

Clearinghouse REVIEW

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Perspectives on Health Care Reform

Interviews with Advocates Whose Careers Have Contributed to the Expansion of Low-Income Clients' Access to Health Care

John Bouman

*Known for spearheading statewide health care efforts in Illinois, John Bouman helped create both the FamilyCare program, which provides health care insurance for up to 400,000 working poor parents of minor children, and All Kids, the first state plan to extend health coverage to every child. He has been consulting and cocounseling with advocates in many states; helping draft numerous pieces of legislation; giving hundreds of presentations; publishing extensively; and serving as counsel in numerous federal and state cases, such as *Memisovski v. Maram*, 2004 WL 18783312 (N.D. Ill. 2004) (Clearinghouse No. 53,827), which established substantial reforms in children's health care in Illinois. He is president and director of advocacy of the Sargent Shriver National Center on Poverty Law.*

How long have you been working toward the passage of health care reform?

Well, in one way or another, probably for quite a long time. I'd say focusing on health care maybe fifteen, eighteen years. Since about '96 or '97 I've had a subject-matter focus on health care. Not reform specifically, although that's always sort of a latent part of all the health care advocacy we've done. We've focused a lot on issues of expanding coverage, expanding access to doctors, affordability, and so forth.

Do you remember where you were when the reform passed or what you did to celebrate?

I don't remember exactly where I was, but I do remember feeling pretty satisfied with it. I had a good few moments of celebration. And a few nice "I told you so" moments with some cynics that I know.

What part of the law are you most excited about?

Oh, it's such a big law, and there's so much good stuff in there. I think one of the things most satisfying for somebody who has represented low-income people all these years is the elimination of Medicaid categories. All are eligible for Medicaid now if they meet the means test, but they don't have to be any particular kind of person. I should add the lingering disappointment with the fact that people who are not citizens are ineligible for Medicaid, so that's a problem for us to continue working on. But the big satisfaction to me, I think, is the Medicaid expansion and the positioning of Medicaid as a kind of engine for all the other reforms—a good solid base.

What do you think reform will mean for both clients that you interact with and citizens at large?

Reform is going to mean a great deal for all kinds of people. For the lowest-income people, especially that group I was just talking about that, no matter how poor they were, they weren't eligible for Medicaid, most of them were uninsured. In that population there's a lot of people who had a lot of medical issues that if they could have resolved those medical issues, or treated those medical issues, they would have been employable, they would have been productive, they wouldn't have been violent, they wouldn't have been prone to be a victim of violence. There's a medical component to a lot of social issues and issues with equal opportunity. It's great that those things will be dealt with. All across the income spectrum there's a great possibility that affordable, decent coverage will be available to anyone. Any one of our employees here who want to get out from under my thumb and open up their own shop don't have to worry about whether they can't do it because there's no health coverage. It will be a lot more freedom for people and a lot of freedom from worry and fear that if they get laid off or if for some reason they have to leave work and lose their coverage, they will be able to get it back and they will be able to afford it. That's a wonderful thing.

How has the passage of health care reform changed your daily work here at the Shriver Center?

There's this great big new agenda of stuff to do. It's a huge law—it sprawls across a whole lot of turf, much of which we haven't traveled on before. The [Illinois] Department of Insurance, the market regulations, the exchanges are a whole new animal. There's a very complicated agenda for work on the state level. Both here in Illinois and elsewhere we're hoping to be helpful. And on the federal level and the interface between federal and state. And I think right in the foreground there's a tremendous front-porch issue that some of us are missing, which is this difficulty with state budgets. I think we really have to aggressively address the state-budget crises in order to get a robust and confident implementation of health care reform.

What's your vision for how health care reform is going to play out in the short term as opposed to things that are going to take longer to enact?

In the short term there's a lot riding on the 2010 midterm elections. Regardless of how they come out, both at the state and at the federal level, the course that this takes will depend heavily on what happens in those elections. We're going to have to get past the battle of whether this law is the law and whether it will remain the law. So in the short term there's a largely political battle over whether the nation is really going to take this step. I think we'll get past that. Regardless of the elections. As the pieces of the law start to become effective, and a bunch of them did recently, it'll become more and more a *fait accompli*. People in the states where their governors are dragging their feet are going to say, "Come on. This train's leaving the station. Our state needs to be on it." So that's the short-term battle. The long-term battle is actually the battle not only to implement this law properly but to do the full reform. To control the cost of health care, to make sure everyone can get it, that it's affordable for everyone, and that there's a focus on prevention—avoiding avoidable health care problems—and that it not matter who you are, where you came from, that this is something you can get in this country. This law is a huge step. It moves the ball way down the field, but it's not all the way there.

Do you have any advice for advocates who are working to see this reform through?

The thing is to learn it. To understand, especially for lawyers, to be a resource for the technical pieces of this. And then to also understand that there is a political battle to be won, not in terms of electoral politics but in terms of hearts and minds and getting this entrenched as something that most people in America want. So there's a lot of relationship building and messaging that needs to be done in addition to the technical work to get a good solid infrastructure in the law for these programs.

TANF Sanctions Harmful to Needy Families

Eighty-five thousand families a month received reduced Temporary Assistance for Needy Families (TANF) benefits due to sanctions—financial penalties for TANF rule violations—in 2008. A Legal Momentum report argues that sanctions are often erroneous or imposed for minor violations which can lead to a decline in program participation or economic hardship for families. To ensure fairer and fewer sanctions, the report recommends that Congress closely look at this problem when TANF is considered for reauthorization.

Federal TANF policy incentivizes states to impose full family sanctions—withholding all of the aid that a family would otherwise receive as a penalty for violating rules. Full family sanctions have contributed to a decline in program participation from 84 percent of eligible families in 1995 to 40 percent of eligible families in 2005, the most recent year for which this information is available. Only about two million families are receiving TANF, although probably at least five million families are eligible. See Legal Momentum, "The Sanction Epidemic in the Temporary Assistance for Needy Families Program," <http://bit.ly/sanctionepidemic>.

Readers' Advocacy Strategies

Attorneys representing various advocacy programs, experience levels, and states recently participated in a CLEARINGHOUSE REVIEW readers' call to talk about the changes they expect in their clients' problems in 2011 and their approaches to those problems. Callers discussed possible topics for upcoming issues of the REVIEW and for the 2011 special issue. Some suggestions were for articles about preparing clients for health care reform changes, legal issues at the intersection of consumer law and disability law, and the reauthorization of and regulatory changes under the Violence Against Women Act. Readers can vote at <http://bit.ly/CRreadersurvey> for topics they would most like to see in future REVIEW issues.

The Case for Alternative Small-Dollar Loans

Financial institutions should offer responsible, affordable, small-dollar loan products as alternatives to payday loan products, according to an Illinois Asset Building Group (IABG) report, coauthored by Andrea Kovach, a staff attorney at the Sargent Shriver National Center on Poverty Law. These products can help low-income families who are struggling; they also help the financial institutions that supply them. IABG's report outlines the benefits to financial institutions in responsibly meeting consumers' needs for short-term, small-dollar credit. The financial institutions would benefit from increasing revenue, attracting and retaining customers, cross-selling financial products, building positive community image, and leveraging relationships and infrastructure.

While benefiting the financial institution, alternative small-dollar loan products should offer adequate consumer protections. Products should have an equal, fully amortized payment schedule with a term that a borrower can pay off and can still meet all financial obligations without incurring additional extensions of credit; underwriting that considers the borrower's ability to pay back the loan; and an annual percentage rate of 36 percent or less, inclusive of all fees. See IABG, "Alternative Small Dollar Loans: Building the Business Case," <http://bit.ly/IABGbusinesscase>. For more information, contact Andrea Kovach at 312.368.1089 or andreakovach@povertylaw.org.

Neighborhood Stabilization Program

Five Neighborhood Stabilization Program grantees that used innovative strategies to meet their obligations to provide housing for very low-income families are highlighted in a recent report released by the National Housing Law Project. The report focuses on the acquisition and rehabilitation of multifamily housing. The successes of each grantee demonstrate that program funds, leveraged with other resources, can preserve and increase a community's supply of affordable housing. The jurisdictions featured in the report are Knoxville, Tennessee; Phoenix, Arizona; Cleveland, Ohio; Greenville County, South Carolina; and Hamilton County, Ohio. See National Housing Law Project, "Neighborhood Stabilization Program: Innovative Development Strategies for Very Low-Income Housing," <http://bit.ly/NSPreport>.

FEMA's Inadequate Temporary-Housing Policies

The National Center for Law and Economic Justice recently posted a briefing paper on the unsatisfactory temporary housing policies of the Federal Emergency Management Agency (FEMA) for persons with disabilities. After Hurricanes Katrina and Rita in 2005, thousands of displaced persons with disabilities were left stranded in shelters with multiple accessibility barriers. FEMA had no process in place for determining whether displaced persons had disabilities and needed accessible trailers and no system to meet their needs. The National Center for Law and Economic Justice and its allies filed a successful lawsuit against FEMA and obtained accessible trailers for people with disabilities and made group trailer sites accessible.

Individuals affected by Katrina and Rita were left stranded in shelters, forced into institutions, and given trailers without ramps, with inaccessible bathrooms, and inadequate room to maneuver wheelchairs. To ensure that FEMA does not repeat its mistakes, the National Center for Law and Economic Justice has been monitoring FEMA for the development of better policies. The briefing paper indicates that FEMA does not appear to have adequate policies in place for meeting the temporary housing needs of anyone—people with disabilities or others—in future disasters. See National Center for Law and Economic Justice, "More Than Five Years after Katrina, FEMA Is Not Prepared to Meet the Temporary Housing Needs of People with Disabilities and Others After a Disaster," <http://bit.ly/FEMApolicies>.

Rural Development/Rural Housing Service Manual Released

A manual released by the National Housing Law Project details the Rural Development/Rural Housing Service single-family homeownership programs and the rights of homeowners and applicants under those programs. An advocates' guide to foreclosure avoidance mechanisms, available subsidies, the rural development appeals process and more, *RD/RHS Homeownership Programs: Owners' and Purchasers' Rights* can be downloaded for free at <http://nhlp.org/node/1440>. One must be logged in as a Housing Justice Network member to gain access to the manual.

Olmstead Ruling Revisited

The U.S. Supreme Court's 1999 *Olmstead* decision required states to operate state programs in ways that allow people with disabilities to remain integrated in their communities. In recognition of six months of the health care reform law, the National Senior Citizens Law Center published a report that chronicles the advancements in the availability of community-based service options after *Olmstead* and identifies many of the remaining barriers and opportunities for overcoming them.

Despite much post-*Olmstead* progress, challenges to reducing unnecessary institutionalizations re-

main. The report calls on states to use the Patient Protection and Affordable Care Act to end Medicaid's long-standing bias toward funding long-term care in institutional settings such as nursing homes. The report suggests that both federal and state governments improve the quality of care and that Congress emphasize home- and community-based services in the 2011 reauthorization of the Older Americans Act. See National Senior Citizens Law Center, "10-Plus Years After the *Olmstead* Ruling: Progress, Problems, and Opportunities," <http://bit.ly/doaSQZ>.

CLEARINGHOUSE REVIEW Seeks Part-Time Attorney Editor

Do you enjoy tracking emerging issues in the areas of law affecting low-income and other vulnerable communities? Would you like to stimulate discussion about innovative strategies to solve the problems of our clients? Consider joining the CLEARINGHOUSE REVIEW: JOURNAL OF POVERTY LAW AND POLICY editorial team. We seek a part-time attorney editor who is committed to developing and editing high-quality, practical articles and resources and to taking advantage of online tools, such as blogs, webinars, and social media to connect experts and poverty law advocates. If this sounds appealing to you, check out the job announcement on the following page and send your application.



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