

# KEJC Communications Report




By Marcie Timmerman

## STATUS and GROWTH




**1,611 Likes on Facebook 1,938 Followers on Twitter**

**April 16, 2018-July 13, 2018**

### Facebook Activity Overview

 <b>59.8k</b> Impressions	 <b>1,787</b> Engagements	 <b>966</b> Clicks
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### Twitter Activity Overview

 <b>80.5k</b> Organic Impressions	 <b>1,364</b> Total Engagements	 <b>253</b> Link Clicks
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We're still seeing a steady growth in audience, which during the summer means we're doing something really right. We're striking chords with our audience. The Medicaid waiver lawsuit was certainly a contributor to our fame, but our continuing coverage of immigration (through Maxwell Street Legal Clinic) and workers' rights have also helped our messaging be diverse.

### Communications Efforts

- Communicating the 1115 Waiver status, changes made to policy, and the eventual vacated status of the waiver (courtesy our amazing legal team).
- Responding to questions from consumers, media, and other stakeholders regarding current Medicaid benefits status
- #SNAPWorks effort to highlight the value of SNAP (food stamp) benefits in Kentucky, resulted in saving the program from significant cuts
- Sharing & continuing the conversation on refugees detainment, family separation and legal status through Maxwell Street Legal Clinic (thanks to Nathalie & Leah!)
- Continuing participation in the Legal Impact Network communications calls
- Continuing to promote Wage Clinics, Reclama Tus Derechos, and more
- Kentucky Gives Day raised \$2,620 in one day, social media-based campaign

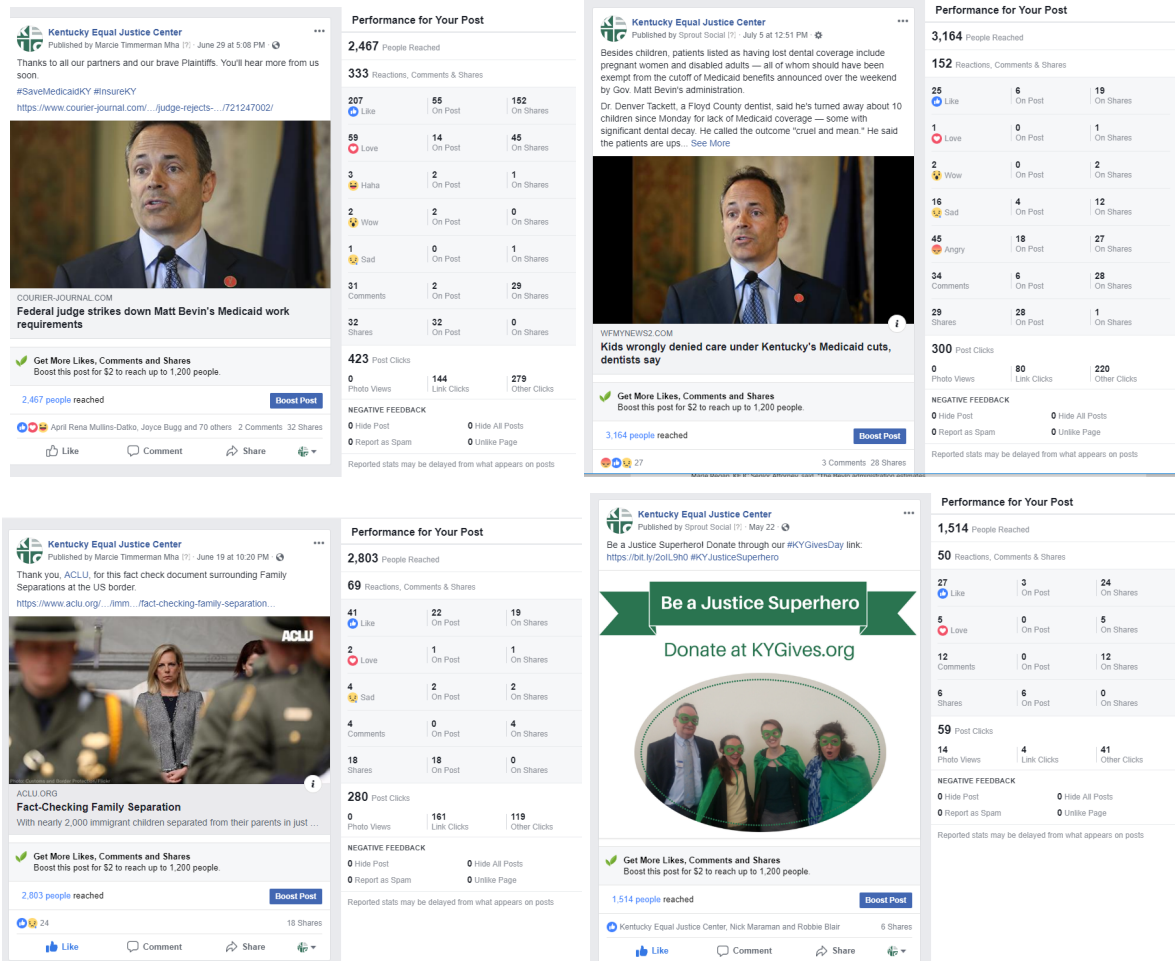
### Coming Soon:

- Medicaid updates
- Open enrollment period in November
- More information on Consumer Law
- More Workers Rights posts
- More collaboration with LIN members on nationwide content

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## TOP PERFORMING POSTS



**Top Tweet** earned 1,254 impressions

Labor trafficking includes the use of force, fraud, or coercion to make someone work. Learn the signs of trafficking & how you can find help. Tune in to Reclama tus derechos, our Spanish-language radio show every Friday at 9 AM on El Pulso Latino 95.7 FM. [bit.ly/2q2R2Gi](https://bit.ly/2q2R2Gi) [pic.twitter.com/J3Wvr43ErW](https://pic.twitter.com/J3Wvr43ErW)



[View Tweet activity](#)

[View all Tweet activity](#)

**KY Equal Justice**  
@KYEqualJustice

**#PressRelease** on today's federal case with the 1115 Medicaid Waiver in Kentucky:  
[healthlaw.org/news/press-rel](https://healthlaw.org/news/press-rel) ...  
**#SaveMedicaidKY**

"We see our clients and low-income people all across the Commonwealth finally getting the preventive services and medical treatment they need. Medicaid coverage enables people to work. This approval got it exactly backwards by conditioning health coverage on work."  
Anne Marie Regan  
KEJC Senior Counsel

2:49 PM · 15 Jun 2018

10 Retweets 4 Likes

4

1369 impressions

# HEALTH LAW FELLOWSHIP

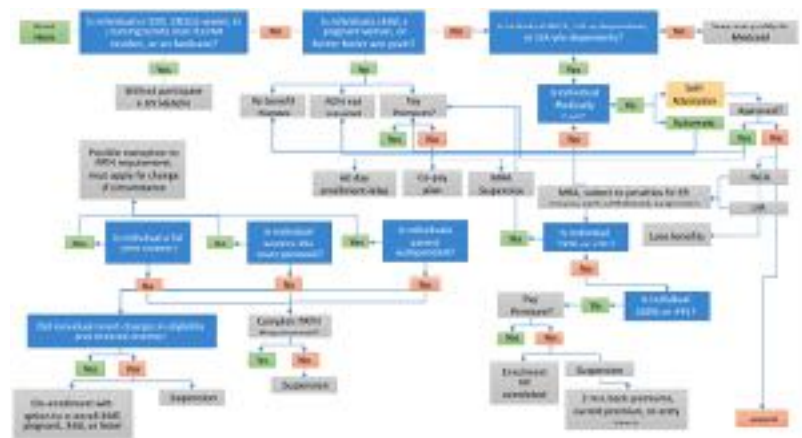
## Notices



Post Judge Boasberg's opinion on July 29th, we have been busy evaluating and otherwise responding and dealing with the "fallout". The state has made several significant changes and cited to notices that our entire Health Team went out looking for in DCBS offices.

## Drug Abuse Prevention & Reentry

Largely due to Medicaid and the work and funding of the MCOs, there is new work statewide on Reentry, as well as prevention side advocacy. I have returned to presentations for orgs & being active on both fronts primarily in NKY, plus of course the FHKY Smoke Free initiative.



## Litigation & Drum Beat

Communication, to our clients, to the public, and to the media has been challenging but a high priority. We refer to our measured and disciplined messaging as our "drum beat". The above image is a flow chart of figuring out a consumers eligibility and exemptions for the proposed experiment with 1115 authority. This was the scheme for which the approval was vacated by Judge Boasberg on June 29th. ***\*Please Read the Opinion\****

After around a year of weekly phone calls, I went to Washington DC and met several of our co-counsel for the first time and participated in the mooting of the oral argument & stayed for the oral arguments.





## Partners!

Continued near daily partnership with NHeLP, and similar with the Southern Poverty Law Center.

## Enrollment

Continued enrollment efforts, year round!

- Enrolled 4 Individuals and Families in Medicaid since the last board meeting
- Updated several of our Waiver lawsuit plaintiffs cases/ application
- Requested hearings for 3 clients with Adverse Medicaid eligibility decisions
- Represented 2 clients in Medicaid hearings, one initial and one appeal

The Media hasn't slowed down with their interest, thankfully.

I have interviewed and connected reporters with affected Kentuckians from the usual subjects, from the Lexington Herald-Leader, Courier Journal, Insider Louisville, New York Times, Washington Post, Truth Out, and several smaller local outlets and some I have unfortunately forgotten the names of...

## New Partners

I am a new member of the Annie E Casey Leadership Program through the Georgetown University Center for Children and Families, in combination with statewide team including Emily Beauregard of Kentucky Voices for Health, Dustin Pugel of Kentucky Center for Economic Policy, and Adrienne Bush of Housing and Homeless Coalition of Kentucky.

## **KEJC Impact Advocacy Report July 2018**

### **Public Benefits Advocacy**

***Stewart v. Azar***, Civ. No. 1:18-cv-152 (JEB), 2018 WL 3203384 (D.D.C. June 29, 2018)  
**(With NHeLP, SPLC and Jenner & Block)**

- Court granted our Motion for Summary Judgment and vacated Kentucky's 1115 Medicaid waiver – held that CMS failed to consider the impact it would have on individuals (when state estimated 95,000 people would lose coverage) and failed to consider whether the waiver would further the purpose of Medicaid (to provide health insurance to those who cannot afford it)
- Lawsuit filed in Washington, DC on behalf of 16 Kentuckians against federal agencies that approved Kentucky's 1115 Medicaid waiver
- Defendant's motion to transfer the case to federal court in Kentucky denied
- Governor's motion to intervene granted (unopposed)
- 2 Amicus briefs filed in support of plaintiffs – AARP *et al.*; Scholars *et al.*
- Attended Court hearing in DC on 6/15
- Participated in press interviews
- Arranged numerous press interviews with plaintiffs
- Now dealing with Governor's reaction – immediate cut to dental/vision and non-emergency medical transportation
  - Court's order restored KY to status quo – did not require state to cut benefits
  - KY cut benefits without CMS approval of State Plan Amendment
  - Sent letter to CMS asking them to send SPA back to state for comment period
  - Filed Open Records Request to state asking for all versions of SPA and CMS approval – state has not responded within 3 days, preparing to ask AG to review
  - Preparing demand letter to state to restore vision, dental, NEMT

***Commonwealth of Kentucky, ex rel. Matthew G. Bevin, Governor et al. v. Stewart et al.***  
**(E.D. Ky. 2018) – With Southern Poverty Law Center**

- Lawsuit filed against all 16 plaintiffs in our *Stewart v. Azar* case, seeking declaratory judgment that federal approval of waiver was proper and legal
- Kentucky Association of Health Plans and Kentucky Hospital Association filed motions to intervene in support of Governor – decision pending
- We filed Motion to Dismiss – decision pending
- Considering next steps in light of *Stewart v. Azar* Order

***Commonwealth of Kentucky, Cabinet for Health and Family Services v. Anne Marie Regan*** - (Franklin Circuit Court, now Court of Appeals) – **With Southern Poverty Law Center**

- We appealed Cabinet's refusal of our open records request for Medicaid waiver documents and received favorable decision by AG
- Cabinet filed complaint/appeal with court - cross Motions for Summary Judgment
- Court ordered Cabinet to provide records to us – found records not exempt as preliminary recommendations or opinions
- Court found Cabinet's refusal to submit records to AG for *in camera* review violated Open Records Act
- Filed motion for attorney's fees, penalties and costs – court holding in abeyance pending appeal
- Cabinet has filed appeal to Kentucky Court of Appeals
- Filed Supplemental Pre-Hearing Statement and Pro Hac Vice motion

**Other Advocacy**

- Participated in SNAP advocacy on Farm Bill
- Participated in health care Boots call – gave update on *Stewart v. Azar*
- Referred 2 cases to Rapid Response Team (benefit issues)
- Attended Legal Services Statewide Conference – presented Consumer Task Force report and update on *Stewart v. Azar*
- Participated in KEJC Legal Work Committee conference call
- Call with Rich to discuss Senior Litigation and Advocacy Counsel job description and listing
- Responded to Kentucky Voices for Health request for info about benefit appeals process

**Anne Marie Regan**  
**Senior Staff Attorney**  
(502) 333-6012  
amregan@kyequaljustice.org

## **Maxwell Street Legal Clinic Board Report 07/19/2018**

### **Highlights since 05/01/2018**

- Our VOCA staff is complete! Allison Hight started with us on May 31. She is taking the Kentucky bar exam on July 24-25.
- Michelle Haubner completed her Comprehensive Overview of Immigration Law course, and submitted her application for DOJ accreditation.
- Marilyn Daniel received the Donated Legal Services award from the KBA for her work with MSLC. We're very thankful for her continued dedication!

### **Caseload Summary**

- Cases handled from 04/26/2018 until 07/16/2018: 104
- Cases handled in the last year: 495
- Averaging 553 calls a month
- We renewed Temporary Protected Status for 10 Honduran clients for the last time, as their country designation was terminated. We screened all TPS clients for other eligibility for any other immigration benefit and found that most have no other options.
- For the time being, we remain able to submit DACA renewal applications. We've opened 50 new DACA cases since the January court order. Starting at the end of this month, we may be able to submit initial DACA cases as well.

### **Funding**

- Client fees from 04/16/2018 until 06/30/2018 were \$3,270
- Donations from 04/16/2018 until 06/30/2018 were \$3,620
- Mary Queen of the Holy Rosary donated \$3,000, and Second Presbyterian Church donated \$250
- We were awarded \$8,000 from the Kentucky Bar Foundation, and \$6,500 from the Catholic Diocese of Lexington

### **Outreach, Media and Community Involvement**

- Since the last board meeting in May 2018, we have reached over 330 people through 10 different outreach, media, and community events
  - Leah gave a training to six attorneys at Bingham Greenbaum and Doll on POAs, DACA, and citizenship, and hopefully they will begin taking pro bono cases with us
  - Leah, Nathalie, and Miranda gave a training for mental health professionals at KeyAssets on immigration 101, know your rights, preparedness, family plans, and healthcare
  - Leah and Corinna tabled at Casa de la Cultura's Mother's Day Festival, and provided information on immigration, healthcare, and workers' rights
  - We participated in a roundtable with DHS, ICE and USCIS in Northern Kentucky
  - We had an open house at MSLC for KY Gives Day
  - Marilyn, Nathalie, and Allison walked in the Fourth of July parade, with a coalition to show support for immigrants
  - We attended a variety of trainings and events with the new VOCA staff

## Outreach Staff Report

### May 1 – July 15, 2018

#### Outreach Update

- ✓ **22 outreach presentations, events, and meetings:** Outreach and MSLC staff activity since the last board meeting on May 1.
- ✓ **Outreach Highlights:** Southern Kentucky Migrant Education Program (25 people), Mother's Day Festival (250 people), provider training through partnership with Key Assets (30 providers), St. Mildred's Roman Catholic Church in Somerset (30 people)
- ✓ **Enrollment clinics:** monthly at the Village Branch Library, twice-per-month at the New Life Day Center (partnership with Community Action).
- ✓ **Radio:** Miranda and Corinna recorded three half-hour episodes of "Reclama tus derechos (Claim your rights)" radio program in Spanish for El Pulso Latino WLXL 95.7 FM, one of Lexington Community Radio's two stations. The station just added a third air time of our show on Sundays at 10:30 am. VISTA Corinna scripts and edits the show. Most shows have been about workers' rights, but we have now aired four episodes on topics of access to healthcare. We have recorded several episodes in English for "Know Your Rights," soon to air on Lexington Community Radio WLXU 93.9 FM. Listen at [kyequaljustice.org/ReclamaTusDerechos](http://kyequaljustice.org/ReclamaTusDerechos)
- ✓ **Re-entry Focus:** The outreach team continues to expand our reach amongst re-entry populations with:
  - regular visits to Natalie's Sisters-affiliated inmates at the Fayette Co. Detention Center
  - tabled at Opportunity for Work and Learning, coordinated a presentation for the Bluegrass Reentry Coalition for the final week of July

#### Health Insurance Enrollment

- **Assisted 16 new individuals and families** since May 1, 2018, as well as previously established Benefind and HealthCare.gov cases.
  - Mostly Medicaid and KCHIP enrollments, 1 complete healthcare.gov enrollment
  - 5 applicants from the **New Life Day Center**, a day shelter for the homeless
  - 7 applicants from **Natalie's Sisters**, shelter for sexually exploited women, all about to be released from the Fayette County Detention Center
  - 2 **immigrant applicants** from Village Library, outreach, and referrals from partners (plus one from New Life Day Center)
  - 2 applicants referred from **Probation & Parole**



## Wage Claim Clinics

- **7 claimants** attended a self-help clinic May-June

## Healthcare Advocacy: Miranda

- ❖ Referred clients to reporters: Reuters and Louisville Courier-Journal
- ❖ Assisted with 1115 Medicaid waiver lawsuit
- ❖ Participated in monthly update meetings with the Kentucky Health Benefit Exchange; contributed feedback on DCBS call service workers, fax system, and benefind online enrollment system
- ❖ Participated in benefind/Kentucky HEALTH User Assistance Testing of website functionality
- ❖ Participated in two-day Kentucky HEALTH Application Assister training
- ❖ Participated in Kentucky Voices for Health's Rapid Response Team in anticipation of Kentucky HEALTH roll-out
- ❖ Participated in two meetings of the newly revived Consumer Rights & Patient Needs Technical Advisory Committee to Kentucky's Medicaid Advisory Council

## Additional AmeriCorps VISTA Activities: Corinna

- Maxwell Street Legal Clinic Open House
- Atomic Ramen restaurant benefit for KEJC
- KEJC website
  - Worked with Rich to select new platform (Wix) and template
  - Currently working with Balance Creative graphic designers to design and populate the new site

## **Kentucky Equal Justice Center-Employment Law Project Update**

**Board Meeting-July 19, 2018**

**McKenzie Cantrell-Employment Law Attorney**

### **Community Education**

- Recording radio update: We're back to recording content in Spanish and English with different workers' rights content each month. New episodes recorded this week.
- Corinna's last board meeting! We will miss her contributions to outreach and the workers' rights project and wish her well in law school.
- Wage claim clinic: steady attendance in recent months, including yesterday.
- Special presentation in May to Princeton group on immigrant rights as they affect workers in the horse industry. Worked with professors from University of Louisville with joint effort.

### **Networking and Coalition Building**

- Workers' Rights Task Force-Next meeting will be August 10, 2018, from 11:00-2:00 at the Foundation for a Healthy Kentucky. Same day as Kentucky Supreme Court hears oral arguments in Right-to-Work challenge. We are forming a program around recent case law decisions in KY and federal courts, as well as legislative updates and agendas.

### **Litigation**

- Working two co-counsel cases with Trent and his law firm against Louisville restaurants
  - One was filed fairly recently, and discovery is beginning.
  - Another just received a positive decision allowing us to contact potential opt-in class plaintiffs by posting a notice in the restaurant and posting in Spanish language publications.
- Human trafficking civil case in Lexington still ongoing
  - Motion hour in that case tomorrow. Concerns that individual defendant is dissipating assets and making transfers of property to appear insolvent.
- About to file small claim action against repeat wage claim offender.

## **Kentucky Equal Justice Center**

### **Director's Activity**

**April 27 to June 12, 2018**

#### **Governance**

- Hosted May 1 Board Meeting
- Participated in Legal Work Oversight Committee call (June 7)
- Posted call for nomination of board officers and members
- Scheduled Nominating Committee call (July 17)

#### **Management and Administration**

- Initiated recruitment for Senior Litigation and Advocacy Counsel
- Created VOCA grant budget and proposed revision to 2018 budget
- Won approval for VOCA grant adjustment to support more staff training

#### **Grants and Fundraising**

- Filed grant reports:
  - “Boots on the Ground” Health Outreach (with Miranda)
  - Public Welfare Foundation (with Miranda and McKenzie)
  - Interact for Health “Health Gains Communications” (with Marcie)
  - VOCA Quarterly Report (with Leah)
- Filed grant proposals or agreements:

	Amount
○ Kentucky Bar Foundation	\$8,000 awarded
○ AILA Mid-South	\$5,623 pending
○ Interact for Health	\$85,000 awarded
○ United Way of the Bluegrass	\$16,000 awarded
○ Public Welfare Foundation	\$80,000 pending
- Publicized and attended Atomic Ramen event with share of proceeds for KEJC (May 17)
- Conducted Kentucky Gives Day online donation campaign (\$2,607) (May 22)

#### **Task Forces**

- Moderated task force panel at Statewide Conference (May 30-31) and recruited speakers Ed Bolen (SNAP) and Jason Dunn (Kentucky Health) for presentations
- Participated in planning and attended Family Law Task Force meeting in Bowling Green with new chairs Katina Miner and Sarah Hughes (KLA) (June 27)
- Recruited Becki Smith of NELP to provide briefing on gig economy during next Workers' Rights Task Force meeting (set for August 10)

#### **Workers' Rights Advocacy**

- Served as presenter on “Uber bill” during national Wage Theft Cohort call (May 4)

## **Health and Public Benefits Advocacy**

- Participated in most biweekly calls with NHeLP and Southern Poverty Law Center on joint litigation challenging the Kentucky HEALTH Medicaid waiver
- Participated in Kentucky Voices for Health:
  - Medicaid Waiver Task Force conference calls (May 18, June 15)
  - InsureKY Campaign calls (weekly)
  - Kentucky HEALTH Evaluation Team calls (April 30, May 25, June 22)
  - “Health Care Affordability” Survey Briefing with Lynn Quincy of Altarum (May 14)
  - Meeting with Lynn Quincy of Altarum and DOI officials (May 16)

## **AmeriCorps VISTA**

- Met approximately biweekly with VISTA Outreach Specialist Corinna Svarlien
- Successfully recruited new 2018-2019 VISTA Beka Bruner (to start in August)

## **Communications**

- Joined in weekly calls of “health gains social media” team (with Kentucky Voices for Health)
- Consulted regularly with Marcie re messages on other poverty law topics
- With Corinna, selected Wix as new platform for KEJC website and picked template
- Engaged Balance Creative to assist with website graphics and page design

## **Attended or participated in . . .**

- Kentucky Primary Care Association annual conference workshops on outreach and plenary featuring Lynn Quincy (May 15)
- Kentucky Civic Engagement Table featuring brainstorming with multiple 501(c)(3) and (c)(4) organizations (May 23)
- Kentucky Legal Services Statewide Conference (May 30 to June 1), hosting sessions on task forces, impact advocacy, SNAP and Kentucky Health
- Kentucky Bar Young Lawyers Division Awards Luncheon for award to Cassie Chambers (June 14)
- Kentucky Center for Economic Policy planning session for Kentucky HEALTH data-tracking website (June 22)
- Community event in support of immigrant parents and children at Lexington courthouse square (spoke on behalf of KEJC) (June 23)
- Attended opening receptions for Lawyers Without Rights exhibit at Fayette Circuit Courthouse (July 2) with KEJC as co-sponsor