Medical Legal Assistance for Families: How Public Benefits Help Your Patients

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Learning Objectives

After attending this presentation, the participants will be able to:
1. Describe the current status of medical legal partnerships in the US and Texas.
2. Discuss public benefits commonly available to children and families, including who qualifies.
3. Describe how families apply for various public benefits and what to do in the event of denials.
4. Explain the physician’s role in helping patients to fully access appropriate public benefits.
5. List the steps in making referrals to MLAF.

MLPs: History

1993: First Medical Legal Partnership for Children at Boston Medical Center

2005: National Center for Medical Legal Partnership opens

Now: 83 MLP sites partner with more than 235 health care institutions

Policy Supporting MLP

D-265.989 Medical-Legal Partnerships to Improve Health and Well Being

AMA:
(1) encourages physicians to develop medical-legal partnerships (MLPs) to help identify and resolve diverse legal issues that affect patients’ health and well-being;
(2) will work with physician groups and other key stakeholder organizations such as the American Bar Association and the Legal Services Corporation to: (a) educate physicians on the impact of unmet legal needs on the health of patients; (b) will provide physicians with information on screening for such unmet legal needs in their patients; and (c) provide physicians, hospitals and health centers with information on establishing a Medical-Legal Partnership; and
(3) will create a model medical-legal partnership agreement for physicians to utilize as guidance when entering into such an agreement. (BOT Rep. 15, A-10)

AAP Resolution Supporting MLP

Whereas the American Bar Association recently passed a resolution “That the American Bar Association encourages lawyers, law firms, legal services agencies, law schools and bar associations to form medical legal partnerships with hospitals, community health care providers and social service organizations to help identify and resolve diverse legal issues that affect patients’ health and well-being”, therefore be it

RESOLVED, that the Academy encourage closer and more frequent collaboration between legal service and medical professionals, and be it further

RESOLVED, that the Academy promote “medical-legal partnerships,” in which lawyers work with members to identify and resolve legal issues affecting the health and well-being of children.

Resolution to the 2008 Annual Leadership Forum, December 2007

“[M]edicine and law work effectively together to reduce preventable illness.”

Hum and Faulker, Medical-legal partnerships: A new beginning to help Australian children in need, 2009; 17 JLM 105-118
ABA Policy Supporting MLP

RESOLVED, That the American Bar Association encourages lawyers, law firms, legal services agencies, law schools and bar associations to develop medical-legal partnerships with hospitals, community-based health care providers, and social service organizations to help identify and resolve diverse legal issues that affect patients’ health and well-being.

Adopted by House of Delegates – August 2007

Major Texas MLP Funding

- Texas Access to Justice Foundation: Texas non-profit that funds legal services and other similar programs
  - 12% cut in 2011 legislative session (was almost much worse!)
- Legal Services Corporation: national non-profit that funds legal services programs in US

Key MLAF Partners

- Texas RioGrande Legal Aid, Inc – A non-profit organization providing high quality legal services and community education to low income Texans. Provides 1.5 attorneys, one paralegal and one administrative assistant.
- UTHSCSA Department of Pediatrics – Serving children and their families through patient care, teaching, service and research. Provides medical direction of two pediatricians and part-time coordinator. Provides office space.
- City of San Antonio/Department of Community Initiatives (DCI) – Promoting economic self-sufficiency, family strengthening and enhanced quality of life for San Antonio families. Provides one part-time case manager and supervisory support.

In addition to these key partners, MLAF has received project support from Christus Santa Rosa Children’s Hospital, Catholic Charities, and a grant from San Antonio Area Foundation.

MLAF’s Priority Areas (Legal)

Primary areas addressed:
- Housing
- Education
- Benefits (Medicaid, food stamps, Social Security, utilities assistance)

MLAF - Subject of Cases

![Chart showing subject of cases: Education, Health, Housing, Public benefits, Other, Utilities assistance.](chart.png)
Major Public Benefits Programs for Texas Children

- **Nutrition**
  - Women Infants and Children (WIC)
  - Supplemental Nutrition Assistance Program (SNAP, formerly known as food stamps)
- **Income Supports**
  - Supplemental Security Income (SSI)
  - Temporary Assistance for Needy Families (TANF)
- **Health Care**
  - Medicaid
  - Children’s Health Insurance Program (CHIP)

Who Runs the Programs?

<table>
<thead>
<tr>
<th>Program</th>
<th>Federal</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>WIC</td>
<td>US Dept. of Agriculture, Food and Nutrition Service (USDA, FNS)</td>
<td>Texas Department of Health Services (THHSC)</td>
</tr>
<tr>
<td>SNAP/Food Stamps</td>
<td>USDA, FNS</td>
<td>Texas Health and Human Services Commission (THHSC)</td>
</tr>
<tr>
<td>SSI</td>
<td>Social Security Administration</td>
<td>—</td>
</tr>
<tr>
<td>TANF</td>
<td>US Dept. of Health and Human Services (USDHHS), Admin. for Children and Families</td>
<td>THHSC</td>
</tr>
<tr>
<td>Medicaid</td>
<td>USDHHS, Centers for Medicare and Medicaid Services (CMS)</td>
<td>THHSC</td>
</tr>
<tr>
<td>CHIP</td>
<td>CMS</td>
<td>THHSC</td>
</tr>
</tbody>
</table>

Women Infants and Children (WIC)

- Increased birthweight
- Less prematurity; longer gestational age
- Decreased anemia in children
- Probably improved nutrient intake in children
- $1 spent on prenatal WIC yields $1.77-$3.13 Medicaid savings for newborn/mother in 1st 60 days after birth


WIC Benefits: Big Improvements in 2009!

WIC food package now supports the dietary guidelines and current infant feeding practice guidelines of the American Academy of Pediatrics.

Who Qualifies for WIC?

- Pregnant women
- Women who are breastfeeding a baby under 1 year of age
- Women who have had a baby in the past six months
- Child < 5 years (Parents, step-parents, guardians, foster parents may apply for their children)
- Adult may apply if:
  - Employed or unemployed
  - Health insurance status DOES NOT MATTER!
  - Married or unmarried
Who Qualifies for TEXAS WIC (cont.):

- Income < 185% of federal poverty guidelines
- At nutritional risk
- Live in Texas (US citizenship not required)

Where to Apply for WIC?

- Call 1 (800) WIC-FORU [1-800-942-3678]
  Monday through Friday,
  8 a.m. to 5 p.m.
- Search WIC locations by zip code
  http://txhealth.ziplocator.com/

What Happens at the Food Store?

- Family uses WIC Family ID at check out to pay for WIC foods
- Family does not get money
- Food store gets reimbursed by WIC program

WIC Advocacy Tips

- WIC covers special formula when necessary
  – Patient may need supporting documentation from you to get WIC coverage
- WIC covers breast pumps and provides breastfeeding support
  – If clinically appropriate, encourage your patients’ families to use this service

Supplemental Nutrition Assistance Program (SNAP, formerly Food Stamps)

- US: about 25% of children get SNAP
- Texas: 24.4% of children get SNAP (2009)
- 50% increase in number of families with SNAP as their only income (2009-2010)

SNAP’s Impact on Children and Families

- 2010 Mathematica Study: small improvement in food quality
- 2004 USDA Study
  – Household resources can be spent on things other than food
  – Households spend more per month total on food
  – Probably increases food energy and protein available


Who is eligible for SNAP?

- Low income families, elderly, and individuals who are income eligible and live in Texas
- Expanded group of immigrants who are eligible include:
  - Low income legal immigrant children regardless of the date they entered the U.S.
  - Legal immigrant adults who have lived in the U.S. for five years
  - Legal immigrants receiving disability benefits regardless of date of entry to U.S.

Income Limits for Texas SNAP

<table>
<thead>
<tr>
<th>Size of Family Unit</th>
<th>130 Percent Poverty</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>$14,157</td>
</tr>
<tr>
<td>2</td>
<td>$19,123</td>
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<tr>
<td>3</td>
<td>$24,089</td>
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<tr>
<td>4</td>
<td>$29,055</td>
</tr>
<tr>
<td>5</td>
<td>$34,021</td>
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<tr>
<td>6</td>
<td>$38,987</td>
</tr>
<tr>
<td>7</td>
<td>$43,953</td>
</tr>
<tr>
<td>8</td>
<td>$48,919</td>
</tr>
</tbody>
</table>

For family units with more than 8 members, add $4,966 for each additional member at 130 percent of poverty

Income Limits for Texas SNAP (cont.)

- Families may “guesstimate” whether they qualify at:
  
  http://www.hhsc.state.tx.us/programs/foodstamps/estimator/index.html

- May also Google “Texas SNAP Estimator”

SNAP Work Requirements

- Anyone age 16 to 59 must register for employment services (E & T)
- What if not working or participating in a specified work program (average: 20 hours/week): SNAP limit - 3 months SNAP in 36 months

What are exemptions to E& T?

- People who do not need to register for SNAP work program:
  - Age -
    - 16 or 17 and not the head of household; or
    - 16 or 17 and attending school, including home school, or an employment training program on at least a half-time basis
  - Students - age 18 or older who are enrolled at least 1/2 time in school/training program
  - Pregnant - Three to nine months pregnant

More E & T exemptions...

- Disabled –
  - Physically or mentally unable to work (Form H1836-A), or
  - Caring for a disabled person of any age living with the household (Form H1836-B)
  - A regular participant or out-patient in a drug addiction or alcoholic treatment and rehabilitation program.
  - Receiving unemployment insurance benefits or has applied but not been notified of eligibility.
  - Employed or self-employed at least 30 hours per week, or receiving earnings equal to 30 hours per week multiplied by the federal minimum wage.
  - Responsible for the care of a dependent child under age 6.
How to apply for SNAP?

- Apply at local TxHHSC office, by calling 2-1-1 or on the internet at www.yourtexasbenefits.com
- Undocumented never have to give SSN or immigrant status, just state member of household that does not wish to receive SNAP
- TxHHSC must accept the application if it has applicant’s
  - name,
  - address, and
  - signature of applicant or responsible household member
- TxHHSC must give WRITTEN DECISION regarding eligibility within 30 days of application

What if Application is Incomplete?

- If application is incomplete, TxHHSC must give WRITTEN NOTICE of
  - Missing information
  - When the information is due
  - Date benefits will be denied if information is not provided
- TxHHSC must give applicant at least 10 days to provide the information necessary to complete application

What Happens at the Food Store?

- Family uses Lone Star Card to buy food
- Family does not get money; family gets food
- Food store is reimbursed by SNAP Program

SNAP Allotment in Texas

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<table>
<thead>
<tr>
<th>Family Size</th>
<th>Monthly SNAP Award</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$200</td>
</tr>
<tr>
<td>2</td>
<td>$307</td>
</tr>
<tr>
<td>3</td>
<td>$526</td>
</tr>
<tr>
<td>4</td>
<td>$608</td>
</tr>
<tr>
<td>5</td>
<td>$703</td>
</tr>
<tr>
<td>6</td>
<td>$922</td>
</tr>
<tr>
<td>7</td>
<td>$1,052</td>
</tr>
<tr>
<td>8</td>
<td>$1,202</td>
</tr>
<tr>
<td>For each additional person add:</td>
<td>$150</td>
</tr>
</tbody>
</table>
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What Does “Disabled” Mean?

- Must qualify under SSI disability rules
- Different rules for children < 18 years and adults
  - Children: “Medically determinable physical or mental impairment”
    - “Marked and severe functional limitations”
    - Expected to result in death OR
    - To last for at least 12 continuous months
  - Adults: based on ability to work in the national economy and a medically determinable physical or mental impairment

Supplemental Security Income (SSI)

- Program for aged, blind or disabled with little or no money
- Small monthly payment; maximum is $674/month
- Automatically qualifies for Medicaid
- Medicaid continues as long as SSI continues (could be up to 3 years at a time)
Applying for SSI

• 1-800-772-1213 (or TTY 1-800-325-0778 for deaf or hearing impaired) to make appointment
• Go to local Social Security office (may have to wait)
• File application online at www.ssa.gov
• Don’t delay! Benefits may start in the month of the application.

SSI Advocacy Tips

• Encourage your disabled patients to apply now.
• Please provide copies of medical records to SSA and advocates quickly, when requested
• When possible, work with an advocate who knows about SSI to help your patient
• Advocate may draft a letter for your review. Speed things up by doing it right the first time. Letter should be tailored to SSA’s definition of specific impairment. Summary letter that states “my patient is disabled” does not help.

Temporary Assistance for Needy Families (TANF)

Very small monthly payment for families with children

TANF FOR FAMILIES MAXIMUM PAYMENTS

<table>
<thead>
<tr>
<th>Family Size</th>
<th>Child-Only Cases</th>
<th>Household with One Parent or One Caretaker</th>
<th>Household with Two Parents or Two Caretakers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$69</td>
<td>$109</td>
<td>$173</td>
</tr>
<tr>
<td>2</td>
<td>$129</td>
<td>$225</td>
<td>$373</td>
</tr>
<tr>
<td>3</td>
<td>$179</td>
<td>$260</td>
<td>$385</td>
</tr>
<tr>
<td>4</td>
<td>$214</td>
<td>$312</td>
<td>$520</td>
</tr>
<tr>
<td>5</td>
<td>$274</td>
<td>$347</td>
<td>$571</td>
</tr>
<tr>
<td>6</td>
<td>$326</td>
<td>$399</td>
<td>$667</td>
</tr>
<tr>
<td>7</td>
<td>$369</td>
<td>$433</td>
<td>$546</td>
</tr>
<tr>
<td>8</td>
<td>$406</td>
<td>$493</td>
<td>$642</td>
</tr>
</tbody>
</table>

For each additional person, add:

| Family Size | $60 | $60 | $60 |

TANF (cont.)

• Apply at local TXHHSC office, by calling 2-1-1 or on the internet at www.yourtexasbenefits.com
• Children who get TANF automatically get Medicaid, too.
• TANF for adults: a temporary benefit
  – Maximum: 12-36 months for adults
  – Adults must be:
    • In a training program, work or look for work
    • Sure that children
      – Get Texas Health Steps checkups and immunizations
      – Stay in school
      – Other requirements, too.

Lack of Health Insurance in Children

• Delays in needed health care
• Decreased preventive, acute and chronic healthcare services
• Lower quality care
• Suboptimal health outcomes

Oregon “Medicaid Experiment”

• Medicaid clients compared with uninsured:
  – Substantially and statistically significant:
    • Higher health care utilization including primary/preventive care and hospitalization
    • Lower out of pocket medical expenses/medical debt
    • Better self-reported physical and mental health


Finkelstein et al., The Oregon Health Insurance Experiment: Evidence from the First Year, National Bureau of Economic Research, Working Paper No. 17190 (July 2011)
What is Medicaid?

Among the largest insurers in the United States:
- Almost 56 million patients in US in 2006
- About 4.1+ million patients in Texas in 2006, including almost 2.2 million children

Who Qualifies for Medicaid in Texas: Income Standards Vary

Who Qualifies for Medicaid in Texas: Monthly Income

Recent Medicaid Change
- Moving toward plastic Medicaid card instead of monthly Medicaid letter

Where Texas Spends Medicaid Dollars – Caseload

Children’s Health Insurance Program (CHIP) in Texas

Parents’ Guide to Texas Medicaid and Children’s Health Insurance Program

Texas Medicaid Income Eligibility Levels for Selected Programs, June 2008
Where to Apply For Medicaid and CHIP

- Mail the completed application to: HHSC, P.O. Box 14600, Midland, Texas 79711-4600
- Call 2-1-1 for help or visit website at: https://www.211texas.org/211/
- Call Texas Health and Human Services Commission, 1-877-541-7905

Key Differences Between Medicaid and CHIP in Texas

<table>
<thead>
<tr>
<th>MEDICAID FOR CHILDREN</th>
<th>CHIP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Income/asset guidelines are lower</td>
<td>Income/assets guidelines are a little more generous</td>
</tr>
<tr>
<td>Income guidelines vary by age</td>
<td>One income standard for all age groups</td>
</tr>
<tr>
<td>No age limit</td>
<td>Max. age: up to 19 years</td>
</tr>
<tr>
<td>Qualify for 6 months at a time (except SSI, infants)</td>
<td>Qualify for 12 months at a time</td>
</tr>
<tr>
<td>Broader scope of benefits</td>
<td>More limited scope of benefits</td>
</tr>
<tr>
<td>No cost to family</td>
<td>Family must pay a share</td>
</tr>
</tbody>
</table>

Tips for Physicians’ Advocacy

- Many who qualify for public benefits never get them; they don’t know programs exist
- Encourage your patients/families to apply for public benefits. Keep fliers in your office and distribute them.
- Tell families where to apply. **Do not delay. Do it now.**
- Ask them to let you know what happens.
- If they get a denial (a written notice), encourage them to appeal. The notice will say how to appeal.
- Help them to get legal representation for the appeal.

How to Refer to MLAF: Our Offices

- **Goldsbury Lower Level/ Behind Reception Desk**
- **Goldsbury 3rd Floor by Exit of Walk-In Clinic**

Steps to Refer to MLAF

Identify a legal problem or case management need during the social history.

Refer families with problems involving housing, education or public benefits, guardianship and/or need for utility or rental assistance.

Fill out a referral form with patient- family name and address and include a brief description of the problem.

If you do not have referral form, use a sheet of paper.

Provide a copy of the face sheet.
First Way to Refer

Walk your patient-family and paperwork to the MLAF Intake Office near the exit of the Walk-In Clinic. This may not work if you are not in the Goldsbury Center for Children and Families.

If an intake appointment is available, the MLAF staff may be able to meet with the family right away. Some families prefer to meet later; this is fine with us, too.

Second Way to Refer

Fax the paperwork to MLAF at 704-8743 and direct the family to the MLAF offices near the exit of the Walk-In Clinic.

Third Way to Refer

Give the family a fact sheet about MLAF with the phone number to call: 704-8730.

Feedback for Professionals

- With patient/client’s consent
- Feedback about your patient referred to MLAF
  - What happened??
  - Simple referrals: one memo
  - Lengthier representation: two memos

Please call us if you have questions about your patient. If we have proper consent, we will be happy to talk with you.

Thank you!
Questions?

- MLAF is hosting a meeting with the Texas medical-legal partnerships, October 27-28.
- Dr. Barry Zuckerman, Chief of Pediatrics, Boston Medical Center and founder of programs, Medical Legal Partnership for Children and Reach Out and Read, will present Grand Rounds on October 28.
- Carrie Kroll, Director of Advocacy and Health Policy, Texas Pediatric Society and Dr. Ryan Van Ramshorst, PGY5, will present Grand Rounds on November 11.