MEDICAL LEGAL ASSISTANCE FOR FAMILIES: Help For Your Patients

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Learning Objectives:
• Discuss the advantages of the Medical Legal Partnership (MLP) model for patients;
• Recognize the potential impact of MLAF’s work on patients’ health and well-being;
• Determine how to make appropriate referrals for assistance; and
• Understand the impact of social determinants of health for identified patients.

Disclosure and Thanks
Susan F. Zinn, J.D. has no relationships with commercial companies to disclose.

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Preventing Homelessness
• Family of 3: mother and 2 teenaged sons
• $4800/year employment income
• Younger son: hospitalized in San Antonio; anorexia nervosa, bulimia, cardiac arrhythmias, depression, anxiety
• About to move to another hospital in DFW area for long term treatment

Section 8 Housing Problem
• Pigeons on 3rd floor balcony (unlivable noise and stench)
• Mother asked landlord to remove them
• Mother asked San Antonio Housing Authority for help – inspection and corrective plan
• Son in hospital: Mother missed 2 SAHA follow up inspection visits (3 strikes rule)

Policy Statement, Poverty and Child Health in the United States, Pediatrics, April 2016
• “The link between poverty and children’s health is well recognized.... [A] broader perspective of the social determinants of health ... is critically important if significant gains are to be realized in our efforts to improve the health of this nation’s children.”
• Toxic Stress: “frequent, unremitting activation of the hypothalamic-pituitary-adrenocortical (HPA) axis stress system and chronic elevation of cortisol as well as inflammatory mediators”
• Causes “wear and tear” on organs; can harm cardiac, endocrine, nervous, pulmonary systems, psychological/social development and educational attainment

Poverty and Pediatrics
• “Most pediatricians will care for low-income/poor families.... Nearly half of all children live in poor/low-income households” in the United States.

Resolving underlying social and environmental problems can alleviate and/or avoid some toxic stress, which can improve health or prevent deterioration of health, both in the short term and long term

Underlying Concepts of MLPs
• Physicians can (and do) identify social and environmental problems that harm patients
• Physicians often lack time, training or license to address these problems
• Lawyers can resolve some underlying problems that harm patients’ health
• By working together, doctors and lawyers can improve patients’ health or prevent deterioration

What Not To Do
• “Because social determinants of health are often perceived as irremediable, clinicians may avoid discussing social determinants of health with their patients.”

“Addressing the social determinants of children’s health is just as important as providing an immunization or a prescription. It is time to add lawyers to our multi-disciplinary teams, to promote health and prevent disease.”

Pediatric Grand Rounds - University of TX Health Science Center at San Antonio

10/07/2016

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Unmet Legal Needs of the Poor

- Average low income household in U.S. has 1.3-3.0 civil legal needs/year
- Not even 20% of these legal needs are met by legal aid or other lawyers
- Many indigent families do not know when they have a legal problem

MLAF’s Legal Partner: Texas Rio Grande Legal Aid

- Non-profit law firm promotes “the dignity, self-sufficiency, safety and stability of low-income clients by providing high quality civil legal assistance and related educational services”
- About 25,000 clients/year
- 2.6+ million South Texans considered eligible
- About 21,000 eligible persons per 1 staff lawyer

MLAF Priorities

Primary areas addressed:
- Housing (especially publicly subsidized)
- Education
- Benefits (Medicaid, food stamps, Social Security)
- Guardianship (young adults)

MLAF 2015 Level of Service

Texas MLPs

Active Programs:
- San Antonio – First Program in Texas – Began October 2008
- Brownsville 10/2008
- El Paso 08/2009
- Waco 04/2010
- Dallas 06/2010
- Houston 06/2012
- Austin 09/2012
Housing and Health

- Common health problems aggravated by poor housing conditions:
  - Asthma
  - Sickle cell
  - Behavioral concerns

  - Pascoe et al, supra; Pettignano, Caley and Bliss, Medical-Legal Partnership: Impact on Patients With Sickle Cell, Pediatric 2011; 128; e1482; Williams, Gawande and Mortgat, Social Determinants: Taking the Social Context of Asthma Seriously, Pediatrics 2009; 123; S174

Adverse Housing Conditions Within MLAF’s Practice

- Damp housing, mold, vectors (asthma)
- Overcrowded housing (immune dysfunction, psychiatric problems, bulky DME)
- Rats jumping out of toilet

Public Benefits: Medicaid Denial of Necessary Service

- Single mother and teenaged girl
- Need help with Medicaid, a public benefit program for the poor
- Girl born in 11-2000
  - Intellectual disability
  - Short stature
  - Multiple birth defects, including dysmorphic facial features and heart murmur (resolved)

- Misdiagnosed by primary care pediatrician: Downs Syndrome
- Karotype: no Trisomy 21
- Geneticist’s next step: Chromosomal microarray
- Medicaid denied request for prior approval

Medicaid Law for Children: Early, Periodic Screening, Diagnosis and Treatment (Texas Health Steps)

Federal Medicaid Statute requires for children:
“necessary health care, diagnostic services, treatment, and other measures… to correct or ameliorate defects and physical and mental illnesses and conditions....” 42 U.S.C. Section 1396d(r)(5)

MLAF’s Work and Results

- Mother filed request for fair hearing
- MLAF assisted with telephonic fair hearing
  - Mother ready to testify (lives about 2 hours away)
  - Written testimony by geneticist (scheduling conflict)
- Medicaid Program opted to provide chromosomal microarray (no hearing decision)
Supplemental Security Income (SSI)

- “Pediatricians ... should continue efforts to make families aware of the SSI program and provide assistance with the SSI application process.”
- MLAF can help if your patient’s application is denied.

SSI: Legal Assistance Helps: Positive Results at Hearing (2013)

- With Legal Rep: 64%
- Without Legal Rep: 47%

Guardianship and Alternatives

- Guardianship: Court proceeding to provide guardian for young adult patient who “because of physical or mental condition, is substantially unable to provide food, clothing or shelter for himself or herself, to care for his or her own physical health, or to manage his or her own financial affairs....”
  
  Texas Estates Code, Title 3, Chapters 1001; 1357

Alternatives to Guardianship

Supported Decision Making Agreement
Power of attorney
not done in court
preserve patient’s autonomy

Special Education

“About one of every eight Texas students need special education services
Free and Appropriate Education (FAPE)

Special Education Steps

- “Find and identify students with disabilities
- Evaluate each student fairly
- Individualized Education Program
- Specialized instruction, related services and supplementary aids
- Least Restrictive Environment
Problem at School

- Needs 1:1 adult attendant because of seizure disorder and risk of choking
- School refused
- MLAF attended ARD to obtain 1:1 attendant
  - Mother requested 1 adult throughout the day
  - School offered several adults during the day with constant coverage (learning experience)
  - Mother agreed

Another Problem in a San Antonio school

- Two parents, 7 year old boy; $15,966/year
- Autism Spectrum Disorder; Intellectual Disability (resistant to public restrooms), Duchenne Muscular Dystrophy
  - Boy said “snake” bit him in school restroom and teacher took him to restroom/hit him on the head
  - Patient was bruised on arms, legs and back

MLAF Investigation

- Student was in classroom for children with autism spectrum disorder
- Restroom was used for time out and discipline (door closed sometimes)
- Teacher did not intervene when student injured himself (head banging)
- Safety vest was not used in school bus despite muscle weakness

Selected Results of MLAF’s Work

- Teacher no longer employed by ISD
- ISD bought pillow for safety during head banging; followed by safety helmet
- Safety vest in use on bus
- Extended year services during summer to address behavioral concerns
- Transferred student to a new campus

Percentage of Students in Special Education (US and Texas)

- Single mother and teenaged boy
- Annual income:
  - Veteran’s Assistance: $16,916/year
  - Child Support: $7200/year
- VACTERL
  - Many anomalies: vertebral, anorectal, cardiac, tracheoesophageal including dysphagia, renal, limb (both legs amputated at about the knees)
  - Photosensitivity and rashes relating to medicines
  - Seizure disorder
  - Phrenic nerve palsy and scoliosis, related respiratory insufficiency

How to Refer

Fax the paperwork to MLAF at 704-8743 and help the family to call MLAF at 704-8730. We have to hear from the client. We do not call them first.

Help with Referrals

• Elsa Bulmer, LMSW, Children’s Health Center
  – 358-3665, Elsa.Bulmer@uhs-sa.com

• Kimberly Jones, Comprehensive Care Clinic
  – 358-3826, Kimberly.Jones@uhs-sa.com

Contacts

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• Questions??