

LEGAL COUNCIL

FOR HEALTH JUSTICE

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I. LCHJ Introduction

II. Initiatives to Improve Medicaid for Older Adults

Introduction: *Who Is Legal Council for Health Justice?*

- We provide free civil legal services to clients with low incomes throughout Cook County.
- Our goal is to provide legal services to help clients reach their full potential for well-being. (We often call it “legal care.”)
- We were founded over 30 years ago as AIDS Legal Council.
- Now we serve clients with complex physical and mental health issues across the lifespan.
- Our clients are referred through our medical center/hospital partners.

Introduction: *What do we mean by legal care? Subject matter*

Medicaid
issues

SNAP/TANF/WIC
/Child-care
issues

Medicare/
Marketplace
enrollment and
troubleshooting

Social
Security
issues

Special
education

Immigrant
eligibility for
public benefits

Advanced
Decision-
Making,
Guardianship

Other

How Can LCHJ Help: *Legal Expertise*

SNAP, TANF, and Medicaid eligibility, appeals, and overpayment issues	Social Security Disability/SSI eligibility, appeals, and overpayments
Issues with Home and Community Based Services	Family and medical leave at work
How public benefits use can affect immigration adjustment	Health care powers of attorney/guardianship (usually for disabled children turning 18)
Resources and info on issues with utilities, cell phones, and internet	Special education (IEPs and 504 plans)
Resources and info re: Unemployment benefits, discrimination	Referrals, advice, and resources for housing voucher terminations and evictions, family law, and immigration matters

How Can LCHJ Help: *Systemic Advocacy*

Traditional litigation through the courts/agencies - represent individual clients, organizations, a class (i.e., class action), draft amicus briefs	Informal advocacy with federal, state, and local agencies - meetings with agencies to discuss and address issues, attend stakeholder meetings
Legislation/policy change - draft bills, lobbying, providing testimony, written comments on proposed rules, white papers suggesting policy change	Accountability and enforcement - FOIAs, trainings, consider media, outreach and engagement, staying in touch with clients and communities

Initiatives to Improve Medicaid for Older Adults

Medicare Savings Program (MSP) Advocates Task Force Formation, 2020-present

- ▶ Medicare Savings Programs (MSPs) are a valuable benefit but were deeply underenrolled (MACPAC estimated only 39% elig were enrolled)
- ▶ Team of advocates organized, discussed solutions/strategies
- ▶ Demand letter to the state outlined ways advocates alleged state was out of compliance
- ▶ Legislation passed in the 2021-22 G.A. requiring HFS to prepare a report and implement changes to streamline enrollment
- ▶ Productive meetings with the state and advocates to move the needle on MSP enrollment, and more to come

Medicaid Estate Recovery

- ▶ Federal law requires repayment of certain Medicaid long-term care expenses upon death, even if the person was eligible for the services and there's no allegation of fraud
- ▶ States can implement flexibilities, advocates felt Illinois should do more esp given known racial inequities in estate recovery
- ▶ We wrote a white paper recommending changes
- ▶ Drafted legislation that passed in the 2021-22 G.A. requiring HFS to no longer place liens on the homes of people in nursing homes, to implement a cost-effectiveness threshold before pursuing estate recovery, and to publish data on the demographics of people who receive estate recovery waivers
- ▶ An investigative journalist read our white paper and shared the FOIAs he issued to gather more information about estate recovery
- ▶ We look forward to future productive meetings with the state

Thank you!