

MEDICAL LEGAL PARTNERSHIPS
(Interim Committee on Health and Human Services)
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Testimony of Ellen Leitzer, Executive Director
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In 1983 I co-founded the Senior Citizens' Law Office, Inc. (SCLO) and currently serve as its Executive Director. The mission of the Senior Citizens' Law Office is to provide quality civil legal services to residents of central New Mexico over sixty years of age in order to uphold their rights, maximize their autonomy and to ensure that they receive the benefits to which they are entitled. Our program has a particular focus on vulnerable seniors.

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SCLO's medical legal partnerships are not as formalized as the partnerships described by the previous speaker, Assistant Professor Yael Cannon, however they have been in place since SCLO was established in 1983. SCLO's staff works closely with the State Health Insurance and Assistance Program (SHIP) and Long-Term Care Ombudsman of the state's Aging and Long Term Services Department to ensure that seniors receive the health care benefits to which they are entitled such as institutional Medicaid and related community waiver programs, Medicare savings programs such Qualified Medicare Beneficiary (QMB) and Specified Low-Income Medicare Beneficiary (SLIMB) programs, and Medicare's low income subsidies for prescription medications. Indeed for many years SCLO served as Bernalillo County's SHIP under a contract with the Aging and Long Term Services Department.

Our Medicare Rights project will be working with skilled care providers and care managers to make sure that the recent settlement in the nationwide class action case of Jimmo v. Sebelius is fully implemented in the greater Albuquerque area. The Jimmo case concerns the so-called "Improvement Standard" --- under which coverage denials have often been expressed with terms like "plateaued," "stable," or "maintenance only" --- affects coverage not only for outpatient services, but skilled nursing facility, home health, and rehabilitation facilities as well. Its negative consequences have been particularly harsh for the many Medicare beneficiaries with severe chronic conditions which, left untreated, are likely to deteriorate. As the result of the Jimmo settlement, the federal Medicare agency has been forced to acknowledge that the "Improvement Standard" is unlawfully restrictive, and that these services can also be covered when necessary *to maintain or slow the deterioration* of a beneficiary's condition.

Finally, SCLO works with health providers and care managers to ensure that seniors in their systems and/or facilities execute health care powers of attorney that state their health care wishes and appoint health care decision makers in the event the senior becomes incapacitated. In fact, in 1995 SCLO was instrumental in drafting New Mexico's Health Care Decisions Act along with health care providers and others. Currently, SCLO staff is providing input to local health systems regarding their internal health care directives for terminally ill patients. SCLO's legal staff has also made presentations to members of Lovelace and Presbyterian Senior Plans at the request of the Plans.

Medical legal partnerships are an integral part of SCLO's program. We foresee reinforcing and expanding our partnerships in the coming years.