggressive pain and symptom management, the refusal of unwanted treatment, voluntary stopping eating and drinking, palliative sedation, the creation of an advance health care directive, and in some states, aid in dying. Such a range of options, more physical capability, and a prolonged ability to interact with their family and friends.

However, many patients remain unaware of their available end-of-life options and are consequently deprived of these benefits. Studies show that for a number of reasons, such as religious or moral

convictions and the difficulty of end-of-life conversations, health care providers frequently fail to discuss the end-of-life options available to their terminally ill patients. Recognizing that it is important for patients to obtain such information, Michigan, California, and New York have enacted laws requiring health care providers to inform their terminally ill patients of their options.

The Michigan Dignified Death Act requires physicians to inform their patients with reduced life expectancies of: the recommended medical treatment and alternatives as well as the advantages, disadvantages, and risks of each option; their ability to appoint someone to make health care decisions for them if they become unable to do so; their ability to receive, discontinue or refuse treatment; and their ability to choose palliative care treatment and pain and symptom management. Similarly, California's Right to Know End-of-Life Options Act requires health care providers to provide their terminally ill patients with comprehensive end-of-life counseling upon the patient's request. New York's Palliative Care Information Act requires health care providers to *offer* to provide the counseling upon a terminal diagnosis.

Regardless of whether a state places an affirmative duty on health care providers to provide terminally ill patients with end-of-life information, becoming aware of the available end-of-life options offers a number of benefits for patients and will help those with a terminal diagnosis to make informed decisions on very important and personal subjects. For additional information on these issues or to learn more about the end-of-life options available in your state, please contact the CLRC at 866.843.2572 or www.CancerLegalResourceCenter.org and Compassion & Choices at 800.247.7421 or www.compassionandchoices.org.

Jacquelyn Baylon earned a B.A. in English from the University of California, Los Angeles and is currently a rising 3L at Loyola Law School Los Angeles. After her mother passed away from leukemia when she was young, she developed an interest in health care, especially as it relates to those with cancer. This interest led to her decision to pursue a career in health care law. Jacquelyn has completed an internship with Compassion & Choices, an organization that advocates for improved end-of-life care and the expansion of end-of-life options, and an externship with the Cancer Legal Resource Center. This summer, Jacquelyn will continue to expand her knowledge of health care law through an in-house internship with Central Health Plan of California and by completing a project with the Women Lawyers Association of Los Angeles that is designed to inform terminally ill Californians of their rights and end-of-life options. ❖

2011 CANCER RIGHTS CONFERENCES

Registration is now open for the Cancer Legal Resource Center 2011 Cancer Rights Conferences!

Friday, June 24, 2011
Chicago, IL



Friday, September 23, 2011
Washington, D.C.



Friday, October 21, 2011
Ann Arbor, MI

Join the Cancer Legal Resource Center for these **free** events that will provide patients, survivors, caregivers, advocates, navigators, and healthcare professionals with valuable information about cancer-related legal issues, including:

- **Employment & Taking Time Off Work**
- **Health, Disability and Life Insurance Options**
- **Access to Health Care**
- **Insurance Navigation and Appeals**
- **Understanding Health Care Reform**
- **Cancer Community Resources**
- **Genetics & the Law**
- **Legislative Advocacy**
- **Education Rights of Children and Young Adults with Cancer**

The CLRC is proud to offer the 2010 Cancer Rights Conference with the support of Title Sponsors: **Disability Rights Legal Center, Loyola Law School, LIVESTRONG, Genentech, University of Michigan Comprehensive Cancer Center, Georgetown Law, and the O'Neill Institute for National and Global Health Law.**

Visit www.CancerRightsConference.org to register for these free events! ❖

CLRC Professional Panel Member Spotlight: Amy Fisch Solomon

By Laura Riley, Esq.
Staff Attorney, Cancer Legal Resource Center

Amy Fisch Solomon is currently a partner at Girardi Keese. Ms. Fisch Solomon started at the firm during her second year at Loyola Law School and has not looked back. Twenty-five years later, she is still at Girardi Keese and continues to be involved with Loyola Law School in her capacity as a volunteer attorney on the Cancer Legal Resource Center Professional Panel.

Ms. Fisch Solomon's passion for the areas of professional liability, toxic torts, products liability and insurance bad faith was ignited by a great torts professor. Since then, she has tried and settled multi-million dollar cases and settlements, all while making time for taking consultation calls from the CLRC. She is also dedicated to serving the community in other ways. When she was President of the Consumer Attorneys Association of Los Angeles in 2008, she focused on pro bono work, creating a clinic with Disability Rights Legal Center by melding together two needs—work to be done in disability rights law and young lawyers who wanted advocacy experience.

Over the years, Ms. Fisch Solomon has talked with many people who called the CLRC for assistance. She explains that “they have always been interesting because they run the gamut of issues and many of them have to do with whether or not their condition was due to some medical negligence- particularly failure to diagnose or negligence in treatment.” Many of the clients that Amy hears from are young women, in whom the rate of cancer is rarer, who complain of a lump in their breast and the clinician does not investigate it.

She explains the reason she enjoys speaking with the callers and being involved in these issues: “Companies don't always treat their insureds fairly, so people who are devastated by their disease become further devastated by people and institutions that should be helping them and not letting them down. If I can help people and their families understand what their rights are, if I can put their minds at ease and focus on healing and obtaining benefits, that makes it all worth it.”

For her dedication and work, we commend Amy Fisch Solomon and thank her for her participation

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Where We'll Be . . .

We'll be at these Southern California events coming soon. If you would like more information about the additional events we will be participating in, please visit www.CancerLegalResourceCenter.org.

JUNE - JULY 2011

Event: "Cancer and the Law" Seminar
Date: June 14, 2011
Place: Teleconference/Webinar
Time: 9 a.m. to 10:30 a.m.

Event: Hoag Cancer Institute Survivorship and Education Series
Date: June 30, 2011
Place: Hoag Cancer Institute, Newport Beach
Time: 4:00 p.m. to 6:00 p.m.

Event: "Understanding Health Care Reform: Update for Young Adults" Seminar
Date: July 14, 2011
Place: Teleconference/Webinar
Time: 9 a.m. to 10:30 a.m.

Event: "Frankly Speaking About the Cost of Cancer Care" Seminar
Date: July 26, 2011
Place: Cancer Support Community Pasadena
Time: 6:30 p.m. to 8:00 p.m.



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on the CLRC's Professional Panel.

To learn more about the CLRC's Professional Panel, visit www.CancerLegalResourceCenter.org ❖

Advocacy Corner

By Monica Fawzy Bryant, Esq.
Staff Attorney, Cancer Legal Resource Center



The CLRC strongly believes that legislative advocacy in the arena of cancer rights is vital to the mission of providing increased protections for people with cancer, including: providing access to a particular treatment; protecting people from discrimination in employment and health insurance; requiring the provision of health insurance coverage; creating government benefits programs; supporting efforts to increase funding for screening, treatment, and research. The CLRC supports state and federal legislation that will improve quality of life for those coping with cancer.

One of the bills the CLRC supports in the 112th Congress is the Colorectal Cancer Prevention, Early Detection, and Treatment Act authored by Senator Joseph Lieberman (S.494) and Representative Kay Granger (H.R. 912). This bill would create a program that would help provide colorectal cancer screening to individuals who are at a higher risk for colorectal cancer or those who are over 50, but not yet eligible for Medicare. This bill would also provide screening for those who have low-incomes and/or who are underinsured or uninsured and thus would otherwise not have coverage for colorectal cancer screening and/or treatment.

In the United States, colorectal cancer is the third most commonly diagnosed cancer and the second leading cause of cancer death in both men and women. Often referred to as the silent killer, combating colorectal cancer can only be accomplished through early detection and treatment. This bill would ensure that those that most need it are given access to proper screening and early detection services.

To get involved in the legislative process and make your voice heard you can write, call, email or fax your elected representatives. To find contact information for your elected officials visit www.votesmart.org. You can also join the efforts of

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organizations like [Susan G. Komen for the Cure](#), [the American Cancer Society](#), and [LIVESTRONG](#). For more information visit the Legislative Advocacy section at www.CancerLegalResourceCenter.org, you can also learn more about becoming an effective advocate by attending one of our [2011 Cancer Rights Conferences](#) ❖



Southern California Cancer-Related Resources

For employment questions:

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

California Dept. of Fair Employment & Housing
(213) 439-6799 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 insurance questions:

California Department of Insurance
(800) 927-4357 www.insurance.ca.gov

For major risk insurance questions:

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

For Pre-Existing Condition Insurance Plans (PCIP) questions:

California Managed Risk Medical Insurance Board
(877) 428-5060 www.pcip.ca.gov

For Medicare questions:

Health Insurance Counseling & Advocacy Program
(213) 383-4519 or (800) 824-0780

For Health Insurance Premium Payment Program (HIPP) questions:

Department of Health Services
(800) 952-5294 or (866) 298-8443
www.dhcs.ca.gov/formsandpubs/forms/Documents/CobraEnglish.pdf

For Women's Health and Cancer Rights Act (WHCRA) questions:

Employee Benefits Security Administration
(626) 229-1000 or (866) 275-7922
www.dol.gov/ebsa/Publications/whcra.html

For general information about cancer:

American Cancer Society
(213) 386-6102 or (800) ACS-2345 www.cancer.org

Susan G. Komen for the Cure®
Los Angeles County Affiliate
11845 W. Olympic Blvd., Suite 645W
Los Angeles, CA 90064
(310) 575-3011 or (800) IM-AWARE
www.komenlacounty.org

Susan G. Komen for the Cure
Orange County Affiliate
3191-A Airport Loop Drive
Costa Mesa, CA 92626
(714) 957-9157 or (800) IM-AWARE www.komenoc.org

Living Beyond Breast Cancer
(888) 753-5222 www.lbbc.org

Young Survival Coalition
(877)YSC-1011 www.youngsurvival.org

LIVESTRONG SurvivorCare program
(866) 673-7205 www.livestrong.org

Cancer Support Community
(888) 793-WELL www.cancersupportcommunity.org

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



Join us for

Casino Angeleno

Saturday, July 23, 2011!

Set on the roof top deck of the Petersen Automotive Museum, this fundraising event will support the work of the Cancer Legal Resource Center. Enjoy guilt free gaming, while listening to the melodies of DJ Ron and taking in the amazing view overlooking the iconic sights of Los Angeles, including the Hollywood sign and the LACMA lampposts.

6:00pm – 10:30pm

Peterson Automotive Museum
6060 Wilshire Boulevard
Los Angeles, CA 90036

Tickets: \$50 per person (includes cocktails, hors d'oeuvres, & \$100 in play money)

Purchase tickets at:

[www.CancerLegalResourceCenter.org/
CasinoAngeleno](http://www.CancerLegalResourceCenter.org/CasinoAngeleno)

**The CLRC thanks
Kaiser Foundation Hospitals
Southern California Region
for supporting this newsletter, in
addition to CLRC educational seminars
in the community and assistance for
people using the CLRC's Telephone
Assistance Line!**

What can the CLRC do for you?

If you or your patients have a diagnosis of cancer, the CLRC may be able to:

- Help you determine what you may or may not need to tell your employer about your cancer diagnosis.
- Walk you through the process to request a reasonable accommodation at work or time off for treatment.
- Provide you with information about your health insurance options including government benefits.
- Give you information about your rights to appeal an insurance company's decision not to pay for your treatment.
- Provide you with knowledge about estate planning, advance health care directives, and powers of attorney for financial affairs
- Explain your options for accessing life and disability insurance benefits
- Educate your caregivers about rights and protections they may have.
- Help you understand how the Patient Protection and Affordable Care Act (health care reform) applies to you and your family.
- Give you tips on how to avoid, deal with, and pay for your medical bills.
- Inform you about your legal protections if you have a genetic predisposition to cancer.
- Provide you with information about the education rights of children and young adults with cancer.
- Teach you about how to be an effective advocate within the legislative process.
- Connect you with a lawyer or other resources in your area that may be able to further assist you.