

# Kentucky Equal Justice Center

April 26, 2022

## Staff Report Highlights

### Health Justice and Advocacy — Shannon Rempe

- **Impact Litigation - UK Healthcare debt collection**
  - Shannon and the litigation team on this case filed a motion for summary judgment in February, followed by additional briefing
  - Shannon made multiple press appearances with our co-counsel from National Center for Law & Economic Justice (NCLEJ)
    - [NCLEJ press release](#)
    - Jared Bennett, of KYCIR: [Kentucky kept collecting UK medical debt after acknowledging due process violations](#)
  - Developments are forthcoming given the passage of HB 8 and UK cancelling its collection agreement with DOR. We are in discussions with the Defendants to get to the best outcome for our Class.
- **Sexual and Reproductive Rights**
  - Shannon has been in contact with Oliver Hall, Trans Health Director at KHJN, to discuss connecting clients seeking gender-affirming care with legal help—in addition to generating resources for KHJN clients.
  - Shannon is very interested in being involved in the Strategy Test concerning KEJC's role in sexual and reproductive rights work.

### Impact Litigation and Advocacy — Ben Carter

- **Cash Bail (HB 313/SB 313) and the Crisis at Metro Department of Corrections**
  - Worked with local and national chapters of The Bail Project to stop the passage of damaging cash bail reform measures (HB 313/SB 313). 198 Kentuckians sent emails to their legislators using our Action Network campaign; data sharing with The Bail Project.
  - This work has been a good way for us to work in one of the three areas of unmet legal needs I identified in my first board report—environmental justice, civil ramifications of contact with the criminal legal system, and democracy defense—in an additive, useful way.
- **Vacant Properties in Louisville**
  - We have hosted UofL law students for the past three semesters to specifically identify

and do individualized, face-to-face outreach to people in Louisville's West End who live next to city-owned vacant and abandoned properties and are eligible to purchase them as side yards for a dollar. We recently completed the face-to-face outreach portion of the work. That outreach has already helped people purchase those properties, taken vacant property off the city's maintenance rolls, and built wealth in the part of Louisville that has experienced 80 years of government-promoted divestment. Next step: neighborhood-level outreach to ID neighbors who can purchase properties on the block for \$500 through another city program.

- **Soft Reset**

- After 3.5 years at KEJC, with the winding down of the UK Healthcare/DOR litigation, and the launch of the housing stability services work, I'm looking at the summer as an opportunity to do a "Soft Reset" for our litigation/legal work. Have/deepen conversations about the multi-function advocacy model portion of our Strategic Plan, build processes internally and with LSC partners on the housing stability work, build capacity to sustainably carry more litigation like UKH/DOR at KEJC.

## **Outreach — Miranda Brown, Emma Anderson**

- **Networking/Outreach/Communications**

- **Outreach:** KEJC staff spoke directly with over 350 people, either by knocking on their door, meeting them at court, the United Way WayPoint Centers, the New Life Day Center, in person meetings with partners, or virtual meetings and presentations. Some unique occasions this quarter were meeting with the Mexican Consulate of Indianapolis, presenting to the Protecting Immigrant Families Campaign State Policy Subcommittee, presenting to parents of children with special needs in Un Abrazo Amigo, and meeting with the Morehead group Concerned Citizens for Migrants.
- **Workers' Rights Task Force:** Our January meeting featured Dustin Pugel and Anna Baumann of Ky Policy, Bill Londrigan of Kentucky State AFL-CIO, and Carla Wallace, cofounder of Showing Up for Racial Justice. Thirty-six legal aid staff, labor representatives, and other partners in Kentucky and across the South attended for updates on the General Assembly and discussion about addressing race and class in messaging about worker rights issues.
- **RADIOLEX:** Miranda recorded and aired time-sensitive content in English and [Spanish](#), covering [rent and eviction help](#) with Emma, [immigration](#) with Allison and Michelle, and [Taxes, Tax Credits, and Assistance](#), with Jordan Wilson of United Way of the Bluegrass.

- **Direct Service**

- **Lexington Wage Claim Clinic:** We've assisted 3 new wage claimants.
- **Health Coverage Enrollment Assistance:** Miranda helped 13 new individuals and families with health coverage in addition to previous clients. She helped a new client enroll in Emergency Medicaid so that he could receive a treatment that has saved his

eyesight!

- **Advocacy Feedback Loop**

- **Kentucky Health Benefit Exchange (KHBE):** Miranda helped several families enroll in kynect coverage, only to find that their enrollment and/or tax credit information did not successfully transfer to their plan issuer. After alerting KHBE to retransfer their enrollment information, other kynectors also identified this as a system issue. Our reporting of the issue led KHBE to create an email protocol for resolving it, saving kynectors from having to call the call center to correct each of these cases. Miranda used KHBE's Issue Tracker to report issues with labeling documents for upload to kynect, unreasonable delays (longer than 60 days) in Emergency Time Limited Medicaid eligibility determination, ongoing issues affecting an immigrant household with mixed eligibility for Medicaid and QHP coverage, instances of cases being withdrawn when the applicant did not request withdrawal, and kynector case association errors. Through all of these errors, Miranda has worked with KHBE to maintain her clients' continuous enrollment in coverage as well as identify systematic issues to be fixed.
- **Notice Improvement:** Rich and Miranda continue to participate in weekly Zoom meetings with CHFS to workshop notices. Recently, we helped add clarifying language to various notices regarding payment due dates, how to get a kynector, how to submit documents for KI-HIPP (Kentucky Integrated Health Insurance Premium Payment) enrollment, how to contact one's assigned Medicaid MCO, and how to apply for full Medicaid if one is only enrolled in temporary Presumptive Eligibility coverage.
- **Advocacy partnerships:** Miranda presented on a national call of the Protecting Immigrant Families Campaign State Policy Subcommittee. Together, Health Law Fellow Shannon Rempe and Miranda met with Eric Carlson of Justice in Aging about nursing facility discrimination and managed care.

## **Food Justice — Tyler Offerman**

- **House Bill 4 — Gutting Unemployment Insurance**

- HB4 was introduced early in the session and seemed to be destined for passage no matter what advocates did. Using bad faith arguments about worker shortages and stopping “excessive” federal funds through PUA, PUC, and PEUC that were “keeping Kentuckians from seeking jobs,” the General Assembly turned our unemployment insurance program into one of the stingiest in the nation. Should we see another economic downturn that creates a wave of layoffs, the vast majority of Kentuckians will be prevented from accessing UI benefits.

- **House Bill 7 — War on the Poor 2.0**

- On the last day new bills could be filed in the Kentucky House, House Bill 7 was filed.

In its original form, HB7 would have immediately forced hundreds of thousands of currently eligible Kentuckians out of SNAP, Medicaid, and TANF, created new barriers and penalties for people trying to access these benefits, and turned the Cabinet for Health and Family Services into the quagmire we saw with the Office of Unemployment during the beginning of the pandemic. KEJC staff worked with KFAN members and allies in the ThriveKY Coalition to fight the bill (which we had been anticipating). KEJC staff participated in over 40 lobby meetings, spoke at press conferences, ran a social media/grassroots lobbying campaign, and worked every other angle we could think of to stop, slow, and defang the bill. We failed to stop the bill but were able to remove the immediately bad parts and changed many of the “shalls” to “mays,” protecting many thousands of Kentuckians from losing access to the safety net and pushing off the fight over new barriers until a new Governor chooses to try to implement them - in which case the likely answer would be litigation.

- **Kentucky Food Action Network**

- We continue to work with the Kentucky Center for Economic Policy, Community Farm Alliance, and Feeding KY to support the Kentucky Food Action Network (KFAN). Several farmers, public benefits recipients, and KFAN Steering Committee members engaged in advocacy during the General Assembly. We have also had some success in shifting the narrative around the scale of hunger in Kentucky and the need for policymakers and community leaders to address the root causes of hunger. We can look at the way KFAN members and our messaging showed up in policy discussions, news coverage, and research papers to see that we are having an impact. This is long haul work of course, but it’s good to see it beginning to prove effective.

## **VOCA — Allison Hight**

- **T visas**

- Since the last board meeting, Maxwell Street has had some exciting and important developments in several of our T visa cases, where we assist victims of human trafficking. One of our clients was the victim of labor trafficking at the age of 14. Allison filed a T visa application on his behalf in 2019, and, after waiting years due to protracted USCIS processing times, his case was finally approved in December! His parents, who he has not seen since he was trafficked into the United States in 2016, also received T visa status. Over the last several months, Allison guided them through the consular application process to receive their visas and enter the United States. They recently attended their visa interviews and were approved. They will be entering the United States in the next few weeks and will be reunited with their son after more than six years apart.
- Michelle has connected another one of our T visa clients to crucial services to help her recover from severe and repeated victimization. For instance, the client suffered dental damage more than 13 years ago when she was trafficked but was not able to afford the medical care that she needed. After our office identified her as a victim of trafficking, we referred her to Catholic Charities, who was able to cover her dental

care because of her victimization. Most recently, Michelle was able to connect the client to a local therapist who our office has a long-term relationship with to provide long-overdue counseling services.