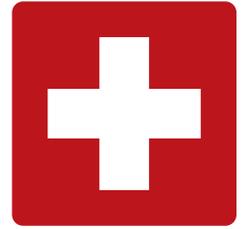


# Health Care and Civil Legal Aid

Although Massachusetts is home to some of the nation's leading medical institutions and training programs, many low-income people in our state face barriers that prevent them from accessing adequate, consistent medical care. Without affordable access to medical benefits and services, a serious illness can not only negatively affect an individual's health, but also disrupt employment and housing, threaten economic stability, and devastate a person's quality of life. Civil legal aid helps individuals and families obtain vital health care treatment and services.



## Types of Health Care Cases

In FY17, legal aid programs funded by the Massachusetts Legal Assistance Corporation closed 1,044 health cases.

**Private Health Insurance, Medical Debt, Drug Treatment & Detox, and other cases:** 497

**Medicare:** 258

**Medicaid:** 228

**Long-term Health Care, Home and Community-Based Care:** 51

**State and Local Health:** 9



# 37%

**TURNED AWAY**

Legal aid programs in Massachusetts are forced to turn away 37% of eligible residents who seek assistance with health-related matters.

## Protecting Access to Care

Civil legal aid programs work to ensure that low-income residents, especially vulnerable populations, like the elderly and people with disabilities, can access health care that is critical to self-reliance and well-being. This work includes:

- Identifying and correcting administrative and legal errors made by insurance providers and other agencies that jeopardize patients' access to vital medical treatment
- Appealing the improper denial, termination, or reduction of public health benefits
- Appealing denial of coverage for life-sustaining medications or medical procedures, taking such cases to federal court when necessary
- Advocating for the rights of children, immigrants, asylum seekers, elders, people with mental illness, and other vulnerable individuals so that they can make the best medical decisions for themselves and their families

*“Not everything has a straight medical solution. Poverty has a huge impact on health.”*

- Dr. Beverly Nazarian  
Pediatrician and physician leader for UMass  
Memorial Medical Care's medical-legal  
partnership with Community Legal Aid

## Medical-Legal Partnerships

- Homelessness, stress, unsafe or unsanitary living conditions, food insecurity, and environmental factors can all adversely impact the health of individuals and families. Medical-legal partnerships place civil legal aid attorneys at hospitals and clinics to work alongside medical professionals and help address the root causes of illness that a doctor alone might not be able to fix. For example: while a doctor can treat the symptoms of a child's breathing problems caused by mold in their apartment, a legal aid lawyer can help ensure the landlord complies with public health and safety laws and regulations so that the child has a healthy place to live.

- By working on-site at medical centers, legal aid attorneys can assist medical professionals in monitoring and addressing broader factors that affect patients' health. These attorneys serve as a vital point of contact for low-income patients, who can more easily access help for the civil legal challenges they face.
- Medical-legal partnerships are an important part of Massachusetts' response to the ongoing opioid epidemic, which brings medical and legal challenges to those affected by the crisis. Civil legal aid attorneys in a medical setting can work to address barriers to health care, housing, and employment, which can help individuals with substance use disorders find the stability necessary to sustain their recovery.
- Research shows that veterans who receive legal aid in addition to medical treatment have improved health outcomes and report better mental health.<sup>1</sup> Providing "legal care" to veterans up-front for the cost of legal aid is a more efficient use of taxpayer dollars than the tens of thousands of dollars it can cost to address chronic homelessness or mental illness later.

*"Being poor can make you sick. Where you work, the air you breathe, the state of your housing, what you eat, your levels of stress and your vulnerability to crime, injury and discrimination all affect your health. These social determinants of health lie outside the reach of doctors and nurses."*

- Tina Rosenberg

When Poverty Makes You Sick, a Lawyer Can Be the Cure | New York Times | July 17, 2014

## Jane Finds Safety and Healing with Help from Legal Aid

Jane was dealing with challenges that felt insurmountable when she was first referred to legal aid. Behind professional success and the joy she felt after the recent birth of her son, she faced significant emotional and physical abuse from her husband, who beat her, stalked her and made her fear for her life. As the sole provider for her family, she was shouldering an extreme burden and was under a great deal of stress. In the wake of these personal trials, her infant son was diagnosed with an autoimmune disease and contracted an antibiotic-resistant infection and resulted in multiple hospital admissions.

Jane knew she had to take drastic measures to get away from her abuser. After being referred to South Coastal Counties Legal Services by a domestic violence advocate at the local police department, Jane took out an order of protection against her husband and began divorce proceedings. Despite the legal protections she was working to obtain, she was still in great danger, with her abuser physically assaulting her during a court-ordered custody exchange. Knowing her abuser's history and his mental instability—he had once wielded a machete against Jane's mother—and wanting to protect her family, she left her job and was essentially on the run, never staying in one place very long for fear her abuser would find and harm her and her son.

Her legal aid attorney helped her get a shelter placement, but with her son's fragile health condition, she didn't want to bring him to a place where he might be at higher risk of infection. Luckily, her son had MassHealth coverage, so his medical care, which included numerous doctor visits, special skin creams and a highly regulated diet, was never interrupted. As the divorce proceedings moved forward, and after her abuser was arrested and jailed for domestic assault and battery, Jane took the first steps toward healing. She knew that to be able to care for her son and herself and get her life back on track, she needed to be healthy. With help from her legal aid attorney, Jane was able to get MassHealth coverage while she was out of work, and find a primary care provider and a therapist to help her begin to recover from the trauma she had experienced. Before her divorce was tried and finalized, Jane felt safe enough to return to work and was welcomed back by her previous employer. Jane and her son are both healthy and safe, thanks to legal aid.

1. Tsai, J. et. al. "Medical-Legal Partnerships At Veterans Affairs Medical Centers Improved Housing And Psychosocial Outcomes For Vets" *Health Affairs*, vol.36, no.12, 2017