

Presenter Disclosure

The following individuals have responded that they have nothing to disclose:

- *Lucy Hodder, JD*, Director, Health Law and Policy, Professor of Law, University of New Hampshire, Institute for Health Policy and Practice
- *Geysel Lopez, Case Manager*, Manchester Community Health Center



UNDERSTANDING MEDICAL LEGAL PARTNERSHIPS

SEPTEMBER 19, 2018
NH CITIZEN'S HEALTH INITIATIVE SYMPOSIUM

Lucy C. Hodder

Director, Health Law and Policy Programs, IHPP

Professor, UNH School of Law

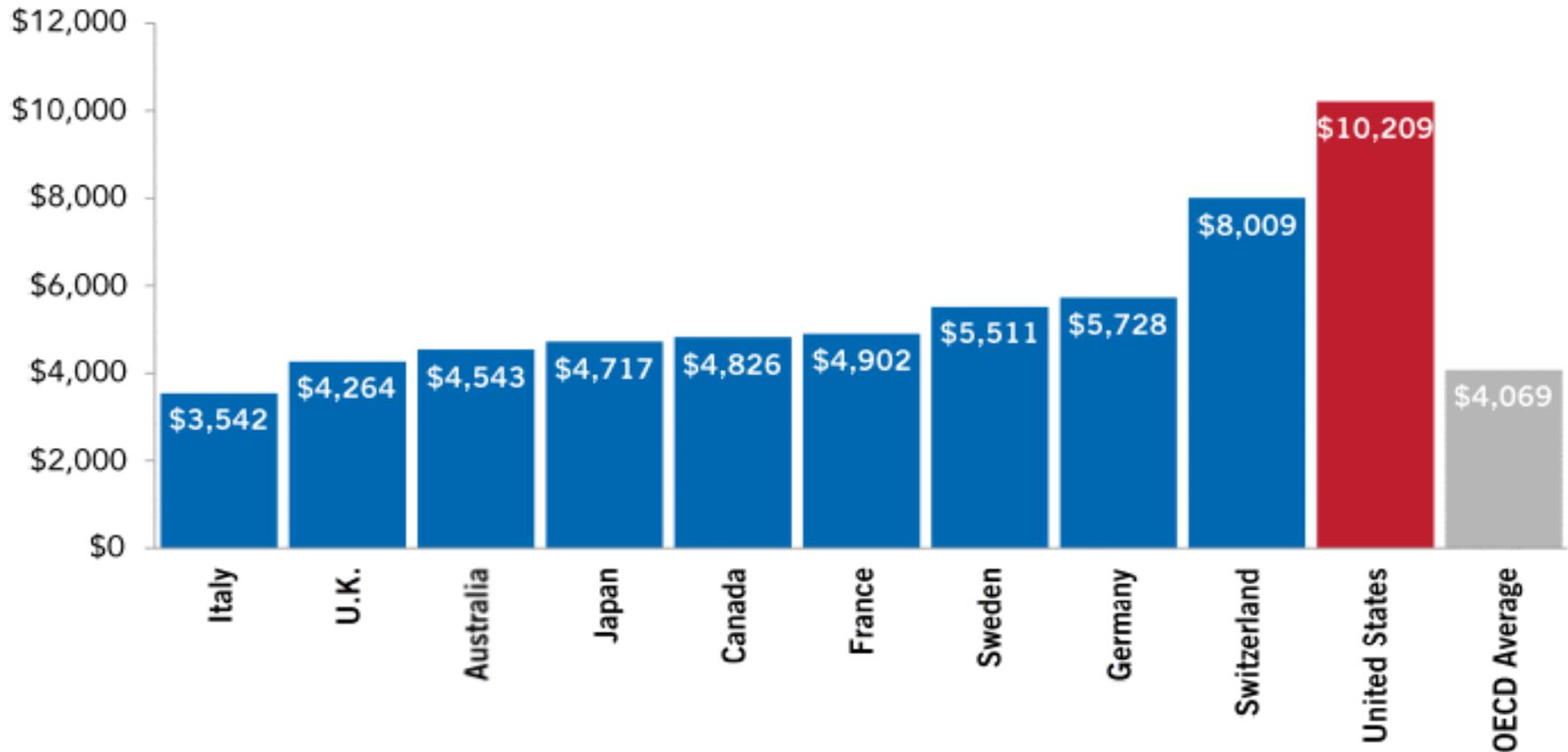
Lucy.Hodder@unh.edu

Today's Discussion

1. Discuss and introduce the issue of social determinants of health
2. Introduce concept of why and how to address legal issues facing patient populations – how do legal issues impact health?
3. How to structure medical legal partnerships – what's new in New Hampshire?

United States per capita healthcare spending is more than twice the average of other developed countries

HEALTHCARE COSTS PER CAPITA (DOLLARS)



SOURCE: Organization for Economic Cooperation and Development, *OECD Health Statistics 2018*, June 2018. Compiled by PGPF.

NOTE: Data are for 2017 or latest available. Chart uses purchasing power parities to convert data into U.S. dollars.

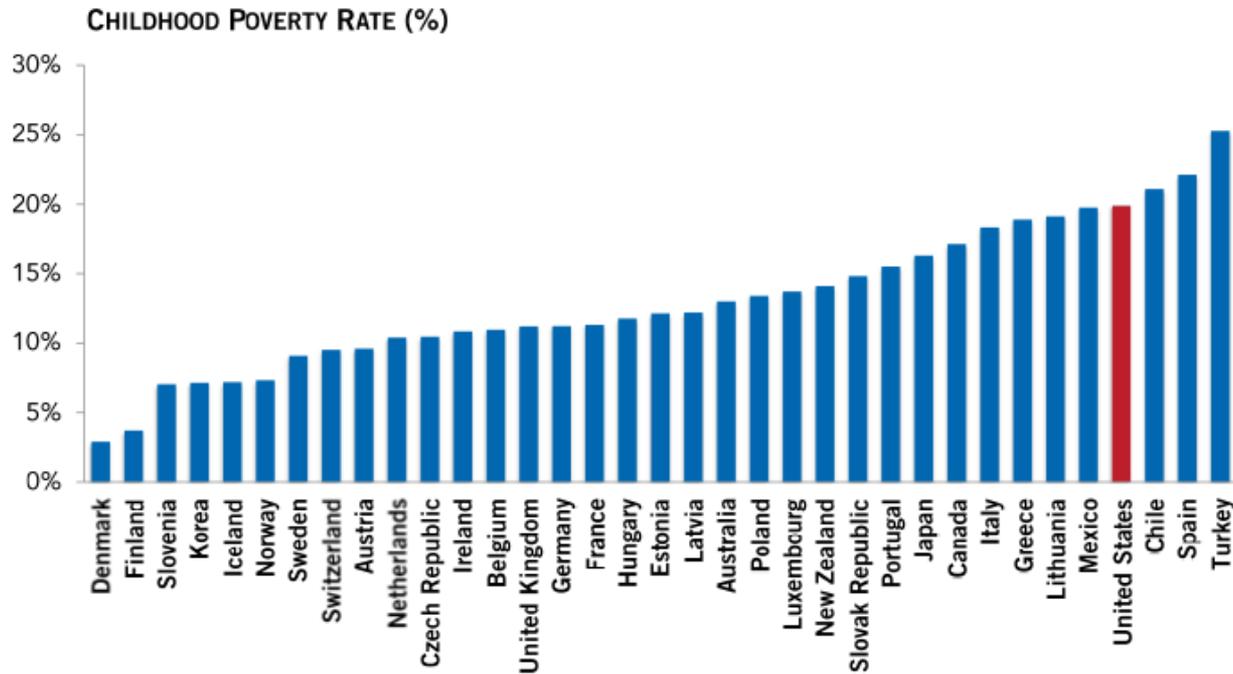
© 2018 Peter G. Peterson Foundation

PGPF.ORG

Child Poverty in the US



There is a high rate of child poverty in the United States compared to other developed countries



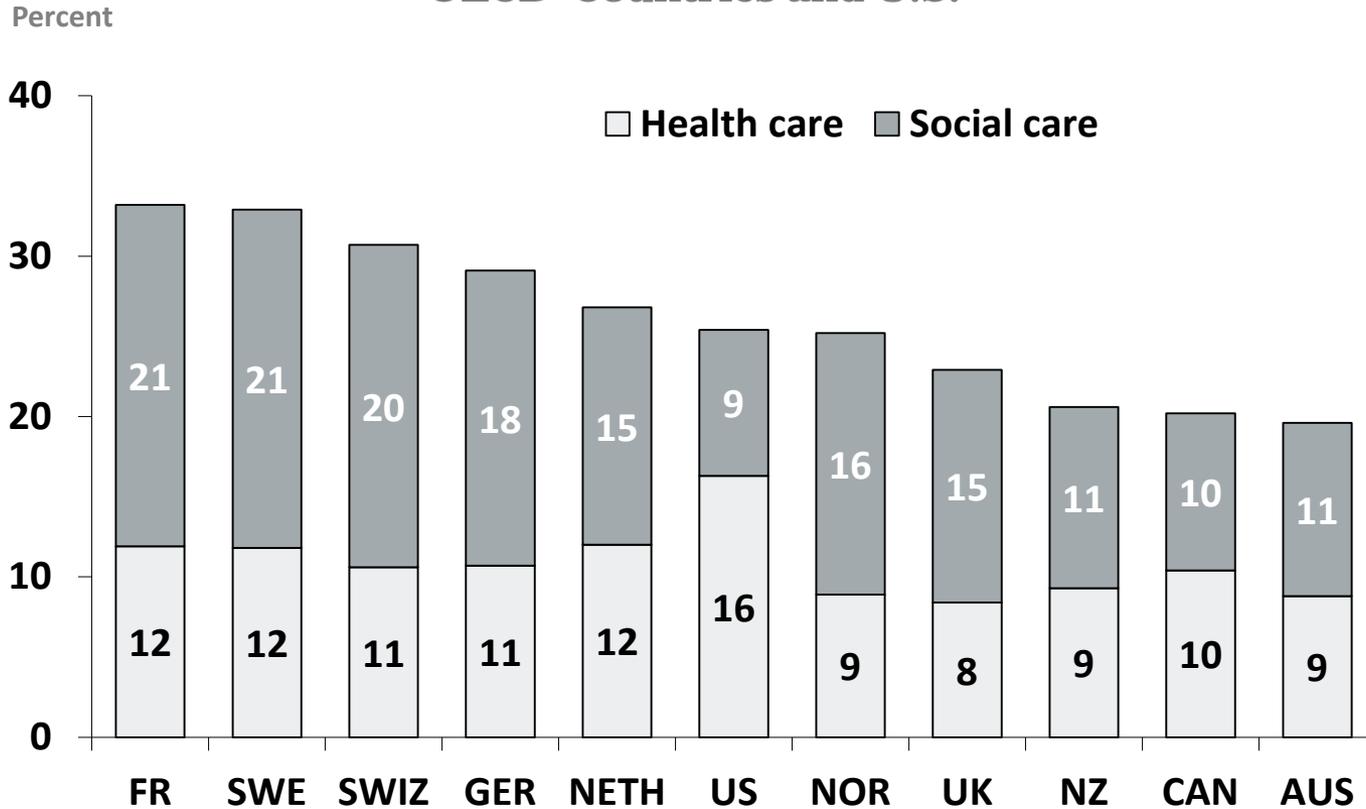
SOURCE: Organization For Economic Co-Operation and Development, *OECD Family Database*, June 2016.

NOTE: Data are for 2015 or latest available year, and are based on income after taxes and transfers.

© 2018 Peter G. Peterson Foundation

PGPF.ORG

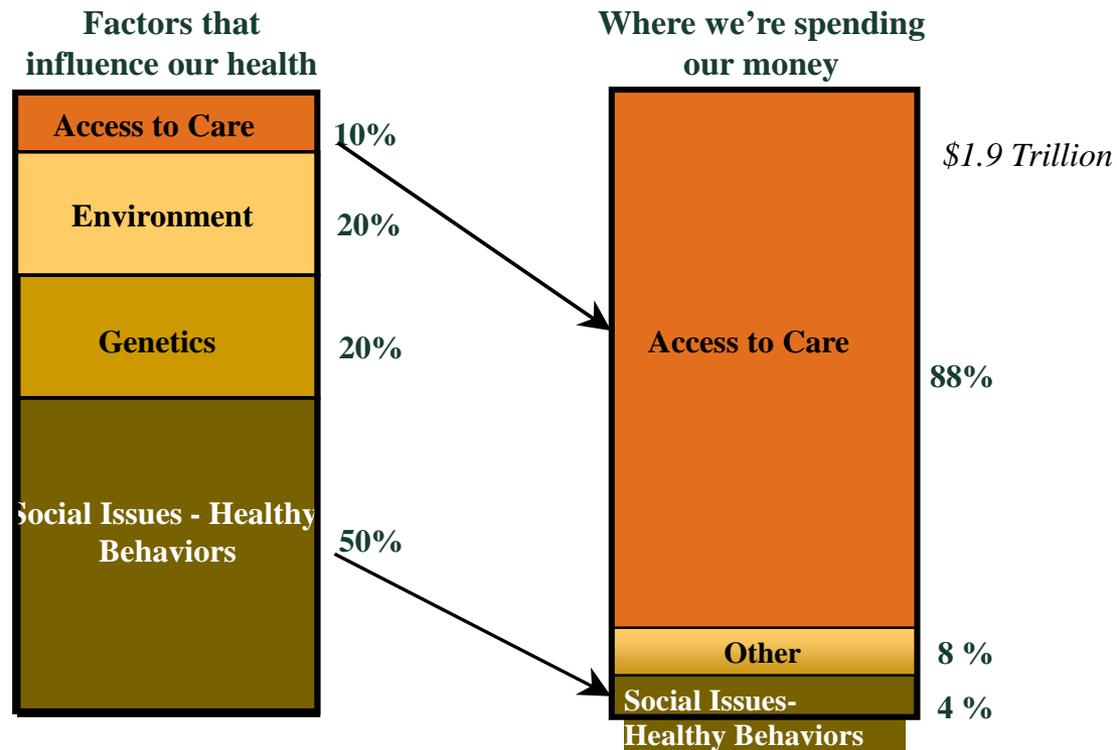
Health and Social Care Spending as a Percentage of GDP OECD Countries and U.S.



Notes: GDP refers to gross domestic product.

Source: E. H. Bradley and L. A. Taylor, *The American Health Care Paradox: Why Spending More Is Getting Us Less*, Public Affairs, 2013.

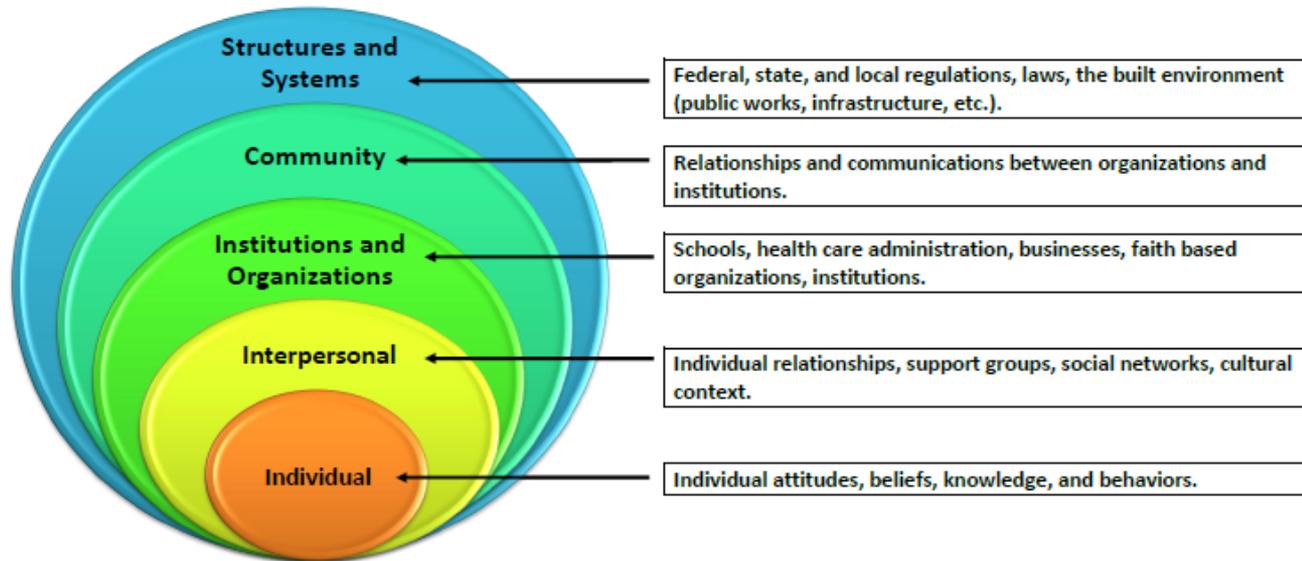
A Case of Misaligned Resources



Source: CDC, UCSF, IFTF



The Socio-Ecological Model



Sources: <https://www.cdc.gov/nccdphp/dnpao/state-local-programs/health-equity/framing-the-issue.html>

http://www.floridahealth.gov/AlternateSites/CMS-Kids/providers/early_steps/training/documents/bronfenbrenners_ecological.pdf

Differences in Perspective

Medical Perspective of
Health Risk
(disease treatment)

Leading Causes of Death

Heart Disease

Cancer

Stroke

COPD

Diabetes

Public Health Perspective of
Health Risk
(lifestyle and prevention)

Leading Causes of Death

Tobacco

Unhealthy Diet

Inadequate Activity

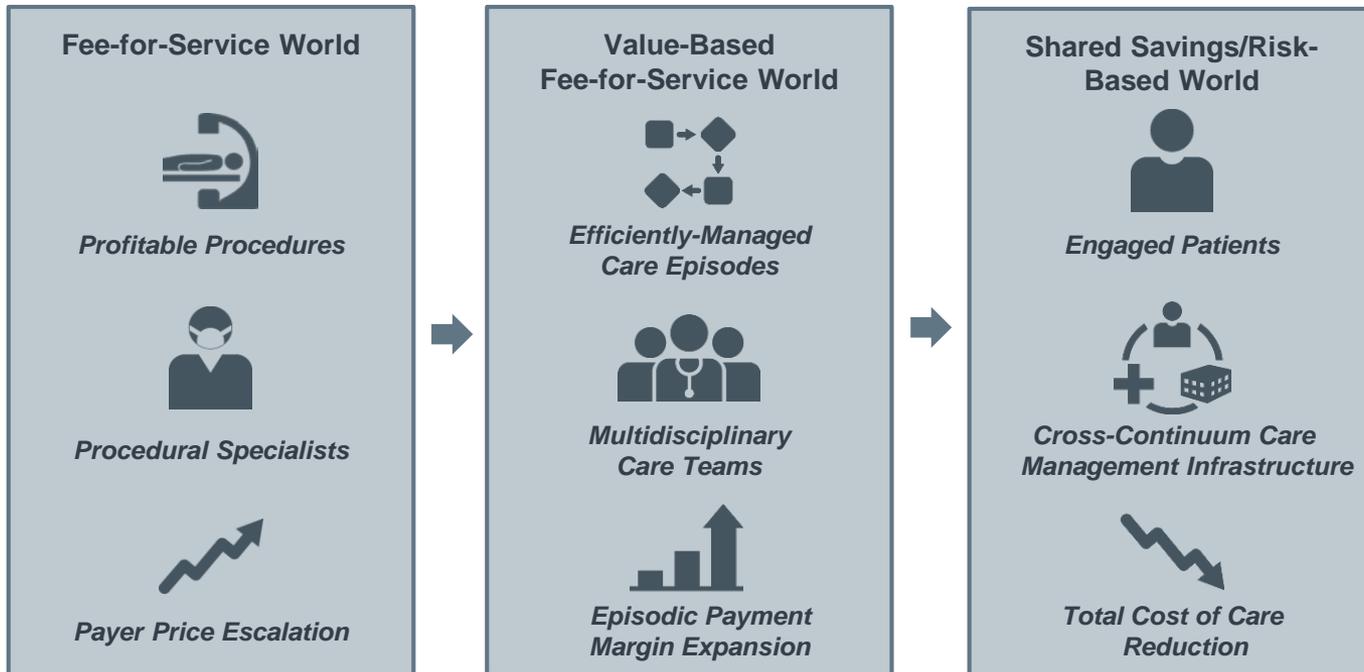
Excessive Alcohol

Motor Vehicle and Firearms

The Shift from Volume to Value

Incentives Moving Toward Population Health Focus

Strategic Growth Levers Across Payment Models



Source: The Advisory Board Company interviews and analysis.

Finding value: How do we provide supports and interventions that address the social determinants of health?

- By better understanding the risks of their patient populations and communities, providers can prioritize care for those at highest risk, and identify preventive measures that will keep risk from rising.
- The medical-legal partnership seeks out opportunities to prevent costly medical episodes through treatment of the whole person.
- In an MLP, legal professionals work on-site together with health care providers to address and treat the most complex social determinants, which require legal solutions.
- These unmet health-harming civil legal needs include unlawful evictions, unsafe living conditions, and a lack of income supports, such as the improper denial of public benefits.
- By addressing underlying social determinants that contribute to poor health, the MLP approach seeks to improve the health condition of individuals in coordination with their health care providers.

How does it work?

- Through screening, an MLP may discover that a patient's housing is infested with rodents, which could exacerbate certain health conditions, such as asthma.
- The MLP attorney will proactively address the issue by, for example, sending a letter to the landlord or representing the patient in a lawsuit challenging the unlawful housing conditions.
 - By resolving the legal issue, the patient's health may be improved, translating into cost savings on the medical side.
 - Some MLPs also engage in broad-scale policy work in which they consider patterns of social determinants in a population, and advocate for policy changes that have an impact on population health. For example, MLPs may advocate for stricter housing code regulations or tougher protections for tenants in housing disputes.

Medical Approach Alone Often Not Enough

Legal Intervention Required for Complex Social Needs

Patient presents with problems that may be managed through a standard medical intervention

Health and wellness impacted by psychosocial factors that require social worker, case manager support

Outcomes affected by broader socioeconomic causes that are best addressed through legal intervention



50%

Low to moderate income households with at least one unmet legal need

1-3

Average number of unmet legal needs among low-income households



Unfulfilled Legal Needs

“Most at-risk individuals might not know when their social problems actually have legal solutions. And even if at-risk individuals realize the legal nature of their problems, they then must struggle to find legal assistance.”

*Megan Sandel, MD, MPH,
Department of Pediatrics,
Boston University School of Medicine*

Source: Beck, Andrew, et. al., “Doctors and Lawyers Collaborating to HeLP Children—Outcomes from a Successful Partnership between Professions”, *Journal of Health Care for the Poor and Underserved*, 24(2013): 1063-1073. Sandel, Megan et. al., “Medical-Legal Partnerships: Transforming Primary Care By Addressing The Legal Needs Of Vulnerable Populations”, *Health Affairs* 29, No. 9 (2010): 1697–1705, The Advisory Board Company interviews and analysis.

Medical-Legal Partnerships Fill Important Gap

Strengthening Health System Ability to Identify, Treat Legal Needs

Legal Needs That Impact Health (I-HELP Model)



Income/Insurance

- Insurance access and benefits
- Food stamps
- Disability benefits
- Social Security benefits



Housing & Energy

- Shelter access
- Access to housing subsidies
- Sanitary housing conditions
- Utilities access
- Foreclosure prevention



Education/Employment

- Americans with Disabilities Act compliance
- Discrimination
- Individuals with Disabilities in Education Act compliance



Legal Status

- Immigration (asylum, Violence Against Women Act)
- Criminal record issues



Personal/Family Stability

- Guardianship, custody, divorce
- Domestic violence
- Child abuse and neglect
- Advance directives, estate planning

Source: National Center for Medical –Legal Partnerships, "Core Components and Activities", <http://www.medical-legalpartnership.org/model/core-components>, The Advisory Board Company interviews and analysis.

History of MLP

- **The Delta Health Center** in Mississippi was authorized by the Economic Opportunity Act of 1964 to serve community needs (the other authorized clinic was in Boston MA)
 - Delta Health hired an attorney in the late 60s to aid community members who came to the clinic suffering from food, housing and discrimination issues to address medical and socioeconomic barriers to health.
- **Whitman Walker Health** clinic incorporated in Washington DC in the mid-80s to embed legal care into their Gay Men's VD Clinic health services to address patient issues ranging from estate planning and disability requirements.
 - The clinic now employs over 12 attorneys and 12 paralegals to support the LGBTQ community on issues ranging from discrimination to insurance coverage to housing and more.

Teitelbaum and Lawton, The Roots and Branches of the Medical-Legal Partnership Approach to Health: From Collegiality to Civil Rights to Health Equity. <https://digitalcommons.law.yale.edu/yjhple/vol17/iss2/5/>

History continued

- **Boston Medical Center:** In 1993, clinicians at BMC noticed that pediatric asthma patients were returning to the hospital repeatedly and not responding to medical treatments.
- Providers traced the problem to moldy apartments in which landlords were out of compliance with local and state sanitary codes.
- Greater Boston Legal Services reached out to help and a partnership was formed.
- Legal Aid attorneys in other cities reached out to health clinics in order to form MLPs.
- **Value:** During the implementation of the ACA, MLPs developed outcome tools to track cost savings associated with MLP interventions. MLPs have been integrated into value based payment models seeking to address social determinants of health across the country.

Medical Legal Partnerships – Successful in Different Settings

- Health center (and FQHCs)
- Hospitals
- Health Schools
- Law Schools
- Legal Aid Programs
- Pro Bono Partners

NH Medicaid Managed Care RFP and Model Contract

- 4.10.10 Coordination and Integration with Social Services and Community Care (p. 189 Model Contract)
 - (4.10.10.2) The MCO's Care Management must include help for Members in addressing unmet resource needs through strategies including at a minimum.....:
 - 4.10.10.2.4 Providing access to medical-legal partnership for legal issues adversely affecting health, subject to availability and capacity of medical-legal assistance Providers.

History of Medical Legal Partnerships in NH

- Child Health Services
- Ammonoosuc Community Health Services
- Indian Stream Health Center
- Coos County Family Health Services

Ways Medical Legal Partnerships Combat Health-Harming Social Conditions

- TRAINS health care, public health and legal teams to work collaboratively and identify health-harming social conditions upstream;
- TREATS individual patients' existing health-harming social conditions with legal care ranging from triage and consultations to legal representation;
- TRANSFORMS clinic practice and institutional policies to better respond to patients' health-harming social conditions; and
- PREVENTS health-harming social conditions broadly by detecting patterns and improving policies and regulations that have an impact on population health.

- Source: National Center for Medical –Legal Partnerships

National Center for Medical Legal Partnership

- Serves as national back-up center for MLPs
 - Training
 - National Summit
 - Data
- Resources – The Medical Legal Partnership Toolkit
- <http://medical-legalpartnership.org/>
- Supports pilot for MLPs working at federally qualified health centers.

- **Medical Legal Partnership (MCHC/NHLA)**

- **Current Services:**

- 2 part time paralegals working on site for a 2 hour session each per week, working remotely for additional hours, reviewing cases and referring internally to legal staff appropriate for the case type
- Patients referred by a staff member or self-referred
- Focus areas: Public benefits, public housing, rental housing conditions, housing discrimination, school discipline/special education
- Staff training & education

- **Funding:** HRSA enabling services funding

- **Services Pending Implementation:**

- With this federal funding, NHLA will hire a full-time attorney to provide services to victims at the Manchester Community Health Center (MCHC) and Crisis Center of Central New Hampshire (CCCNH), with specific emphasis on helping survivors who come from immigrant and refugee communities. The new attorney will spend one or two days each week at MCHC (or possibly at the Family Justice Center), and one or two days each week at CCCNH in Concord.
- While on site, the attorney will provide legal advice, brief services and full representation to clients and families on domestic violence family law related matters and other civil legal problems. MCHC and DVAP will work closely with the YWCA crisis service in Manchester to connect clients to peer support, safety planning and other social service needs. NHLA will plan and provide training to MCHC staff and develop training materials on issues related to domestic and sexual violence and stalking.

Ammonoosuc Community Health Services

- HRSA used for patient navigators
- Patient navigators work with health care providers to identify potential health harming legal needs
- Referrals made to intake support at NHLA
- Consults with attorney and paralegal in North Country
- Possible focus on specific patient community

Legal Aid and Volunteer Resources in New Hampshire

- The Legal Advice and Referral Center (LARC)
- New Hampshire Legal Assistance (NHLA)
- The Pro Bono Program of the NH Bar Association
- The DOVE Program of the NH Bar Foundation

Medical-Legal Partnership Screening Question Pick List

Overview: This pick list contains sample questions commonly used on Medical-Legal Partnership (MLP) screening guides across the United States.

Instructions: Representatives from the medical and legal sides of your MLP should review these questions and select those which are the most appropriate for the screening guide. Adapt the questions to the needs of your patient population and capabilities of your MLP.

Income

Goal: Identify issues related to attainment of due income and benefits that impact health

1 How much do you make at your job? _____ per (circle one) year / month / week / hour

2 How many hours per week do you work? _____ How many days per week? _____

3 Please indicate which of the following describe a concern you have about your income or benefits. You may select none or more than one answer.

- | | | | |
|---|--------------------------|---------------------------------------|--------------------------|
| a. Medicare / Medicaid / health insurance | <input type="checkbox"/> | e. Unemployment benefits/compensation | <input type="checkbox"/> |
| b. Disability benefits | <input type="checkbox"/> | f. Child support | <input type="checkbox"/> |
| c. Family First | <input type="checkbox"/> | g. Pension | <input type="checkbox"/> |
| d. Supplemental Nutrition Assistance Program (SNAP) / Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) | <input type="checkbox"/> | h. Other (please specify): | <input type="checkbox"/> |

Housing and Utilities

Goal: Identify issues related to housing that impact health

1 Please indicate which of the following describe a problem(s) with your housing situation. You may select none or more than one answer.

- | | | | |
|--|--------------------------|---|--------------------------|
| a. Bugs (e.g., roaches) or rodents | <input type="checkbox"/> | f. Medical condition that makes it difficult to live in current house | <input type="checkbox"/> |
| b. General cleanliness | <input type="checkbox"/> | g. Mold or dampness | <input type="checkbox"/> |
| c. Landlord disputes | <input type="checkbox"/> | h. Overcrowding | <input type="checkbox"/> |
| d. Lead paint | <input type="checkbox"/> | i. Threat of eviction | <input type="checkbox"/> |
| e. Unreliable utilities (e.g., electricity, gas, heat) | <input type="checkbox"/> | j. Other (please specify): | <input type="checkbox"/> |
- Yes No

2 Are you living in section 8/public housing?

Medical-Legal Partnership Screening Question Pick List (Cont.)

Education and Employment		
<i>Goal: Identify issues related to education or employment that impact health</i>		
1	Please indicate which of the following (if any) describe a problem with your child's education.	
	a. A child of mine is receiving special education services and has an Individualized Education Plan (IEP) but it is not working well (e.g., not being followed, IEP doesn't address needs, or student repeatedly suspended/expelled).	<input type="checkbox"/>
	b. A child of mine is struggling in school (e.g., at risk of failing, repeatedly suspended/expelled or being held back) and is not getting special education services	<input type="checkbox"/>
	c. I have requested a special education evaluation ("multifactor evaluation") that may lead to an IEP but the school has not responded.	<input type="checkbox"/>
2	Please indicate if the following describes a concern you have related to employment.	
Legal Status		
<i>Goal: Identify issues related to legal status that impact health</i>		
1	Please indicate which of the following describes a problem with your family's immigration situation. You may select none or more than one answer.	
	a. Do you have concerns about your family's immigration status?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	b. Are you interested in receiving resources about immigration concerns?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Personal and Family Stability		
<i>Goal: Identify issues related to personal and family stability that impact health</i>		
1	Please indicate which of the following describe a problem(s) with your family's immigration situation. You may select none or more than one answer.	
	a. Are you afraid of someone you love?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	b. Do you have guardianship or custody issues?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	c. Are you concerned about the welfare of one of your children or a child that you live with?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2	Please list the names, age, and relationship to you of people who you live with:	

Medical-Legal Partnership Screening Guide Evaluation

Instructions: Evaluate the effectiveness of the Medical-Legal Partnership (MLP) Screening Guide using the questions listed below. Conduct the assessment annually, at a minimum, to evaluate established screening guides. Conduct the assessment bi-annually, at a minimum, to evaluate new screening guides.

Section 1: This section should be filled out by one MLP staff member who oversees the screening guide evaluation process.

Name: _____ Title: _____ Date: _____

When was the screening form last evaluated? _____ months ago

How many referrals were passed via the screening guide since the last evaluation? _____ referrals

What percentage of referrals led to a legal intervention or other patient service? _____ percent

Section 2: Fill out the section below if you are an employee working on the medical side of the MLP.

Name: _____ Title: _____ Date: _____

Are you comfortable asking the questions on the MLP screening guide? Yes No

If you answered 'no,' please explain why not below.

What are your goals for the screening guide (e.g., collect information about legal need, trigger a referral for a legal intervention the MLP can resolve, fit into workflow, etc.)?

Do you feel the current screening guide allows you to meet these goals? Yes No

Why or why not? Please explain.

Medical-Legal Partnership Screening Form Evaluation (Cont.)

Section 3: Fill out the section below if you are an employee working on the legal side of the MLP.

Name: _____ Title: _____ Date: _____

How would you rate the quality of referrals you are currently receiving through the screening guide? Please circle.

	1	2	3	4	5
<i>Quality</i>	Low		Medium		High

Please explain why you scored the referrals as you did.

What are your goals for the screening guide (e.g., collect information about legal need, trigger a referral for a legal intervention the MLP can resolve, increase number of total referrals, etc.)?

Do you feel the current screening guide allows you to meet these goals? Yes No

Why or why not? Please explain.

What type of screening? How does it work in practice?

- Geysel Lopez, Manchester Health Services