IMPACT REPORT

January - March 2023



PHILADELPHIA | PITTSBURGH 30 YEARS OF HELPING PEOPLE IN NEED GET THE HEALTHCARE THEY DESERVE





30 YEARS OF HELPING PEOPLE IN NEED GET THE HEALTHCARE THEY DESERVE

PHLP is a 501(c)(3) non-profit law firm that represents Pennsylvanians who need help getting or keeping Medicaid and other publicly-funded health care coverage and services.

We serve thousands of individuals from across the state each year. We listen to our client's story and we translate their personal experience into a legal problem to be solved. Sometimes that means challenging a decision to deny or stop Medicaid benefits. We also challenge Medicaid plans when they reduce or deny services.

Taking what we learn from individual cases, we advocate for large-scale policy changes that help others across the state. We also build capacity among consumers, providers, and other advocates by getting out in the community to provide education and training. Using the law and advocacy, we ensure that Pennsylvanians meet their most basic needs and have a pathway to opportunity.

TABLE OF CONTENTS

Meet our Team 3
First Quarter At a Glance 4
Client Spotlight: Jeff & Becky5
Spotlight: Client Service7
Spotlight: Community Education
A Fond Farewell to Laval Miller-Wilson 9
Client Satisfaction Survey Results
Honors & Awards14
Spotlight: Policy Work 15
Client Spotlight: Patricia
Thank You to Our Donors23
Donor Spotlight: Vlad25

MEET OUR TEAM

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PHLP staff gathered on March 1, 2023 to bid a fond farewell to our former Executive Director, Laval Miller-Wilson. More about Laval's farewell can be found on page 8 of this report.

2023 First Quarter: At a Glance



Through our statewide Helpline, we served of hundreds individuals from across Pennsylvania during the months of April, May, and June. We listened to our client's stories and we translated their personal experiences into legal problems to be solved. Sometimes that meant challenging a decision to deny or stop Medicaid benefits. We also challenged Medicaid plans when they reduce or deny the services our clients need to live healthy, full lives, such as in-home nursing, personal assistsance services, and van modifications.

TAKE A LOOK AT WHAT OUR STAFF ACCOMOPLISHED LAST QUARTER:



Clients received free legal services



Advocates & other professionals received technical assistance



Community education materials created & trainings delivered



Hours of free legal assistance delivered to clients and professionals

MEDICAID ELIGIBILITY

CLIENT SPOTLIGHT: JEFF AND BECKY

Jeff and Becky contacted the Pennsylvania Health Law Project after they received notice from the County Assistance Office that they would no longer have full Medicaid insurance coverage. They were very distressed by this news, as Jeff had recently been diagnosed with cancer. PHLP reviewed their situation and found that, under the guidance that was in place at the time, the reduction in benefits was correct and they did not qualify for Medicaid. PHLP advised Jeff and Becky that they'd have their Medicaid coverage for the rest of the month, which would cover Jeff's first cancer surgery, and referred them to **PA MEDI** for help reviewing Medicare coverage options. Despite changing his Medicare coverage, Jeff incurred \$10,000 in medical bills over the next few months related to his cancer surgeries and treatment.

Then, on January 31, 2023, a federal court in the case of **Carr v. Becerra** certified a nationwide class and issued a preliminary injunction stopping enforcement of a November 2020 federal rule that had allowed the state to reduce people's Medicaid benefits in situations like Jeff and Becky's. The court then issued a clarifying order at the beginning of March 2023 explaining that states should not only stop reducing people's Medicaid coverage, but should also be reinstating people's coverage retroactively to the date it was terminated.

CLIENT SPOTLIGHT: JEFF & BECKY

PHLP learned about the Carr case and immediately reached back out to Jeff and With Becky. their permission, we contacted the County Assistance Office and requested them to reinstate Jeff and Becky's Medicaid coverage back to the date it was terminated, citing to the Carr decision. The County Assistance Office immediately reinstated their coverage and provided retroactive coverage as well. When PHLP delivered the good news to Becky, she cried tears of

It had been stressful enough worrying about Jeff's cancer, but receiving thousands of dollars in medical bills had caused significant additional stress.

relief. It had been stressful enough worrying about Jeff's cancer, but receiving thousands of dollars in medical bills had caused significant additional stress. With their coverage now reinstated, Jeff and Becky were able to reach out to Jeff's providers with his Medicaid coverage information to get the medical bills covered.

SUPPORT OUR WORK!

Your donation helps us support people like Marion, who rely on PHLP's free legal services to help cut through red tape.

Visit our <u>website</u> or scan the QR code with your mobile phone to make a donation today. Your support means the world to us.









SPOTLIGHT: CLIENT SERVICE

CASES CLOSED BY LEGAL ISSUE:



Pennsylvanians is enrolled in Medicaid.

3.6 MILLION

Pennsylvanians are on Medicaid. We offer them a place to turn when they have trouble accessing life-saving and life-sustaining healthcare in the Medicaid program.



SPOTLIGHT: COMMUNITY EDUCATION

We use our knowledge of the law and our experience working with clients to train consumers, advocates, and healthcare providers on a wide range of healthcare topics. Our trainings range from Medicaid 101 to more indepth topics like crafting successful strategies for appeals, writing letters of medical necessity, and more. Here's a look at our community education during the last quarter:

23

Trainings presented



Consumer education guides created

2023 WEBINAR SERIES: PHE UNWINDING

This year, PHLP is hosting a series of webinars on the end of the Medicaid continuous coverage protections and the PHE unwinding. So far, the sessions have een well-attended and well-received: nearly 2,000 individuals have attended the sessions from across the state, and feedback received from attendees has been overwhelmingly favorable. Here's a look at each session in the series:



MARCH 21:	Getting Ready for SNAP & Medicaid Changes
MARCH 28:	Medicaid Eligibiity 101
APRIL II:	Medicaid Appeals & Reconsideration
APRIL 20:	MAWD & Workers with Job Success
MAY 17:	Dual Eligibles & Medicare Savings Programs



A FOND FAREWELL TO LAVAL MILLER-WILSON

The Pennsylvania Health Law Project (PHLP) bids a fond farewell to its longtime Executive Director, Laval Miller-Wilson. He is leaving PHLP in early March to join the Pennsylvania Department of Human Services (DHS) as the Deputy Secretary for the Office of Children Youth and Families (OCYF).

Laval has been PHLP's Executive Director since 2009. At PHLP, he worked to make the health industry and policymakers more attuned to what people want and need —and held them accountable for making it happen. He served as lead counsel for the Consumer Subcommittee of Pennsylvania's Medical Assistance Advisory

Committee, which advises the Commonwealth on the impact of current and proposed Medical Assistance (Medicaid) policies and practices and provides critical input from people who rely on this important program. He delivered consumer-informed perspective about the state's implementation of the Affordable Care Act, performance of Medicaid managed care plans, and social determinants of health.



A FOND FAREWELL TO LAVAL MILLER-WILSON

PHLP is an organization that embraces change when it comes our way. Our ability to adapt to changing circumstances is one of the key components of our success. While PHLP staff will miss Laval's energy and out-of-the box thinking as well as his support and guidance, we could not be prouder of all he has accomplished. We are extremely grateful for his leadership and wish him continued success in his new position.

PHLP staff look forward to honoring Laval's legacy by continuing the commitment to our mission and service to our clients that others started and that he strengthened.

PHLP's Board of Directors has appointed two Co-Acting Executive Directors, who will lead PHLP during the transition: Danna Casserly, in our Philadelphia Office, and Erin Guay, in our Pittsburgh Office. Danna has been with PHLP since 2013. Erin has been with PHLP since 2004. Both will be supported by PHLP's dedicated and knowledgeable staff as we continue delivering high-quality assistance and representation to our clients and community. In the coming months, PHLP's Board of Directors will conduct a search for PHLP's next Executive Director.



Left to Right: Marsha White-Mathis, Laval Miler-Wilson, Sonia Brookins, and Meghann Luczkowski at the March 1, 2023 farewell event honoring Laval.

WE LISTEN: CLIENT SATISFACTION SURVEY RESPONSES

In late 2021, we launched a pilot program to survey our clients about their experience working with PHLP. Launching this pilot program was a thoughtful, important process that allowed us to hear directly from our clients about what we're doing well, areas we can improve, and what getting help from PHLP meant to our clients. We have continued gathering client feedback into 2023 through the use of this survey. A copy of the survey questions can be found <u>here</u>. Here are excerpts from the survey findings received this quarter:

"I would recommend PHLP's services to other people."



"As a result of PHLP's help, my situation or life has improved."



WE LISTEN: CLIENT SATISFACTION SURVEY RESPONSES



On average, survey respondents rated our intake response time as 4.7 out of 5.



"My PHLP lawyer or paralegal explained my case and legal options available to me."



WE LISTEN: CLIENT SATISFACTION SURVEY RESULTS

What did getting legal help from PHLP mean to you?

I felt like I had someone in my corner that understood how to navigate the healthcare system. I felt I was not alone in my struggle.

Everything! It's nice to have help from someone since everything can be such a fight when you have a child with special needs.

> PHLP was able to correct a problem with my son's Medicaid that saved him thousands of dollars over the course of his lifetime.

It meant I got my daughter's to occupational therapy service to continue that she much needed.

> It meant the world to us. Pamela was professional and kind. She didn't quit until we won the appeal. I have to idea how the whole process works and she made it so easy for us.

It meant the world to me. The help from PHLP made a huge difference in my life and on me being able to continue the fight to obtain the services I truly needed.

It removed a lot of stress I had at the time, like the light at the end of a dark tunnel.



HONORS & AWARDS

PHLP Supervising Attorney Marissa LaWall was elected to the Board of Directors for Turning Point of the Lehigh Valley, a nonprofit organization based in Allentown committed to eliminating domestic and intimate partner abuse in the Lehigh Valley through survivor empowerment, and community education and engagement. Marissa joins a board that is passionate about Turning Point's mission and deeply committed to making a positive and lasting difference in the lives of the people the organization supports.





In December, PHLP's Director of Policy, **Amy Lowenstein**, received the Excellence in Professional Service Award from Achieva. Each year, Achieva honors a group of extraordinary and talented individuals and organizations who work hard on behalf of people with disabilities and exemplify Achieva's mission to advocate for, empower, and support people with disabilities and their families throughout their lives. The Excellence in Professional Service Award is given to someone who demonstrates

exemplary use of professional skills to strengthen the quality of life for people with disabilities.

Amy received this award for her groundbreaking work partnering with Achieva to set up special needs trusts that allow people with disabilities to qualify for Medicaid services in the community. Amy's work has allowed countless people to remain in the community and avoid institutionalization.



PHOTO COURTESEY OF ANDREW HOWARD | PENNSYLVANIA ASSISTIVE TECHNOLOGY FOUNDATION (PATF)

SPOTLIGHT: POLICY WORK

Preserving Medicaid Coverage Post-Pandemic

The signing of the federal Consolidated Appropriations Act of 2023 (CAA) in December established April 1, 2023 as the end date for the pandemic-era requirement that states keep most people enrolled in Medicaid regardless of eligibility. April 1st is also the start date for the "unwinding" of Medicaid coverage now that these continuous coverage protections are over. PHLP continued to advocate with the Pennsylvania Department of Human Services (DHS) for unwinding policies and practices aimed at minimizing the number of people who will lose Medicaid due to paperwork problems and ensuring smooth transitions to other health care coverage for those no longer eligible for Medicaid.



The most substantial policy change implemented since our last Impact Report was DHS's decision to take the full 12 months permitted by the Centers for Medicare and Medicaid Services (CMS) to unwind continuous Medicaid coverage. Pennsylvania previously planned to conduct unwinding activities in just 6 months. Extending that period to 12 months was PHLP's and other advocates' most important priority related to unwinding because we were

confident the volume of cases county staff would need to renew in six months, on top of their ordinary workloads, would substantially increase the rate of erroneous Medicaid terminations and terminations of people who are eligible for Medicaid but encounter procedural barriers to renewal (e.g., being unable to renew timely, misplaced paperwork, etc.) While we are still vigilantly advocating for policies to further ameliorate the risk of people losing Medicaid because of procedural barriers, Pennsylvania's decision to take a year to complete renewals is central to ameliorating the risk of unnecessary losses of Medicaid.

DHS also agreed with PHLP and other consumer advocates' recommendations for how to distribute Medicaid renewals for people who have been "COVID maintained"; that is people kept on Medicaid because of COVIDera protections despite being ineligible or not completing their annual renewal.

Most COVID maintained individuals will have eligibility reviewed at their next scheduled renewal. but two populations will have their renewal moved. Medicaid SNAP date and renewals will be aligned, minimizing confusion and easing the burden on individuals who otherwise face multiple benefit renewals. People receiving Emergency Medical Assistance (EMA) will have their renewals and medical reviews spread out evenly over the 12-This month unwinding period. population otherwise likely would have had eligibility reviewed within the first few months of the unwinding, placing a burden on DHS staff who specialize in the medical review that is a part of these cases.





At our urging, DHS also abandoned consideration of reviewing all COVID maintained MAWD recipients within the first few months of the unwinding which it was contemplating to minimize the risk that such individuals would accrue unpaid premiums while waiting for their renewals. Instead, DHS accepted our suggestion that COVID maintained MAWD recipients be renewed as normally scheduled and granted good cause wai-

vers of premium liability accrued between the start of unwinding and their renewal. DHS also agreed that individuals who had not paid MAWD premiums during the period of Medicaid continuous coverage should be designated as COVID maintained and receive the same protections against inadvertently accruing substantial financial obligations.

DHS has also agreed to implement other PHLP unwinding policy priorities. For example, DHS agreed to commit to transparency in the unwinding process including by taking up our recommendation to publish unwinding data and information on a publicly available dashboard. With respect to ensuring Medicaid recipients receive renewal paperwork, DHS is instituting a number of changes including broadening the ability to update addresses based on returned mail and information received from Medicaid managed care plans and reopening Medicaid cases closed due to renewal paperwork problems if a change of address is received within 90 days of the case closure. DHS also granted permission to Medicaid managed care plans to reach out to their members who lost Medicaid due to paperwork problems and offer support with reenrollment in Medicaid.

As an organization that serves a substantial number of individuals who are dually eligible for both Medicaid and Medicare, PHLP has been advocating with DHS for improved communications regarding the unwinding for this oftenoverlooked population. DHS accepted most of our substantive feedback on a

notice regarding Medicare enrollment and, enrollment assistance that it will share with people who are not fully enrolled in Medicare but should be.

Pennsylvania has made great strides in preparing for the Medicaid unwinding. Nevertheless, PHLP and other advocacy organizations with whom we work, continue to press for further protections and improvements to the unwinding process that will minimize disruptions in accessing health care. We will also monitor the impact of the unwinding and provide feedback to DHS.

Protecting Parents' Ability to be Paid Caregivers

Over 400 parents across the state are paid by Pennsylvania's Medicaid program to provide home health aide services for their own child. This practice increased significantly during the pandemic, as the workforce shortage for direct care workers intensified and families sought to protect medically complex children by minimizing exposure to non-family members.

State Medicaid officials announced in January that the practice of allowing parents to be paid caregivers would end following the expiration of the federal Public Health Emergency (PHE) because federal law prohibits payment to parents who provide personal care services. Importantly, that prohibition was not enforced during the PHE because of flexibilities the federal government granted to Pennsylvania under its COVID-19 1135 Waiver.

When Pennsylvania officials announced their intent to end this vital practice, PHLP, along with advocates from Disability Rights Pennsylvania, the Imagine Different Coalition, and the Pennsylvania Homecare Association wrote a letter to federal Medicaid officials at the Centers for Medicare and Medicaid Services (CMS) urging them to continue funding this program and outlining the legal basis for doing so. We stressed that the shortage of direct care workers had already become more acute during the pandemic, and removing the ability of parents to be paid caregivers would only exacerbate the workforce shortage.

Additionally, members of the Consumer Subcommittee of the Medical Assistance Advisory Committee (MAAC), led by PHLP as their legal counsel, encouraged DHS to contest the federal government's interpretation, noting that the federal prohibition pertains to personal care services and that Pennsylvania's practice instead involves home health aide (HHA) services being provided through home health agencies. Unlike with other services provided through the Medicaid home health benefit, nothing in federal law requires HHA services to be provided on a part-time or intermittent basis.



Following our advocacy as well as many discussions between the state Department of Human Services (DHS) and the federal Pennsylvania received government, approval from the feds to continue paying parents as home health aides. In April, DHS sent notices to families letting them know the program would continue. PHLP has heard from dozens of impacted parents expressing their relief and appreciation that they will be able to continue providing for their families through this program.

Carr Advocacy Results in Thousands of Pennsylvanians Keeping Medicaid Benefits

On January 31, 2023, a federal judge in the case Carr v. Becerra ordered the U.S. Department of Health and Human Services (HHS) to stop enforcing a Trump-era regulation that had resulted in tens of thousands of people losing Medicaid coverage in violation of the Families First Coronavirus Response Act (FFCRA) requirement that states keep people on Medicaid during the COVID crisis. The Carr court also certified a nationwide class of people who were or would be

harmed by the now-enjoined regulation. That class consisted of anyone who was enrolled in Medicaid at any point from March 18, 2020 through March 31, 2023 whose Medicaid was reduced to a Medicare Savings Program (MSP) only. MSPs (called "Buy-In" in Pennsylvania) pay the Medicare Part B premium and may cover Medicare Part A and B out-of-pocket costs.

Upon issuance of the Carr injunction, PHLP contacted the Pennsylvania Department of Human Service (DHS) to alert them to the Carr order and advocate for retroactive reinstatement of full Medicaid for all Pennsylvanians whose coverage was reduced during the public health emergency due to the since-enjoined regulation. DHS agreed to stop reducing Medicaid benefits for people eligible for

an MSP and to reinstate individuals whose Medicaid had been reduced since January 31, 2023, the date of the Carr order. However, DHS would not reinstate coverage for people whose coverage was reduced prior to the Carr order absent direction from HHS or a new court order, neither of which were forthcoming. PHLP rela-



yed this concern to counsel for the Carr class, who promptly filed an emergency motion to enforce the original injunction, and which resulted in a clarifying court order.

PHLP returned to DHS with the new order and DHS agreed to proceed with prospectively and retroactively reinstating Medicaid for everyone whose coverage was reduced to MSP only since November 2020, when the illegal regulation was published. As a result of this advocacy effort, approximately 8,500 Pennsylvanians can use their Medicaid again, and people should be able to get Medicaid to cover past medical bills incurred during the time the illegal regulation was enforced.

WAIVER ELIGIBILITY

CLIENT SPOTLIGHT: PATRICIA

Applying for in-home services can be a daunting task, but PHLP exists to help people through the process so they can get the care they need. Patricia is an 88-year-old woman with multiple health issues. When her family contacted PHLP, Patricia was in a nursing home following a fall and hip fracture. Patricia wanted to return to her home and live near her children and grandchildren. But, in order to do this, she needed both ongoing nursing care and a caregiver to help with daily tasks. Medicaid Home and Community Based Services (HCBS) Waiver programs are the only source of help for these types of ongoing in-home services. Patricia's family was having lots of difficulty navigating the complicated Waiver application process on their own. That's when they called PHLP for help.

We worked with the Waiver Independent Enrollment Broker and the County Assistance Office to ensure that Patricia's application and all the necessary financial documentation were submitted to office the appropriate and processed timely. After over a year of the family going through

Applying for in-home services can be a daunting task, but PHLP exists to help people through the process so they can get the care they need.

CLIENT SPOTLIGHT: PATRICIA

the Waiver application process alone with no success, Patricia's application was processed within just weeks of PHLP's intervention. Patricia has now returned to her home and has the nursing care and personal assistance services she needs through the Waiver program. These services, along with the support of her family, are helping her live where she wants to live and live as safely and as independently as possible.



Patricia is pictured here at home with her granddaughter.

SUPPORT OUR WORK

Your donation helps us support people like Patricia, who rely on PHLP's free legal services.

Visit our <u>website</u> or scan the QR code with your mobile phone to make a donation today. Your support means the world to us.





THANK YOU TO OUR DONORS!

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PENNSYLVANIA Health Law PROJECT

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DONOR SPOTLIGHT: VLAD

WHY DO YOU GIVE TO PHLP?

"As a civilization, a country, and as individuals, we seem to have made a choice to ignore the most vulnerable and unfortunate. The social safety net that is supposed to protect the elderly is broken. Words and prayers are not effective at solving these problems.

This is why I am honored to have the opportunity to support the exceptionally important work of the Pennsylvania Health Law Project with my donation, and I urge you to do the same. If you believe in the promise of a fair and just society, please consider becoming a part of the solution so others can be helped, as PHLP helped my mom Irina when she needed this help in the last year of her life."



Vlad is pictured here with his mother Irina in 2019 following her debilitating stroke which left her partially paralyzed. She later developed dementia and shortly after, lost the ability to speak. PHLP's involvement in Irina's legal appeal was the defining factor in restoring her in-home services and support

SUPPORT OUR WORK!

Your donation helps support thousands of families who rely on PHLP's legal support to fight for the healthcare they need.

Visit our <u>website</u> or scan the QR code with your mobile phone to make a donation today.



IMPACT REPORT January - March 2023

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