

The Cancer Legal Resource Center CHRONICLE

April 2011

National, Volume XIV

Stay Connected!

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Need Legal Help?

Click here to complete our
online intake form:

<http://bit.ly/g82CHb>

Get Involved!

Join the CLRC Professional
Panel!

The CLRC is seeking attorneys to join its Professional Panel and help people navigate their cancer-related legal concerns. A volunteer attorney can make the difference! For more information, [click here](#).

Support the CLRC!
Make an online donation, by [clicking here](#).

Sign up to volunteer!

Dear {FIRST_NAME|Friend},

In this month's issue of the Cancer Legal Resource Center Chronicle you will find:

- [What's New at the CLRC!](#)
- [2011 Cancer Rights Conferences](#)
- [Your Brain After Chemo](#)
- [For Health Care Professionals](#)
- [Student Spotlight](#)
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Best Regards,
Joanna Morales
Director, Cancer Legal Resource Center

What's New at the CLRC!



KUCI Radio Interviews CLRC Skadden Fellow, Anya Prince about Protections Against Genetic Discrimination.

On Thursday, March 24, Evan Simon, host of "The Docket" on KUCI Talk Radio 88.9 FM interviewed Anya Prince, Esq. about legal protections against genetic discrimination. To listen to the interview, click here: <http://www.youtube.com/watch?v=ggKhBJvp7Ks>

If you are interested in helping out in the CLRC office or in attending events as a representative of the CLRC, please call us at (866) 843-2572 or [click here](#) to complete a volunteer application.

April 2011 Events

For information about these events, contact us at 866-THE-CLRC (866-843-2572) or CLRC@LLS.edu.

To see the entire 2011 Events Calendar, [click here](#).

"Health Care Reform Update: Employers"

Free Teleconference/Webinar

April 7, 2011

12 p.m. - 1:30 p.m. PST/

3 p.m. - 4:30 p.m. EST

Click here to register:

<http://bit.ly/hgj9qe>

UCLA Cancer Survivor

Education Day

April 9, 2011

9 a.m. - 1:30 p.m.

Ronald Reagan UCLA Medical Center

Los Angeles, CA

For more information, click here:

<http://bit.ly/hwlv3E>

The Stupid Cancer Show - "Employment and Insurance"

April 11, 2011

5:30pm PST/8:30pm EST

Listen live at:

<http://bit.ly/12l0S>



CLRC Awarded Grants by Affiliates of

Susan G. Komen for the Cure®. This

month, the CLRC was awarded new grants

from the [Chicagoland](#) and [Central Valley](#) affiliates of Susan G.

Komen for the Cure® to support the CLRC's services in the

greater Chicago area and California's Central Valley,

respectively. See footage of CLRC Staff Attorney Jamie

Ledezma, Esq. at the Komen Central Valley grantee press

conference by clicking here: <http://bit.ly/gIATsY>. The CLRC also

received renewed grants from the [Los Angeles County](#) and

[McLean County](#) affiliates to continue our valuable work

in California and Illinois service areas.



CLRC Skadden Fellow, Anya Prince,

Esq. Contributes to Facing Our Risk of

Cancer Empowered's (FORCE) Online

Resources for Insurance and Privacy Issues. To view

FORCE's helpful information and resources on Insurance and

Privacy Issues, click here: <http://bit.ly/ftjKx9>



Tune in to "The Stupid Cancer Show" on

April 11th at 5:30 p.m. PST to hear CLRC

Director, Joanna Morales, speak on

employment rights and insurance options

for young adults! "The Stupid Cancer Show"

is sponsored by the [I'm Too Young For This! Cancer Foundation](#).

For more information, visit: <http://StupidCancerShow.com>.



Don't miss the 4th Annual OMG!

Cancer Summit for Young Adults in

NYC, April 16-17 in New York City. The

CLRC is a proud advocacy partner. We

are inviting all of our young adult patients,

families, caregivers, members, alumni

and fans to register today. Visit <http://OMG2011.org> right now!

Cancer and Careers 2011

EDUCATIONAL
SERIES for HEALTHCARE
PROFESSIONALS

Free Continuing Education Units for Health Care

Professionals at the Cancer and Careers 2011 Educational

Series for Health Care Professionals. Learn how to advise

UCLA 11th Annual Brain Tumor Conference
"Legal Issues: Employment & Benefits"

April 16, 2011

12:45 p.m. - 1:30 p.m. PST

De Neve Plaza Commons
UCLA

For more information,
click here: <http://bit.ly/dFjagw>

Lymphoma Research Foundation Regional Workshop

April 16, 2011

7:30 a.m. - 2:30 p.m. EST

Sheraton Needham Hotel
Needham, MA

For more information, click here:
<http://bit.ly/ig3GpY>

"Cancer and the Law" Seminar at Surviving Breast Cancer Together Conference

April 16, 2011

9:00 a.m. - 4:00 p.m. CST

Kennedy-King College
Chicago, IL

To view the event flyer, click here: <http://bit.ly/hx7Ky3>

Sea4Carcinoid Support Group "Insurance Options & Navigation" Seminar

April 16, 2011

1:00 p.m. - 4:00 p.m. PST

Glendale Adventist Medical Ctr.
Glendale, CA

For more information,
call Nick Neville,
support group coordinator:
909-982-8709

OMG! Summit 2011

your patients at this free series of teleconferences/webinars designed just for health care professionals. On **April 7, 2011**, at **12pm EST**, join CLRC Director, Joanna Morales, for a seminar on "Legal and Insurance Issues to Consider." Register today by clicking here: <http://bit.ly/gBrIEq>.



Join Us for Casino Angeleno on Saturday, July 23, 2011!

The CLRC's summer fundraising event is back by popular demand! Join us on the the roof top deck of the Petersen Automotive Museum for a fun-filled summer

night of guilt-free gaming, food, cocktails, music, and fabulous prizes. To purchase tickets, visit

www.CancerLegalResourcCenter.org/CasinoAngeleno.

Registration is now open for the 2011 Cancer Rights Conferences!



Register today! The CLRC will be hosting the following Cancer Rights Conferences in 2011:

June 24, 2011

Chicago, IL

REGISTRATION IS NOW OPEN!

Click here to register today:

<http://svy.mk/emkxlv>

September 23, 2011

Washington, DC

REGISTRATION IS NOW OPEN!

Click here to register today:

<http://svy.mk/g3j86y>

April 16-April 17, 2011

New York, NY

For more info, click here:

<http://bit.ly/977qu2>

Oncology Nursing Society

36th Annual Congress

April 28 - May 1, 2011

Booth # 140

Boston Convention and

Exhibition Center

Boston, MA

For more information, click here:

<http://bit.ly/fg3TV0>

Susan G. Komen for the Cure®

- Northern Indiana Affiliate

Race for the Cure®

April 30, 2011

7:00 a.m. CST

Coveleski Stadium

South Bend, IN

For more information, click here:

<http://bit.ly/hQxejh>

October 21, 2011

Ann Arbor, MI

REGISTRATION IS NOW OPEN!

Click here to register today:

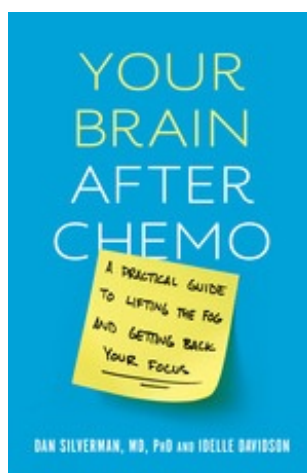
<http://svy.mk/eLPzhF>

To learn more about the Cancer Rights Conferences, visit

www.CancerRightsConference.org.

Is "Chemo Brain" a Disability Under the ADA (Americans with Disabilities Act)?

By Idelle Davidson, guest contributor



In researching and co-authoring "Your Brain After Chemo: A Practical Guide to Lifting the Fog and Getting Back Your Focus," I interviewed countless survivors who reported often debilitating cognitive issues following treatment for cancer. I wanted to know if there were any legal protections available to them in the workplace, or at home if they could no longer work.

To find out, I spoke with Joanna Morales, an attorney and the director of the Cancer Legal Resource Center. -- Idelle Davidson

Q and A With Joanna Morales

ID) What is the legal standard to qualify for a disability?

JM) To have a disability under the [ADA's definition of disability](#), you have to have a physical or mental impairment that substantially limits major life activities, have a history of an

impairment, or be regarded as having an impairment.

Major life activities have traditionally been things like walking, talking, eating, breathing and working. But when the ADA amendments passed in 2008, they specifically delineated some additional major life activities that made it easier for someone with cancer to actually use the ADA's protections.

And those activities include sleeping, concentrating, thinking, communicating and operation of major bodily functions.

So, particularly the concentrating and thinking activities really speak to the side effects from treatment that we often call, "chemo brain."

This really makes it much easier to argue that the effects of chemo brain are substantially limiting major life activities. That by itself has made it easier for people with cancer to use the ADA's protections.

Now what that means is you really get two types of protections in the employment arena. One is that you're protected against discrimination. And two is that you get access to reasonable accommodations.

ID) What would those accommodations be?

JM) Reasonable accommodations are things that could accommodate you in the workplace if you are experiencing chemo brain. That might mean having a note taker in a meeting or maybe your employer would buy you a tape recorder so that you can tape record meetings to help you remember what was agreed upon in that meeting.

That might also mean help with organization of your workspace or providing things that are going to make the concentrating piece, or sometimes the memory piece, easier for you in the work environment. So maybe your employer might provide access to a hand-held electronic device such as a PDA (personal digital assistant) so that you can take notes and have access to your contacts, calendar, and to-do list all in the same place.

So there are lots of pretty simple things that can be reasonable

accommodations and can ease your experience with chemo brain and are relatively easy for an employer to provide.

ID) But "chemo brain" may not be severe in every case.

JM) That's correct. We can never say across the board that everyone who experiences chemo brain has a disability, or even that everyone who has cancer has a disability. That analysis is always done on a case-by-case basis. It's how your particular diagnosis is affecting your particular major life activities and whether or not that effect is substantial.

ID) Who makes that evaluation?

JM) Eventually if it were to go to that point, it would be a court. So you would hope that you wouldn't have to go to court to make the argument that you do have a qualifying disability.

But initially if you're having that conversation with your employer, your employer is going to get that information from your health care team. All you may need is just a letter from a health care professional that speaks to your particular medical condition and your ability to function in the context of major life activities.

ID) So the employee makes a request for an accommodation. What happens next?

JM) Once a request for an accommodation is made, the employer and employee are supposed to engage in what is called the "interactive process," so that there is a discussion about the accommodations that are being requested and if there are perhaps alternative accommodations that would work better. It's supposed to be a back-and-forth dialogue. But ultimately the employee is supposed to get an accommodation.

Now if along the way the employee doesn't feel as if he's getting heard, there are different options. One is mediating with the employer, filing a complaint with the state fair employment agency or the federal [Equal Employment Opportunity Commission \(EEOC\)](#) or pursuing legal representation. That can be something as simple as a lawyer writing a letter on behalf of the employee, reminding the employer of their obligations under the law and what the employee is asking for, or it can be much more aggressive depending on the circumstances.

ID) What if you just can't work anymore even with accommodations?

JM) Then disability benefits are a pretty good option if you qualify for them. There are lots of different types of disability benefits. There are some states that have state disability insurance programs. There are employers who offer short and long-term disability insurance plans through your work. You can also buy your own private short or long-term disability insurance plan. There are also the two federal long-term disability insurance plans available through the Social Security Administration: [Social Security Disability Insurance \(SSDI\)](#), and [Supplemental Security Income \(SSI\)](#).

ID) What are the qualifications for each one?

The qualifications for each are very different. In California, for example, the [California State Disability Insurance \(SDI\)](#) plan has the lowest standard of disability. You just have to have a medical condition that is keeping you out of work at least eight days. That's probably the simplest definition of disability.

For SSI and SSDI, you must have a disability that's expected to last longer than a year and is keeping you from substantial gainful activity.

And then for private plans, whether they are something you purchase yourself, or are purchased through an employer, the contract is going to define disability and the terms of the policy.

ID) What are the specific disability benefits for each program?

It depends on the program. In California, SDI will pay approximately 55% of your income while you were working. It's a formula. They look back over a certain number of quarters of what you were making and then it's 55% of that amount.

Then there are the two federal long-term programs. SSI is a flat monthly rate and SSDI pays benefits based on what you have paid into the Social Security system over your work history.

ID) What if you don't work? Perhaps you're retired or you're

a stay-at-home parent where functioning at home is difficult.

What then?

JM) If you aren't working, but are in a situation where you are experiencing chemo brain and maybe other long-term side effects from treatment such as fatigue or depression you may qualify for other assistance programs. Getting assistance around the house, whether it be paying bills or daily chores, can bring up a number of different areas of the law. So if it's financial management, perhaps you would want to consider a power of attorney for financial affairs. If it's to keep track of the day-to-day things, you may be able to qualify for in-home support services, depending on your income and whether you qualify for that program.

ID) Where does that assistance come from?

In-Home Support Services (IHSS) is a program related to Medicaid (Medi-Cal in California) that is available in some states (contact the [Cancer Legal Resource Center](#) for state information). And it's specifically available to assist people who would prefer to stay in their own home, rather than be forced into moving to an institutional environment like a nursing home. And they can have someone come into their home and help them.

IHSS will do an assessment to see what your capacity is and what you need help with and how many hours per week you require assistance, then they come up with a formula and they will pay for part or all of that care. But you do need to have an income level that qualifies you for the Medicaid program in your state.

ID) How can people reach you if they have questions?

JM) People can contact our national, toll-free telephone assistance line at 866-THE-CLRC (866-843-2572) or visit our website at www.CancerLegalResourceCenter.org for more information about these topics and other cancer-related legal issues. ►

*Originally published at www.yourbrainafterchemo.blogspot.com.
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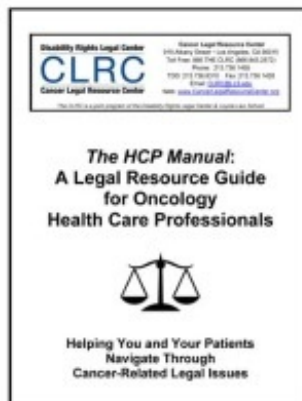
Idelle Davidson is an award-winning journalist, a breast cancer

survivor and a recipient of the Wellness Community's Pillar of Strength Award for Making a Difference. She is co-author (with Dr. Dan Silverman at UCLA) of "Your Brain After Chemo: A Practical Guide to Lifting the Fog and Getting Back Your Focus." Their book has been widely reviewed and is available on Amazon.com.

For Health Care Professionals

L I V E S T R O N G

In February of 2009, the CLRC received a three-year grant from **LIVESTRONG** to educate health care professionals about the legal burdens associated with cancer survivorship. The goal of the project is to empower health care professionals in the cancer community by training them to identify the presence of cancer-related legal issues for their patients and to offer appropriate referrals to legal resources as appropriate. In addition to the Cancer Rights Conferences and local educational seminars, the CLRC provides these services specifically to health care professionals.



The HCP Manual: A Legal Resource Guide for Oncology Health Care Professionals - 2nd Edition (2011)

is now available online and can be accessed by clicking here:

<http://bit.ly/fOgUg7>. The HCP Manual

provides concise information on

issues that affect patients coping with cancer from diagnosis through survivorship.

HCP Survey:

In an attempt to strengthen our outreach and education efforts in the cancer community, we have composed an online survey to

learn more about the demographics of patients, the frequently asked questions and concerns raised by patients, and thoughts on the role health care professionals play in providing information to their patients. **Health Care Professionals: Take the survey now by clicking here:**

<http://www.surveymonkey.com/s/HCPsurvey!>

HCP Focus Group:

The CLRC has developed a focus group to identify what types of information, resources, and training are most beneficial for health care professionals, their patients, and their colleagues. During these focus groups, attendees provide feedback and brainstorm on ways to reach other professionals in the cancer community while gaining hands-on tools to identify cancer-related legal issues that affect many of their patients.

The CLRC is currently hosting a focus group on **Wednesday, May 25, 2011 at 10 a.m. PST** via a live webinar. To register, click here: www2.gotomeeting.com/register/172830355

The CLRC can provide a focus group for your community in person or by webinar. For more information, to host a focus group, or to register for an upcoming focus group, please email Angelica.Corral@lls.edu or call 213-252-8449.

Student Spotlight!



Candice Pillion currently externs at the CLRC while attending Loyola Law School. Her hard work, compassion and evident intelligence quickly won over the staff's appreciation and respect. Candice is always willing to take on challenging files or help on any task the staff may need. She does this with focus and a great attitude. We invite you to read more on her experience with the CLRC:

Tell us a bit about yourself.

I grew up both in New Jersey and San Diego, and did my undergrad at Point Loma Nazarene University in San Diego. I've spent time working in a few different public service organizations so far--the homeless and elderly services ministry of a church; a

...and the non-governmental organization, Transparency International, that does anticorruption work; a Central District Court judge's chambers--and feel very drawn to work that allows me to help the public in some way. It's a cliché, but I came to law school to be helpful, and fortunately for me, I've fallen in love with work that allows me direct contact with individuals and gives me the chance to help them achieve a just outcome.

How did you hear about the CLRC? Why did you join the CLRC for your Spring externship?

Last semester, I attended a panel of attorneys that work in three different capacities--private practice, government, and nonprofits--and Joanna was one of the speakers. While I had heard of the CLRC before, it was hearing Joanna speak about exactly what the CLRC does that made me realize what a great fit it would be for me. I am extremely interested in health care law and advocacy, and liked the idea of being able to give someone in a terrible position a positive interaction.

What are some of the experiences you will take away with you?

I've learned a tremendous amount about employment law, health care law, and even how to obtain medical reprieve in the Georgia Department of Corrections. I've also learned so much about conducting intakes with people who are in a deep amount of pain or panic, or don't have the same mental acuity that they're accustomed to having. It has increased my understanding tremendously of what life is like for someone with cancer, and taught me a great deal about the value of listening to people's stories. I've had some really lovely and heartbreaking conversations with callers that made me wish I could give them a hug.

What were some of the harder aspects of working in the cancer community and what are some of the more fulfilling ones?

It can be very heartbreaking speaking to someone who is in crisis. When I made my first call, I had expected to speak to a woman about her daughter's Supplemental Security Income check being reduced. However, in the time between her leaving a message and me returning her call, her daughter, a young woman in her early 20s, had passed away from leukemia. I spoke with a man who had recently lost his wife, and was now watching his son beg for more pain medication. Leading the dad

to make a questionable decision about how to acquire more pain medication for his son. So often, good people who did nothing wrong aren't protected by the law. However, I have been amazed by the ability of people not to become hopeless in the face of overwhelming life events. Despite everything going against them, I've spoken to so many people who are still fighting hard to stay afloat and regain their health or care for their families. It's also been wonderful to work among people who sincerely care about helping others and dedicate their days to finding answers for those who call in. It's been encouraging to know that I could find a way to work in the law with positive people who are dedicated to helping others. I feel like I really have left a positive impact on some people's lives just by listening or explaining the law to them, which is a big encouragement as I near the end of law school and think about what I'll do when I head out into the world. ►

To learn more about opportunities for students and volunteers at the CLRC, click here: <http://bit.ly/hDYyJm>.

About the CLRC

Disability Rights Legal Center

CLRC

The Cancer Legal
Resource Center (CLRC)

Cancer Legal Resource Center

is a national, joint program of the Disability Rights Legal Center and Loyola Law School Los Angeles. The CLRC provides free and confidential information and resources on cancer-related legal issues to cancer survivors, caregivers, healthcare professionals, employers, and others coping with cancer.

A cancer diagnosis can carry with it a variety of legal issues, including insurance coverage, employment discrimination, access to health care, and estate planning. These legal issues can cause people unnecessary worry, confusion, and stress, and can be overwhelming. When these legal issues are not addressed, people may find that although they have gotten through treatment, they have lost their homes, jobs, or insurance.

Since its founding in 1997, the CLRC remains unique, providing invaluable cancer-related legal information and resources to people nationwide. Throughout its 14-year history, the CLRC has

served over 231,000 people through the Telephone Assistance Line (866-THE-CLRC), Cancer Rights Conferences, seminars, clinics, outreach programs, and other cancer community activities.

The CLRC is funded by grants and donations and the Combined Federal Campaign is a great way to donate to the CLRC. If you are a federal employee, please consider participating in this campaign and donating to the **Disability Rights Legal Center, CFC #30555**. State employee campaigns will also find us under **Disability Rights Legal Center**.

Visit www.CancerLegalResourceCenter.org for more information about cancer-related legal issues and services provided by the Cancer Legal Resource Center.



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