

# The Cancer Legal Resource Center CHRONICLE

Volume II

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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, 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. ❖

## Disability Insurance Options

By: Tiffany Sirikulvadhana, Esq.  
Staff Attorney, Cancer Legal Resource Center

A cancer diagnosis can bring a wide range of legal and financial issues. Managing the cost of cancer care can be challenging, even for people who have health insurance. Many people are not aware that disability insurance is a benefit that can help ease the potential financial burden of a cancer diagnosis.

Disability insurance is a way to replace your work income, if you need to take time off because a health condition prevents you from working. Disability insurance pays you wages while you are unable to work. There are a number of ways to obtain disability insurance benefits, including state, federal, and private disability insurance options.

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### State Disability Insurance (SDI)

In California, the State Disability Insurance (SDI) program provides short-term disability insurance benefits for up to 52 weeks. These benefits provide employees with partial wages that are approximately 55% of what your wages would have been had you been working.

Under SDI, "disability" is defined as any mental or physical illness or injury, which prevents you from performing your regular or customary work. You must be under the care and treatment of a licensed doctor and file a claim within 49 days of the date your disability begins.

In order to qualify for SDI you must be unable to work for at least eight consecutive days. You must also be employed or actively looking for work at the time your disability begins. In addition, you must have earned at least \$300 within the twelve months and have paid SDI taxes on the \$300.

### Social Security Administration Programs

The Social Security Administration (SSA) provides two federal long-term disability insurance programs: Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI).

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

To qualify for benefits through the SSA, you must meet the SSA's definition of "disability," which has 3 parts:

1. The inability to engage in any substantial gainful activity,
2. Due to any medically determinable physical or mental impairment,
3. Which can be expected to result in death, or has lasted, or can be expected to last, for a continuous period of at least 12 months.

Receipt of Social Security benefits is based on how your medical condition is having an affect on your ability to work.

### *Social Security Disability Insurance (SSDI)*

The Social Security Disability Insurance (SSDI) program provides long-term benefits to individuals who have paid Social Security taxes on their wages. To be eligible for SSDI, you must have worked and paid taxes within five of the last ten years. The amount of your monthly disability benefit is based on the amount of your lifetime earnings. There is a five-month waiting period before an individual receives benefits; however, an individual may receive benefits retroactively. An individual will receive benefits back to the date of application. If the disability began before the application date, the individual will receive back benefits up to one year prior to the application date.

### *Supplemental Security Income (SSI)*

The Supplemental Security Income (SSI) program provides a monthly benefit for individuals who are aged 65 or older, blind, or have a disability. This program is different than SSDI, in that you do not have to have a work history and it is based on an individual's limited income and resources. In California, the amount of the monthly disability benefit payment includes a federal base amount and a supplement state amount. The benefit amount changes each year.

### Private Disability Insurance

Private disability insurance is an insurance policy provided by an employer as an employee benefit or an insurance policy that can be purchased by an individual directly from an insurance company. Private disability insurance provides benefits to individuals who cannot work due to a medical condition, by paying them all or part of their salaries. There are two types of private disability insurance: short-term and long-term policies.

Short-term disability insurance pays a percentage of your salary if you are unable to work for a period of time, due to a medical condition. Short-term disability insurance usually pays a percentage of your salary for a specific period of time, usually lasting no more than one year.

Long-term disability insurance also pays a percentage of your salary if you are unable to work on a long-term or permanent basis.

Policies vary on the length of time they will provide benefits and amount of coverage. The definition of "disability" also varies among policies. It is also important to review all other requirements you must meet in order to obtain benefits; including any waiting periods, medical documentation, rehabilitation options, etc. Individuals can draw upon their private disability insurance benefits and any state and federal benefits for which they are eligible; however, individuals will not receive more than the amount of their salary while at work.

People who apply for disability insurance benefits are often initially denied. So it is important to become familiar with the appeals process and to appeal any denials by the appropriate deadlines.

**For more information about disability insurance, please call the CLRC's national Telephone Assistance Line at 866-843-2572 or visit [www.CancerLegalResourceCenter.org](http://www.CancerLegalResourceCenter.org).** ❖

## **Meeting the Members of the CLRC Professional Panel:**

### ***Jennifer Sawday, Esq.***

By: Laura Urias, Esq.  
*Staff Attorney, Cancer Legal Resource Center*

Jennifer Sawday has been a volunteer attorney on the CLRC's Professional Panel for three years. Ms. Sawday is an estate planning attorney practicing at Tredway, Lumsdaine & Doyle, LLP in Long Beach, CA.

Ms. Sawday went to California State University Dominguez Hills (CSUDH) where she obtained a Bachelors of Science in Public Administration in 1995. Later she went back to CSUDH for a Masters of Public Administration degree and graduated in 1997. Before making the decision to become an attorney, Ms. Sawday was employed as a member of the technical staff for The Aerospace Corporation in El Segundo.

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## Where We'll Be . . .

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

### SEPTEMBER 2009

EVENT: Women of Color Breast Cancer Support Luncheon  
DATE: SEPTEMBER 19, 2009  
PLACE: LAX Marriott Hotel, Los Angeles  
TIME: 11 a.m. to 3 p.m.

EVENT: California REACH US Conference  
DATE: September 23-24, 2009  
PLACE: Hyatt Regency, Long Beach  
TIME: 8 a.m. to 4 p.m.

### OCTOBER 2009

EVENT: Silver Saturday  
DATE: October 3, 2009  
PLACE: The Wellness Community - Foothills  
TIME: 8 a.m. to 3 p.m.

EVENT: The Women's Conference  
DATE: October 27, 2009  
PLACE: Long Beach Convention Center – 300 E. Ocean Blvd., Long Beach  
TIME: 7 a.m. to 7 p.m.

EVENT: Senator Carol Liu's Women Health Conference and Expo  
DATE: October 30, 2009  
PLACE: PASADENA, CA  
TIME: 8 a.m. to 2 p.m.



## Cancer Legal Resource Center Staff

### Director

Joanna Morales, Esq.

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### Outreach & Education Coordinator

Jennifer Chayo Fenton, J.D.

### Advocacy & Outreach Coordinator

Sarah Semrow

### Intake Coordinator

Maria Badillo

Ms. Sawday graduated from Loyola Law School as an evening student, while still maintaining a full-time job with the Aerospace Corporation. Her decision to practice estate planning comes from her personal experience with the heartache and frustration of having to probate her father's estate while she was in law school.

Not only is Ms. Sawday extremely knowledgeable and passionate about estate planning, but she also shares a connection with many of the CLRC callers due to her own personal loss to cancer.

"My mother died of cancer when I was 21. My mother was 46. (She passed first and nearly 8 years later my father died). I wanted to be available for CLRC attorneys, staff and callers to assist on a pro bono basis to provide assistance to others who may be going through a hard time because of cancer. Participating on the CLRC panel is the least I could do to give back to the community."

Ms. Sawday has generously given back to the cancer community through her work on the CLRC panel. In December of 2008, a social worker from UCLA Medical Center called the CLRC frantically looking for assistance on behalf of a patient with terminal breast cancer. The patient had a 16 year-old daughter and was concerned about who would get custody of her daughter. The patient wanted her eldest daughter to look after her youngest daughter, but had not documented her wishes in a will or any type of legal instrument. The patient's health was deteriorating fast and her limited resources made hiring an attorney a remote possibility, until she was referred to Ms. Sawday. Ms. Sawday was approached for help and did not hesitate in assisting the patient immediately, even offering to go to the hospital to see the patient. Ms. Sawday met with the client within a day or two of receiving the referral and was able to help the patient before she passed away.

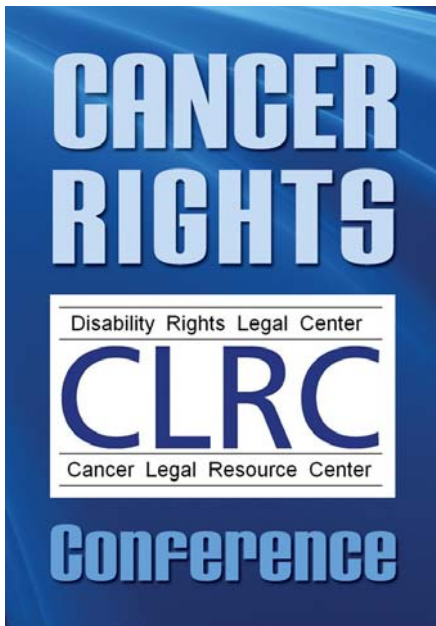
The CLRC is fortunate to have access to an attorney that is knowledgeable, compassionate, and understands first-hand the challenges that a person with a cancer diagnosis faces. Please join us in thanking Ms. Sawday for her service. ❖

**The CLRC Website is  
now available in Spanish at:**

[www.cancerlegalresourcecenter.org/CLRCEspanol.cfm](http://www.cancerlegalresourcecenter.org/CLRCEspanol.cfm)

**La página del Internet del CLRC está  
disponible en español en:**

[www.cancerlegalresourcecenter.org/CLRCEspanol.cfm](http://www.cancerlegalresourcecenter.org/CLRCEspanol.cfm)



**Registration is now open for the  
Cancer Legal Resource Center  
2009 Cancer Rights Conference  
at the Hoag Hospital Conference Center  
October 17, 2009!**

We invite you to join us for this **free, all-day conference** for patients, survivors, caregivers, healthcare providers, advocates, employers, business and community leaders, and anyone else who is interested in learning about the legal rights of people with cancer.

Gain valuable information about cancer-related legal issues, such as employment rights and taking time off work; health, life, and disability insurance options; navigating managed care; access to government benefits; and estate planning.

The CLRC is proud to offer the 2009 Cancer Rights Conference with the support of presenting sponsorships from the **Disability Rights Legal Center**, **Genentech**, the **California Office of the Patient Advocate**, the **Orange County Affiliate of Susan G. Komen for the Cure**, and **Hoag Cancer Center**. The lunch session is sponsored by **Rose, Klein & Marias, LLP** and the workshop sessions are sponsored by **BP, Ross & Morrison Attorneys at Law, Law Offices of Linda S. Kilbanow, and Khampf Whang, LLP**.

Visit [www.CancerLegalResourceCenter.org](http://www.CancerLegalResourceCenter.org) to register for this free event! ❖

## **CLRC Receives Grant from the Lance Armstrong Foundation to Educate Healthcare Professionals**

The CLRC has received a three-year grant from the Lance Armstrong Foundation to educate oncology healthcare professionals, including doctors, nurses, social workers, psychosocial care professionals, and patient advocates, about cancer-related legal issues.

Through this grant, the CLRC will be providing educational seminars, focus groups, conferences, and an online survey for healthcare professionals. The CLRC is also developing a Legal Guide for Healthcare Professionals.

If you would like more information about this project or would like to participate in one of these events, please contact Jennifer Fenton, CLRC Education & Outreach Coordinator, at [Jennifer.Fenton@LLS.edu](mailto:Jennifer.Fenton@LLS.edu) or (213) 736-1455.

## **CLRC Partners with the ABA's Breast Cancer Task Force**

The CLRC and the American Bar Association's Breast Cancer Task Force have partnered on an initiative to train lawyers to assist people with cancer-related legal issues and to connect lawyers with the people who need their assistance.

The ABA's Breast Cancer Task Force provides legal advocacy training to lawyers, provides resources for lawyers and consumers dealing with breast cancer, and educates the public, lawyers, and policymakers on a range of legal issues related to women's health. After being trained, lawyers are given the opportunity to join the CLRC's Professional Panel.

When people with cancer-related legal issues contact the CLRC's national Telephone Assistance Line (866-843-2572), if appropriate, they may be connected with a member of the CLRC's Professional Panel (a lawyer in their state, who practices in a relevant legal field).

For more information on this partnership, please visit: [www.CancerLegalResourceCenter.org](http://www.CancerLegalResourceCenter.org) or [www.abanet.org/health/07\\_Projects/BCTF/index.shtml](http://www.abanet.org/health/07_Projects/BCTF/index.shtml)

## CLRC Educational Seminars on the Phone or Online!

*Get the answers to questions you  
didn't know to ask . . .*

The CLRC provides free teleconferences and webinars for cancer patients, survivors, caregivers, healthcare professionals, and others coping with cancer.

Participants can listen and watch the seminar slides over the internet, or participants can listen to the seminar over the telephone and view seminar slides sent by email or mail.

### National Seminars

**(3-4:30pm Pacific/6-7:30pm Eastern)**

- Tuesday, 9/15/2009 - Cancer & the Law
- Wednesday, 9/22/2009 - Navigating Managed Care
- Wednesday, 10/14/2009 - Life Insurance
- Wednesday, 11/11/2009 - Managing the Cost of Cancer Care
- Tuesday, 11/17/2009 - Cancer & the Law

### California Seminars

**(6-7:30pm Pacific)**

- Wednesday, 9/9/2009 - Cancer & the Law (Spanish)
- Tuesday, 10/20/2009 - Cancer & the Law
- Tuesday, 12/15/2009 - Navigating Managed Care

**Register for these free seminars at  
[www.CancerLegalResourceCenter.org](http://www.CancerLegalResourceCenter.org)  
or call 213-736-1331.**

## The Manual: A Legal Resource Guide for People with Cancer in California

The CLRC has designed a legal guide for people coping with cancer with information about employment, taking time off work, disability insurance, health insurance, how to ensure your treatment gets paid for, estate planning, and legislative advocacy. This guide is available online at [www.CancerLegalResourceCenter.org](http://www.CancerLegalResourceCenter.org). Funding for this guide was provided, in part, by the [Lance Armstrong Foundation](#).

## California Office of the Patient Advocate Educates Health Insurance Consumers



The California Office of the Patient Advocate (OPA) educates consumers about their rights and responsibilities as health plan enrollees and teaches consumers how to make best use of the services offered by their health plans.

The OPA provides educational guides, such as [How to Use Your Health Plan](#) and the [Quality of Care Report Card](#), which educates consumers about how doctors, medical groups, and health insurance plans rate on the quality of care their members receive.

The OPA also works with other government agencies, such as the [Department of Managed Health Care](#), and community organizations, such as the Cancer Legal Resource Center, to educate people about their health insurance rights and to help people enforce those rights.

Visit [www.opa.ca.gov](http://www.opa.ca.gov) for more information. ❖

## CLRC in the Community



CLRC Law Clerks, Salar Hendizadeh, Amira Abed, Henley Hansen, CLRC Advocacy and Outreach Coordinator, Sarah Semrow, and CLRC Staff Attorney, Tiffany Sirikulvadhana, at the Community Alliances Conference in Orange County, CA

## CLRC Student Spotlight

During the 2009 Summer Externship Program at the CLRC, Diana Hamlin stood out as the law student who was completely focused on the task at hand, consistently generating good work. Above her extraordinary work ethic, Diana is valued for her compassionate nature, which is always evident when she speaks to our callers and the effort she places into helping them. She expresses a shared sentiment amongst the staff, "The most difficult aspect of working at the CLRC is the emotional toll of seeing the injustices that far too many people have to endure, especially people that are



experiencing an event in their lives that already requires a great deal of strength and support."

Diana was born in Pasadena, CA. Her father was born in the US and her mother in Cuba. She feels being raised in a family

with ethnic diversity exposed her to cultural, political and emotional differences that instilled in her an acute sense of legal awareness. She graduated from California State University, Fullerton with a B.A. in Psychology and is currently a law student at Whittier Law School where she is also a member of the Moot Court Honors Board.

About her experience with the CLRC, she states, "the CLRC allows me to actively participate in a cause I believe in; the cause being working towards increasing knowledge and awareness about legal rights and the ability to enforce them." After graduating from law school, Diana hopes to incorporate her two passions: practicing law and helping to improve society in some way. ❖



### Register to vote today!

The most effective way to make your voice heard is to vote. Visit the website for the California Secretary of State to register to vote online:

[http://www.sos.ca.gov/elections/elections\\_vr.htm](http://www.sos.ca.gov/elections/elections_vr.htm)

## Advocacy Corner

The CLRC strongly believes that cancer is a political issue. Legislative advocacy in the Cancer Rights arena is 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.

With the possibility of significant changes to the health care system on the horizon, it is more important than ever to stay informed and understand the legislative issues that may affect people with cancer. The CLRC and the DRLC are currently supporting bills that will increase access to affordable and quality healthcare, remove pre-existing condition exclusion clauses from health insurance policies, provide patient and consumer protections, and increase access to clinical trials.

**For a complete list of federal and state legislation, supported by the CLRC, please visit:**  
[www.CancerLegalResourceCenter.org](http://www.CancerLegalResourceCenter.org). ❖



CLRC Advocacy & Outreach Coordinator, Sarah Semrow, and CLRC Legislative Advocacy Intern, Melissa Oppen in Washington, D.C. for 2009 Komen Lobby Day

## Cancer-Related Resources

### For employment related questions:

Equal Employment Opportunity Commission  
(213) 894-1000 or (800) 669-4000  
[www.eeoc.gov](http://www.eeoc.gov)

California Dept. of Fair Employment & Housing  
(213) 439-6799 or (800) 884-1684  
[www.dfeh.ca.gov](http://www.dfeh.ca.gov)

Job Accommodation Network (JAN)  
(800) 526-7234 [www.jan.wvu.edu](http://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](http://www.dol.gov/dol/topic/benefits-leave)

### For State Disability Insurance (SDI) questions:

California Employment Development Department  
(800) 480-3287 [www.edd.ca.gov](http://www.edd.ca.gov)

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

Social Security Administration  
(800) 772-1213 [www.ssa.gov](http://www.ssa.gov)

### For COBRA questions:

U.S. Department of Labor  
Employee Benefits Security Administration  
(866) 275-7922 [www.dol.gov/ebsa/](http://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](http://www.dmhc.ca.gov)

### For insurance questions:

California Department of Insurance  
(800) 927-4357 [www.insurance.ca.gov](http://www.insurance.ca.gov)

### For major risk Insurance questions:

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

### For Medicare questions:

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

### 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 general information about cancer:

American Cancer Society  
(213) 386-6102 or (800) ACS-2345 [www.cancer.org](http://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](http://www.komenlacounty.org)

Living Beyond Breast Cancer  
(888) 753-5222 [www.lbbc.org](http://www.lbbc.org)

Young Survival Coalition  
(646) 257-3000 or (877) YSC-1011  
[www.youngsurvival.org](http://www.youngsurvival.org)

Lance Armstrong Foundation  
LIVESTRONG SurvivorCare program  
(866) 673-7205 [www.livestrong.org](http://www.livestrong.org)

The Wellness Community  
(888) 793-WELL [www.thewellnesscommunity.org](http://www.thewellnesscommunity.org)

National Cancer Institute  
(800) 4-CANCER [www.cancer.gov](http://www.cancer.gov)

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### About Susan G. Komen for the Cure®, Los Angeles County Affiliate

The Los Angeles County Affiliate of Susan G. Komen for the Cure 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 for the Cure has 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 for the Cure also engages millions of people in events like Komen Race for the Cure® in thousands of communities.



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

**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 Cancer Legal Resource Center!**

**PAYMENT INFORMATION**

LLS 11-3-71400-00000-7465

Federal Tax ID# 95-2960607

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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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