The Medical Legal Partnership:
Addressing Medical-Legal Suffering for Patients with Advanced Illness

Lynn Hallarman, MD
Denise Snow, JD, RN

Objectives

- Define a Medical Legal Partnership (MLP)
- Identify Triggers for Medical-Legal Consultation
- Recognize Individuals and Families with Medical Legal Suffering
- Develop an MLP in your Community

What is a Medical Legal Partnership?

“A collaboration between health care and legal service providers to assist patients and their families, without charge in resolving legal matters created or aggravated by the patient’s health.”

Summary definition from NY State Public Health Law Section 22, 2011

MLPs assist patients with medical-legal issues in need of rapid resolution who cannot afford legal counsel or whose situation is exigent

MLP Essentials

- Independent pro-bono or public interest-direct legal service
- Legal advocate can make rapid bedside assessment
- Legal advocacy can extend beyond death of patient

Anna’s Story... Part 1

Anna is a 21 yr. old single mother w/ malignant melanoma dx in ’06, + lung mets. She is a full time college student and lives with her parents and 3 yr. old daughter. She is estranged from the father of her child and is overwhelmed with anxieties about her cancer, and caring for her daughter. She suffers from fatigue and body aches. Anna has had ongoing problems with her insurance. Her oncologist is hoping to prolong Anna’s life (maybe two years) with oral anti-cancer treatment.
History of the MLP

- First formalized partnership was founded in 1993 at Boston Medical Center for children's advocacy by Barry Zuckerman MD, Gary Bellow, JD and Jeanne Charn, JD
- National Medical Legal Partnership founded in 2009 – rapid growth into a national network of MLPs with about 80 MLPs partnering with 200+ institutions

New NY State Legislation on Health-Related Legal Services: First in the Nation!

January 2011 N.Y. State passed:
"Health-Related Legal Services Program" (Public Health Law A3304-A Sec 22)

Key aspects:
- Support growth of MLPs
- Pro-bono model linked to a clinical setting
- Address structural-system issues that worsen health care disparity in vulnerable persons

Screening For and Responding to Distress...

Clinicians can ask patients:
"Are there any financial or legal concerns you have that are affecting your ability to cope with your illness or affecting you or your family?"

Identifying Patients/Families at Higher Risk for Financial/Legal Distress/Suffering:

Does the patient have a life-threatening or life-limiting illness? And Issues with:

- Finances: Uninsured, sole wage earner, pursuing benefits/statuses, employment status, discrimination
- Dependents: single parent, minor children, domestic partnership where survivor has no guardianship, disabled children of any age
- Family: Unmarried couples, food and energy insecurity, poor environmental or housing conditions, domestic violence
- Legal Status: immigrant status, history of tax evasion, in divorce proceedings, other legal problems

Not only the underserved should be screened! (Identifying the ‘sick poor’)

All patients with advanced or terminal illness should be screened for “red flag” signs of health related legal distress

Anna’s Story… Part 2

Anna was referred to the palliative care consultation team in December of 2007 to assist with her symptom management and help her to cope with the difficulties (and sorrows) of incurable fatal cancer. Anna does not want to talk about her prognosis but is willing to meet with the PCT including a social worker to discuss a strategy for symptom management and dealing with her insurance issues/limited financial resources. The Palliative Care MD and Social Worker meet with the patient over a series of visits including one visit with her parents. A Health Care Proxy is done, her severe fatigue addressed, and immediate health insurance issues are resolved.
The Nature of Suffering…

“The state of severe distress associated with events that threaten the intactness of the person.”

-Cassell

Medical-Legal Suffering?

A Proposed Definition:

The stripping of personhood by the inability to resolve legal problems created or aggravated by advanced or disabling illness

Breaking the Cycle of Unmet Needs For Patients with Advancing Life-Limiting Illness

The Death Spiral and the “Sick Poor”

Advanced Life-limiting Illness
Complex Disease Directed Therapy such as chemo/radiation
Progressive Functional Decline/Loss of Reserve
Prolonged sick leave/inability to work
Insurance Loss/JOE LOSS/mounting debt
Food, Housing, Energy Insecurity
Family Decompensation
Crisis Hospitalizations
Social Isolation/Inability to Self-Advocate

Compounding The Bed-Side Drama: When critical conversations about prognosis are avoided…

Next step planning/shoring up of resources…only addressed when treatment failure is obvious or crisis hospitalization

Social/legal problems become exiguous especially in the dying patient: possibly now too ill to participate

Legal issues become the purview of hospitals and insurance companies

Complicated probate, extended hospitalization, burdensome financial legal legacies for families

MLPs: Breaking the Cycle of Unmet Needs For Patients with Advancing Life-Limiting Illness

Advancing Illness/func decline
Crisis Hospitalization
Unmet Medical Legal Issues
Poor Coping/Clinical Decompensation
Stress/Anxiety/Suffering

Breaking the Cycle of Unmet Need…MLP Consult

- We can appeal a denial or decision- “no” may not mean “no”. We know the rules!
- We can go to court or hearing
- We can help with future planning
**MLP Consultation Process**

for hospitalized patients with advanced illness and exigent legal needs

- Assessment for medical-legal distress by primary team/social worker or palliative care team
- Referral made to legal advocate with consent of the patient
- Bedside assessment by legal advocate
- Integrated treatment plan formulated that includes resolution of legal issues

**Anna’s Story… Part 3**

3 months later in March 2008, Anna is sent to the ED for headache, vomiting, inability to speak and right-sided weakness. She is found to have isolated brain metastases. She undergoes an urgent surgery for resection of the brain mass. The inpatient palliative care team evaluates her for symptom management and support. Her 2 month hospitalization is characterized by severe pain, nausea, lack of appetite, depression and highly anxious parents. Attempts at further anti-cancer treatment are made. Anna, however, remains weak and with diminished coping. Her doctors are concerned that she has entered into the final phase of terminal illness.

**Starting an MLP**

- **Identify Partner**
  - Public Interest (LSC)
  - Bar Association
  - Law School

- **Determine Scope**
  - Direct Legal Service
  - Grants
  - Contribution from institution
  - Volunteer

- **Funding MLP**

**History of Stony Brook University Hospital MLP**

- Grant – PLAN Project Established
- PLAN meets with Stony Brook CEO and Cancer Focus Group
- Palliative Care Program Director is at meeting

- Immediate patient referrals (including Anna)
- Palliative Care MLP has assisted 65 patients and their families

**MLP Data Stony Brook Medical Center & Nassau/Suffolk Laws Services**

- Could not assist
- Housing
- Financial Maintenance
- Guardianships
- Power of Attorney
- Health Insurance Access
- Wills/Estate Planning

**Anna’s Story… Part 4**

During this hospitalization, Anna reveals her extreme worries to the PCT about her daughter’s future and her fears that the father of the child will attempt to take the child. PCT/social worker contact the MLP legal advocate with the permission of the patient. The advocate comes same day to the bedside and counsels, pro-bono, Anna and her parents on the process of guardianship, and papers are signed giving temporary guardianship to Anna’s parents.
In May 2008, Anna continues to deteriorate. She expresses to her care team the “deep relief” she feels knowing that Anjuli will be safe with her parents. Anna dies a week later.

The MLP advocate continues to work with Anna’s parents to obtain permanent guardianship. In 2011, Anna’s daughter at age 7 lives with her grandparents.

References

- The Legal Services Corporation (LSC), a federally funded organization enacted by US Congress with the mission to provide high-quality civil legal advocacy to low income individuals. The LSC provides a list of all of legal advocates in all fifty states by county and/or region. The LSC website is http://www.lsc.gov.
- The state bar association or county bar association in your region. Many bar associations support a formal pro bono program. More information can be found at http://www.americanbar.org/groups/bar_services/resources/state_local_bar_associations.html.
## Legal Checkup

<table>
<thead>
<tr>
<th>HEALTH INSURANCE</th>
<th>Check Any that Apply</th>
</tr>
</thead>
<tbody>
<tr>
<td>Problems obtaining health insurance</td>
<td></td>
</tr>
<tr>
<td>Concerns with insurance through employment</td>
<td></td>
</tr>
<tr>
<td>Co-pay concerns</td>
<td></td>
</tr>
<tr>
<td>Claims being denied or not paid to medical providers</td>
<td></td>
</tr>
<tr>
<td>Medicare coverage</td>
<td></td>
</tr>
<tr>
<td>Medicaid- application, spenddowns or denial</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HOUSING</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing problems</td>
<td></td>
</tr>
<tr>
<td>Fear of eviction</td>
<td></td>
</tr>
<tr>
<td>Fear of foreclosure</td>
<td></td>
</tr>
<tr>
<td>Utilities shutoff concerns</td>
<td></td>
</tr>
<tr>
<td>Housing safety concerns such as rodents, mold or lead paint</td>
<td></td>
</tr>
<tr>
<td>Need for emergency housing, homelessness</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FINANCIAL CONCERNS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Income reduced</td>
<td></td>
</tr>
<tr>
<td>Employment related concerns</td>
<td></td>
</tr>
<tr>
<td>Social Security Disability denial</td>
<td></td>
</tr>
<tr>
<td>Medical Debt</td>
<td></td>
</tr>
<tr>
<td>Consumer or other debt</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PLANNING if you become too sick</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Concerns of who will make medical decisions</td>
<td></td>
</tr>
<tr>
<td>Concerns of who will make financial decisions</td>
<td></td>
</tr>
<tr>
<td>Need for a will</td>
<td></td>
</tr>
<tr>
<td>Need for a guardian for minor or adult disabled child</td>
<td></td>
</tr>
</tbody>
</table>

Any other legal concerns you have:___________________________________________________________________  
________________________________________________________________________  
________________________________________________________________________  
________________________________________________________________________

"Legal Checkup" developed by Albany Law School and revision used here with permission.