

Impact Advocacy Report October 2015

Health and Public Benefits Advocacy

Martin v. Colvin (E.D. Ky. at Pikeville) With Ned Pillersdorf and John Rosenberg

- Class action lawsuit against SSA on behalf of 1470 disabled individuals who are having their SSD/SSI benefits redetermined due to SSA's "reasonable belief" of alleged fraud by their attorney and doctors
- Our second motion for preliminary injunction pending – reply brief filed 7/27
- Telephonic hearing with judge on prelim injunction motion – 8/10
- Filed supplemental brief on jurisdiction issues – 8/17
- SSA's Motion to Dismiss pending – our response filed 9/4
- Our motion for class certification pending - filed 7/23
- Consulted with national experts – Justice in Aging, Center for Medicare Advocacy, AARP Legal Foundation, NOSSCR

H.B. v. SSA (ALJ hearing held July 22)

- Appeal of automatic 1/3 reduction in SSI benefits for individual who resides with parents
- Submitted evidence and prehearing memo
- Signed up for electronic access to SSA records
- Received unfavorable decision 9/25, considering appeal

CHFS/ DCBS Issues

- Monthly review of new and revised regulations
- Reviewed revisions to Olmstead Plan, including my suggested changes
- Reviewed Statement of Consideration for changes to SNAP administrative disqualification regulation
- Reviewed DCBS regs re electronic notices and reviewed sample new notices at LRC
- Reviewed SNAP reg changes to SAFE programs
- Reviewed revisions to Medicaid long term care waiver regulations
- Reviewed new federal SNAP fleeing felon rule
- Will be attending SNAP meeting on ABAWDS in DC – 10/28

Children's Mental Health

- Monitoring expansion of mental health services and providers
- Participate in State Inter-Agency Council redesign team on Systems and Structure
- Participate in monthly KVH Children's Task Force meetings
- Met with Cara and Children's Law Center to review next steps
- Submitted Open Records Request to CHFS

Consumer Advocacy

National College of Kentucky v. Moffitt, et al.

(Jefferson Circuit Court) - SLAPP suit alleging defamation

- Coordinating defense with AG's office and Wave TV 3 attorney
- Deposition of Moffitt by National College – 8/13
- Motions for Summary Judgment refiled 9/1, reply brief filed 10/5, oral argument scheduled for 11/4

P.W. v. National Consumer Law Group

- Client signed contract with debt settlement company; paid \$400-500 for almost a year with few results; payments cancelled
- Consulted with AG's office, referred client to bankruptcy attorney
- Considering legal action against debt settlement company

KCRL (Kentucky Coalition for Responsible Lending)

- Participated in in-person membership meeting and conference calls to plan next session's campaign – 36% cap on payday loans
- Contacted press with questions for gubernatorial candidates
- Participated in monthly national payday advocates conference calls
- Attended 3 IJC meetings (Banking and Insurance, State and Local Government) and lobbied 24 Senators/Representatives
- Met with Senator Hornback and consulted with CRL about his proposal
- Revised short version of Fact Sheet for legislature

Non-Judicial Foreclosure

- Created advocacy network to fight off bill to be filed next session
- Reviewed draft bill received from realtor group, prepared summary and sent to advocacy group

Impact Advocacy Network (Shriver Center)

- Participated in Predatory Lending Committee conference call

Other Advocacy

- Participated in in-person health team meeting and monthly calls
- Organized and chaired Consumer/Housing Task Force meeting – presented on legislative forecast (non-judicial foreclosure)
- Participated in Welfare and Health Task Force – presented on *Martin v. Colvin*
- Participated in Workers' Rights Task Force
- Assisted client with Louisville Water Company dispute
- Looked at numerous potential new office locations