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Center for Independence of the Disabled, NY

March 2016

Quick Takes

CIDNY at NYAIL Legislative Day—Albany

On February 8, 7 CIDNY staff and 21 consumers traveled to Albany to join Independent Living Centers from around the state at New York Association on Independent Living (NYAIL)'s Legislative Day. We shared our stories with legislators and advocated for budget and policy decisions that affect our community. For the first time, one of CIDNY's Consumer Advocacy Network (CAN) participants co-lead a team that met with policy-makers: we look forward to more of this, as our CAN group is to create, educate, and motivate strong advocates on issues important to all people with disabilities.

In one day, we met with the offices of Senators Gustavo Rivera, Marty Golden, Liz Kreuger, Jessie Hamilton, Neil Breslin, and Kemp Hannon, and Assemblymembers Dick Gottfried, Rubin Diaz, Kevin Cahill, David Weprin, Michaelle Solages, David Carlucci, Keith Wright, Guillermo Linares, Catherine Nolan, Philip Goldfeder, Pamela Harris, Aravella Simotas, and Michael Blake.

All the teams discussed the need for increased funding for Independent Living Centers to support success in the community for people with disabilities. The ILC program had been flat funded for about a decade – even as costs have risen and demand for help has grown.

Among other issues, the Health Coverage Team discussed the need for consumer assistance funding for Community Health Advocates to help people understand how to use their coverage and solve problems they may encounter. One of CIDNY's Community Health Advocates was on our team and shared the stories of people she helped. We also supported new funding for outreach to the remaining uninsured. Despite the success of New York's enrollment efforts, 8% of New Yorkers still remain uninsured. We recommended that the legislature add \$2 million to the Executive Budget to fund outreach to hard-to-reach-groups and connect interested consumers to Navigators that can enroll them in coverage.

We also supported increased funding for the Long-term Care Ombudsprogram – a program with a mandate to protect New York's nursing home residents. The program is dealing with downsizing and closures, discharges of residents to homeless shelters, psychotropic drugging, and other serious problems with only minimal resources.

We also discussed the need to revisit the limits on Medicaid benefits and services adopted for the expected cost savings. We had plenty of examples of how limits such a 20-visit limit on Physical Therapy, Occupational Therapy, and Speech Therapy can cause loss of function and actually end up costing Medicaid more.

The other teams covered other issues such as affordable and accessible housing, safe and accessible shelters, transportation, Access-a-Ride fare parity, and the lack of due process.

Legislators and staff listened carefully and to us. After our visits, they definitely had a better understanding of the issues people with disabilities face,



Picture: Staff and CAN consumers in Albany

CIDNY's Long Term Care Ombudsman Program

In October 2015, CIDNY took over the NYC Long Term Care Ombudsman program. The program is responsible for serving as advocates for more than 50,000 residents of long term care facilities throughout the 5 boroughs. The program is the largest of its type in the U.S. We serve seniors and people with disabilities in nursing homes, assisted living facilities, and adult homes.

Staffed by 6 paid staff and 88 volunteers, we've responded to over 1,000 calls from residents and family members. We have implemented a system of tracking complaints and developing ways to document and count the many concerns that residents raise. We have also hosted over 10 volunteer meetings to provide support and on-going training.

Because our volunteers are the foundation of our program, we work hard at recruiting new people to become ombudsmen. In just a few months we have a team of 22 new volunteers ready to receive training. They will go through a 48-hour training program and be certified by the state as ombudsmen. After the training, they will each be assigned to a facility to begin advocating for residents there.

If you have any questions about this program, including how to volunteer, call us at (212) 674-2300.

CIDNY CONSUMER ACTION NETWORK MEETING—Wednesday, March 16 — 1:00 PM to 3:00 PM

841 Broadway, Suite 301, between 13th and 14th Streets

Subways: 4, 5, 6, L, N, Q, R to **14th Street Union Square**. Station is accessible for the L, N, Q and R lines.

Come join us to hear about: our trip to Albany; the legislators we met; and the issues we presented to them. Also, stay for a special presentation by the Hofstra Law School Health Law & Policy Clinic on Health Care Proxies and Living Wills. They will provide information and advice.

Ven y Únete a nosotros escuchar acerca de: nuestro viaje a Albany; los legisladores que conocimos; y los problemas que se les presentan. Además, se mantenga para una presentación especial de la Ley y la Política de Salud Clínica de la Facultad de Derecho de Hofstra en proxies de Cuidado de la Salud y testamentos vitales. Ello permitiría disponer de información y asesoramiento.

Please RSVP by Wednesday, March 9 to Eva Burgess at 212-674-2300 and let her know if you need an accommodation like large print, Braille, or an interpreter, including ASL. Please be considerate to people dealing with chemical sensitivity disorders and refrain from wearing cologne or perfume at our meetings and events.

Issues for People on Medicare in 2016

The beginning of the calendar year can sometimes present confusing changes with your Medicare coverage. For example, your Medicare drug plan (even if it is the same plan as last year) may no longer cover your drug or may have new restrictions where the plan must grant prior approval to cover your drug. To prevent surprises when you go to refill your drug prescription, Medicare requires plans to give you a one-time "transition fill" for drugs you already take that are not covered or are restricted now with your plan. This is a temporary one-time supply of up to 30 days. Your pharmacist is supposed to tell you if you are getting a transition fill. If you get one, your plan is supposed to send you a letter telling you to discuss options with your doctor. Your doctor may switch you to a similar covered drug; or, if your doctor thinks you need to stay on the current drug, your doctor can request an "exception" to ask the plan to continue to cover your drug. Be sure to contact your doctor whenever this happens.

The Medicare deductible is another issue that happens early in the year. On January 1 of each year, you have a new "deductible" – the amount you must pay out-of-pocket before Medicare starts to pay. For Part B outpatient services like doctor visits, lab tests, and other outpatient services, the 2016 deductible is \$166. It is possible that your deductible will apply to a visit other than your first if the claim for that visit reaches Medicare first. In that case, the very first provider you see may wrongly assume that the deductible will apply to that visit and will ask you to pay it up front. Whenever possible, ask doctors if you can wait to bill you until after Medicare pays its portion. If you do pay the deductible up front in error, ask the provider to refund it.

Finally, if you have Medicare Part A (hospital coverage) but not Part B (outpatient coverage), now is the



time to enroll. You have from Jan 1 through Mar 31 each year to enroll in Part B, and it will be effective on July 1. Note that you will pay a higher premium for Part B if you enrolled after you were first eligible. The penalty is 10 percent for each full year you delayed. If you enroll in a Medicare Savings Program that pays your Part B premium, you will not be affected by the penalty. Also, if you have Medicare due to disability and later turn 65, the penalty stops once you turn 65.

If you have any questions about your health insurance coverage, contact Greg Otten at CIDNY, 646-442-4145, or gotten@cidny.org

Special Presentation: March 16, 1:00-3:00 PM

Hofstra Law School Health Law and Policy is holding a clinic at CIDNY to answer your questions and to give you free advice on creating Health Care Proxies and Living Wills. New York Law lets you create these documents, which tell your health care providers and your family members what you want to have happen – your choices – in case you can't speak for yourself.

Health Care Proxies – The document lets you list what you want and how you want to be treated, so your trusted representative knows what to say and your health care providers know that person represents you and knows what your choices are.

Living Wills – This document tells your health care providers what you want to have happen – your choices for treatment and preferences – if you cannot speak for yourself. Your directions in this document must be followed by those who treat you.



Many people are confused about what these documents are and what they can help you do. If you want to find out more about your rights and protecting your choices, you can speak with a Hofstra Law School legal intern. You can also create your Health Care Proxy or Living Will at the Clinic, held on March 16 in Manhattan from 1:00-3:00 PM and on April 20 in Queens from 1:00-3:00 PM.

Call 212-674-2300 to RSVP, and let us know if you need an accommodation.

CIDNY Quick Take