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Subject: NSCLC In Review - February 2015

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### NSCLC WEBINAR:

**Santa Clara County  
The California  
Coordinated Care  
Initiative: What  
Advocates Need to Know**

**Feb. 17, 2015  
11 - 12 PM PDT**

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of low income older  
adults

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### In This Issue

This Is Justice In Aging

NSCLC and Partners File Lawsuit Against  
Social Security Administration

NSCLC Testifies at Senate Hearing on Importance of  
Social Disability Program

Ending Discrimination in Long-Term Care

Fighting Senior Poverty Through Access to Health Care

Out and About with NSCLC

### This is Justice In Aging

On March 2, 2015, the National Senior Citizens Law Center will officially unveil our new name Justice in Aging, and tagline: Fighting Senior Poverty Through Law. On that date we're also launching a new website and new social media channels. It's exciting and a little scary to change our name after 43 years as NSCLC, but the positive comments we've received from partners and friends indicate that our new name accurately reflects the work we do and builds on our legacy of impact in a way that people relate to.

**Tell us what [Justice in Aging](#) means to you!**

**Please take a moment to add [info@justiceinaging.org](mailto:info@justiceinaging.org) to your address book to ensure you continue to receive our updates.**

[Back to top](#)

### NSCLC and Partners File Lawsuit Against Social Security Administration to Protect SSI and SSDI Recipients

Kevin Hart is a San Mateo County resident who was sent to Dr. Frank Chen for a medical exam to determine if he was still disabled and thus still eligible for his SSI and SSDI benefits. Dr.

Chen conducted a perfunctory examination, failing to review Mr. Hart's medical records, ask about his condition, or let him explain his condition. Dr. Chen's report referenced tests he didn't perform and failed to mention Mr. Hart's primary disability—a leg and foot injury he sustained after being hit by a car— even though Mr. Hart needed a cane to stand during his exam. After Dr. Chen's evaluation, Hart was notified that his benefits were being terminated because he was no longer disabled.

With Morrison & Foerster LLP and the Legal Aid Society of San Mateo County, NSCLC filed a lawsuit on February 9 in federal district court in San Francisco. We are challenging the Social Security Administration's (SSA) continued reliance on medical reports by Dr. Chen, who has since been disqualified. The class action suit *Hart v. Colvin* was filed on behalf of three plaintiffs whose disability benefits were denied or terminated due to SSA's reliance on grossly deficient reports. Plaintiffs who are no longer able to work were denied Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) benefits that are essential to their well-being.

The lawsuit seeks to require SSA to reopen all prior determinations that terminated or denied SSI and/or SSDI benefits that relied on a consultative examination report from Dr. Chen, and offer plaintiffs an opportunity for a new exam from a qualified medical professional.

[Back to top](#)

## **NSCLC Testifies on Importance of Social Security Disability Program at Senate Hearing**

NSCLC Senior Staff Attorney Kate Lang testified February 11 before the U.S. Senate Budget Committee regarding the importance of preserving Social Security disability benefits. Lang's remarks illustrated the crucial importance of Social Security Disability Insurance (SSDI) in the lives of older adults. Seven in ten SSDI beneficiaries are age 50 and older and three in ten are 60 and older.

Darlene B., a 60 year old woman living in Washington, DC., attended the hearing, and Lang shared her story. Ms. B had worked for many years – her first job was with the Social Security Administration—but several years ago she was diagnosed with early-onset Alzheimer's and had to leave the workforce. Ms. B now relies on her son to keep track of her appointments and depends on the approximately \$900 a month

she receives in disability benefits to pay for rent and utilities. Lang testified that if disability benefits were cut, Ms. B would not be able to continue living in her apartment.

Lang urged Congress to act expeditiously to [protect SSDI benefits](#) by reallocating payroll taxes between Social Security's retirement trust fund and the disability trust fund, to equalize the solvency of the two funds, and to do so without any cuts to Social Security coverage, eligibility, or benefits.

As NSCLC works to fight senior poverty and protect the rights of older adults, U.S. Senate testimony like Lang sharing Ms. B's story is an important part of the conversation.

[Back to top](#)

## Ending Discrimination in Long-Term Care Facilities

NSCLC recently [submitted comments](#) on Centers for Medicare and Medicaid Services' proposed regulations to protect equal rights for all residents of long-term care facilities as part of CMS' implementation of *United States v. Windsor*. We believe the rule is an important first step in improving conditions for LGBT residents of long-term care facilities, but recommend stronger protections.

We've long worked to ensure that residents of long-term care don't experience discrimination on the basis of sexual orientation (or any other characteristic). Our ground-breaking report and webinar series on the experiences of LGBT older adults in long-term care facilities are [available here](#). NSCLC lawyer Eric Carlson was recently [featured in a New York Times story](#) about another type of discrimination in a nursing home setting – discrimination based on disability.

[Back to top](#)

## Fighting Senior Poverty Through Access to Health Care

For the series [12 Days, 12 Ways to Fight Poverty in America](#), Bill Moyers called on twelve leaders in the anti-poverty movement across the country to write guest blogs sharing ideas for preserving the safety net and increasing economic opportunity for all. Because access to affordable health care is so important to the economic security of low-income seniors, we wrote about how [strengthening Medicare and Medicaid is one of the biggest](#)

## Out and About with NSCLC

Our work advocating on behalf of low-income seniors takes our attorneys all around the country for trainings, conferences, and meetings with government officials. Here are just a few of the places we've been recently:

- In January, NSCLC attorneys Gwen Orlowski and Hannah Weinberger-Divack trained more than 50 elder and disability advocates in New Brunswick, New Jersey on how to prevent clients from losing services as the state transitions from fee-for-services to managed care in its Medicaid long-term services and supports programs.
- NSCLC attorneys Denny Chan and Amber Cutler have had a busy start to the year with many trainings on the California Coordinated Care Initiative (CCI) including participation in a teletown hall event organized by Personal Assistance Services Council that had over 1,600 attendees.
- At the beginning of February, NSCLC attorney Gerald McIntyre attended the National LGBT Task Force Creating Change conference in Denver, Colorado to present on Social Security, SSI, and Same Sex Marriage. Jerry also spoke at The White House Summit on LGBT Senior Housing this week.
- On February 10, NSCLC Executive Director Kevin Prindiville presented on a panel on evaluation of the dual eligible demonstrations at the Academy Health National Health Policy Conference in Washington DC.
- Over 900 people attended NSCLC attorney Eric Carlson's webinar "Involuntary Transfer and Discharge from Nursing Homes: Prevention, Advocacy, and Appeals" on February 11.

**National Senior Citizens Law Center**

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NSCLC staff are available to help advocates with answers to questions about program rules and requirements, reviewing and analyzing pleadings, commenting on proposed litigation, assisting in the formulation of strategies, drafting opinion letters and providing memoranda, articles and other written materials. NSCLC is a member of the [National Legal Resource Center](#) that provides legal support to the Aging Advocacy Network.

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