

## Kentucky Equal Justice Center

### Impact Advocacy

#### How We've Helped Protect Low-Income Kentuckians and Create Opportunity

##### Here are examples of our work:

**Challenging cutoffs of long term care:** Senior Staff Attorney Anne Marie Regan is perhaps best known in Kentucky by the results of a case. In 2003, about 400 nursing home residents and almost 3,000 people with home and community based services were assessed by the state under new “level of care” standards and denied or terminated from Medicaid long term care. Working together with the National Senior Citizens Law Center, representing ten elderly and frail named plaintiffs (several of whom died during the course of the litigation), Anne Marie filed a class action suit to challenge the changes. In the end, care was restored to 97 percent of the people who lost it—and the right of Medicaid recipients to challenge an improper change in “amount, duration and scope” of services was upheld.

**Making sure premiums are spent on health:** How much of a premium dollar should go to health care? The new rule under health reform—for individual policies—is 80 cents of every dollar. When Kentucky proposed a temporary change to 65 cents, our Health Law Fellow did the research and sent comments to Washington. The result: a middle ground solution of 75 cents for one year, then 80 cents. According to federal estimates, the change will save Kentuckians an estimated \$1.3 million in premiums in 2013.

**Winning health care for working families:** The welfare system can have strange and harsh consequences. In the 1980s, Kentucky parents on cash assistance lost health care for their families at the lowest levels of earnings of any state. We did the research on how to change that. Working with community partners and lawmakers, we helped pass a plan to allow about 10,000 working Kentuckians to earn more, keep Medicaid and phase out their cash benefits as their earnings rose. Long before KCHIP, Kentucky parents learned that work wouldn't be held against them—or their kids—when it came to health care.

**Protecting charitable assets:** Kentucky Blue Cross began as a nonprofit just after the Great Depression. It offered “same premium, same plan” for all. Years later, Kentucky Blue Cross and Blue Shield disappeared in a merger with Anthem. Working with Kentuckians for Health Care Reform and national experts at Consumers Union, we encouraged state officials to examine the transaction. The principle: under the law, nonprofit assets cannot be converted to another use. Attorney General Ben Chandler brought a challenge in court. We gathered 19 Kentucky groups for a “friend of the court” brief. A mediated settlement recovered \$45 million in charitable assets and created a new foundation to “meet the unmet health care needs of Kentuckians.” Millions of dollars of grants later, the Foundation for a Healthy Kentucky is going strong. Instead of disappearing, the assets have grown.

**Making the Americans with Disabilities Act work in practice:** The Americans with Disabilities Act applies to public benefits programs. People with disabilities have a right to participate not just in benefits but in work activities, education and job readiness programs. Together with the National Center for Law and Economic Justice, we made suggestions for Kentucky flyers, forms and interviews.

The goal: let people know of their rights to screening, assessment and accommodation. After six months, we learned that 15 to 19 percent of applicants for food stamp, K-TAP and Medicaid had voluntarily requested screening and assessment of health, mental health and learning disabilities—increasing their chance of success in work activities.

**Protecting homeowners against medical debt:** It's well known that medical bills are a driving factor in personal bankruptcy. In legal services offices around the state, lawyers and paralegals see it all the time. They also saw people lose their homes. The reason: Kentucky had a low "homestead exemption" to protect home equity in bankruptcy. In 2005, we helped draft and support a bill to change that. Kentucky adopted the federal bankruptcy exemptions, more than doubling the homestead exemption. (It may sound arcane, but bankruptcy lawyers were thrilled that they could better protect homes.)

**Winning unpaid wages:** The story begins with workers themselves. Families seeking help with the immigration process often brought us employment problems: unpaid wages, refusal of workers comp, denial of prevailing wage. Our immigration program Maxwell Street Legal Clinic could not provide a full service employment law practice. But we saw the need. KEJC attorneys have collected well over \$100,000 in back wages. One case made headlines: nine immigrant horse farm workers, some unpaid for months, won back pay totaling over \$90,000—but only after KEJC negotiated a security interest in the farm's thoroughbreds and the horses were sold at auction. Since then, our Board embraced workers' rights in its strategic plan. In 2010, we launched a new full-time Employment Law Attorney.

**Making human trafficking a crime:** As the state's primary civil legal advocacy nonprofit devoted to impact advocacy, we also addressed mistreatment of workers at the policy level, helping write and pass Kentucky's 2007 law making human trafficking a crime.

**The path to a larger life:** Perhaps no one needs education more than single parents in the welfare system. Despite myths and stereotypes, many Kentucky parents desperately want it. In the 1980s, Kentucky Equal Justice Center helped protect a program that offered child care for hundreds of welfare parents who enrolled themselves in post-secondary education. When welfare reform passed in the 1990s, we wrote the bill that ensured Kentucky parents could still volunteer for higher education as their required activity—to the full extent allowed by federal law. The bill set in place a planning process that created Kentucky's acclaimed Ready to Work program. Ready to Work provides work study stipends and on-campus mentors for low income single parents, mostly in community college. Today, about 1200 welfare parents a month are pursuing career-oriented degrees.

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