



the SENIOR leader

Newsletter for Legal Assistance for Seniors and
Health Insurance Counseling and Advocacy Program

CASE BY CASE

An elderly couple was referred to LAS by the Afghan Elderly Association in Fremont. Both clients came to LAS a week before their interview was scheduled with the immigration authorities. The couple emigrated to the U.S. from Afghanistan in 1999 and wanted to become U.S. citizens. The husband is a 77-year old man who suffers from Alzheimer's dementia. Both the husband and wife suffer from major depression and post-traumatic stress syndrome as a result of their experiences in Afghanistan under Taliban rule. Due to their severe medical conditions, neither was familiar with nor capable of learning English or U.S. history and civics sufficiently to pass the exams.



LAS staff ready to serve seniors.

LAS reviewed the disability waiver letters that the clients had already obtained from their doctor but found them lacking in detail, structure, and presentation. We spent the next week making contact with the doctor's office through numerous phone calls and faxes. The day before the interview, our clients came into our office with revised disability waiver letters that included the suggested revisions LAS had made to the doctor. An LAS attorney represented the couple at their interview the following day. The Citizenship and Immigration Service (CIS) officer accepted the waivers, and exempted both the husband and wife from the English, history and civics requirements. They passed the interview, took their oaths of citizenship soon thereafter, and are now proud citizens of the United States.

Our mission is to ensure the independence and dignity of seniors by protecting their legal rights through education, counseling, and advocacy.

INSIDE THIS ISSUE

Page 2

The Road to Citizenship

Page 3

Medicare Reform: To "D"
or not to "D"

Page 4

Meet LAS

Page 6

LAS in the News

Page 7

What's Happening?

For more information or to schedule an appointment, please contact us at 1-800-393-0363

www.lashicap.org

LAS /HICAP
BOARD OF DIRECTORS

Yvette Brittain
President

Tom Field
Secretary

Aaron Bolgatz
Treasurer

John Larsen
Past President

Monica Dell'Osso

David Durant

Hon. Elizabeth Figueroa

James Forsyth

Lubna K. Jahangiri

Kelly Johnston

Stefani Komaru

David C. Lee
President Emeritus

Juliana Lin

Dave Middleton

Virginia Palmer



*Standing left to right:
Dave Middleton, David Lee,
Tom Field, Yvette Brittain,
Kelly Johnston, Stefani Komaru.
Seated left to right: John Larsen,
David Durant*

a BRIEF encounter

The Road to Citizenship for the Elderly Immigrant

The multilingual and multicultural staff at LAS is especially aware of the specific needs of immigrant seniors. LAS serves immigrant seniors who cannot work because of disability or chronic illness, and have no source of income on which to survive. Many immigrant seniors are unable to claim benefits due to language barriers, lack of knowledge about those benefits, and isolation. Access to health care is especially critical for these seniors. Until a client becomes a citizen, he or she is not eligible for most public assistance programs.

As part of the naturalization process to become a citizen, the Citizenship and Immigration Service (CIS), formerly known as the Immigration and Naturalization Service (INS), requires applicants for U.S. citizenship to demonstrate knowledge of the English language and of U.S. history and civics. For many immigrant seniors, this requirement is a major impediment to citizenship.

Many immigrant seniors suffer from dementia, post-traumatic stress syndrome, and other illnesses, that make it virtually impossible for them to learn a new language or demonstrate knowledge of U.S. history. LAS helps these seniors obtain an N-648 Disability Waiver which exempts certain individuals from one or both of the examination requirements. The attorneys and advocates specializing in immigration at LAS give immigrant seniors advice and counsel concerning their eligibility for disability waivers. LAS works with the client's doctor to determine if the client is eligible for a disability waiver. If so, LAS ensures that the N-648 form is properly filled out. Finally, an LAS attorney represents the senior at the CIS interview with the immigration officer who determines whether the exemption from the tests will be granted. Once granted, citizenship will be automatically conferred once CIS completes the background check on the client.

What's Happening?

LAS Presents its First Elder Law Conference: Elder Abuse: The 3 R's, Recognize, Report, Restrain

May 2-3, 2005 Clarion Hotel Oakland Airport, 500 Hegenberger Road, Oakland, CA 94621.

Topics that will be covered will include: How to Prove Criminal and Civil Financial Abuse, Predatory Lending Basics, Undue Influence, Financial Elder Abuse and Planning for Long Term Care, Counseling and Post Traumatic Stress in Elders, and Elder Financial Abuse Prevention, A Dynamic Community Partnership Model.

For more information, contact Susan Williams, 510-987-7390 Ext. 331 or swilliams@lashicap.org. To see the registration brochure and for online registration with credit card payment, go to: www.lashicap.org/events.htm.

LAS Annual Volunteer Appreciation Luncheon

Volunteers Save the Date! LAS will be having its annual Volunteer Appreciation Luncheon on May 20. Look for your invitation in the mail soon.



LAS made 228 community education presentations last year.

Medicare Reform, continued from page 3

Medicare plan and beginning January 1, 2006, they will receive their drug coverage under Medicare, not Medi-Cal. While they won't have to pay the Part D premiums or costs outlined above, they will have higher co-payments than they currently face. More importantly, some of the drugs that are now covered under the Medi-Cal program may not be covered under their new Medicare prescription drug plan. That means they will have to assess the plan that will be automatically assigned to them and decide whether to keep it or change to another one. They will have six weeks to do this from the time they are notified of their new coverage until it takes effect on January 1, 2006.

Throughout this year, beginning in May, Medicare beneficiaries will receive information from the government and from private companies about their current drug coverage, the new Part D prescription drug bene-

fit, and the choices they will have in front of them. They will have to decide what is best for them. To do that, people may want to call 1-800-Medicare, access www.medicare.gov on the Internet, or call the Health Insurance Counseling and Advocacy Program (HICAP). HICAP Counselors are available statewide and at over 30 different locations in Alameda County to meet individually with clients and assist them with their questions about Medicare and related health insurance issues. As more information about Medicare Part D becomes available, HICAP can be an unbiased and free resource for people who are trying to learn more about the new coverage and decide how it may fit their needs. Alameda County residents can receive assistance by calling LAS HICAP at 510-839-0393 or 1-800-393-0363.

LAS in the News

Oakland Proclamation

Oakland City Council President Ignacio De La Fuente presented a resolution proclaiming the week of February 14th through February 20, 2005 as “Medicare Prescription Drug Discount Card Enrollment and Education Week” in the City of Oakland. LAS Executive Director Michele Drier and contractor Laura Ware accepted the proclamation at the February 15th City Council meeting. The proclamation commended local nonprofits such as Legal Assistance for Seniors and Senior Action Network for using the discussion of the Medicare Prescription Drug Discount Cards as a way to engage seniors and individuals with long-term disabilities in a comprehensive discussion of recent changes to Medicare.

For more information about the drug discount card and the \$450 credit or other ways to save money on your prescription drugs, please call HICAP at 1-800-434-0222.

Aging With Dignity

On March 10, 2005 Community Education Advocate Susan Haley and Staff Attorney Vonnah Brillet were featured on the television program *Aging with Dignity*. Susan and Vonnah briefly explained how LAS works, which areas of law we cover, and what services we provide to seniors. They discussed the different languages that our multicultural staff speaks and how the diversity of LAS allows us to more effectively reach seniors in the community. Vonnah spoke in detail about Social Security and Guardianship, the two areas of law in which she specializes. She described some common scenarios in each type of case and explained what steps LAS would take to help a client. Susan then explained how the HICAP program works, stressing the importance of HICAP’s services given the new changes to Medicare. She also described the community education department at LAS, which helps to spread awareness about legal and health care-related issues among seniors and service providers. This episode of *Aging with Dignity* will air in April on channels 27 and 29 and will reach approximately 240,000 seniors.



Legal Assistance for Seniors
464 Seventh Street
Oakland, CA 94607
<http://www.lashicap.org>
(510)832-3040
Fax: (510)987-7399

Michele Drier, Executive Director
Lenora Merlander, Chief Financial Officer
Patty Price, Managing Attorney
Janet Van Deusen, HICAP Program Manager
Andrew Mister, Editor, *the Senior Leader*
Susan Williams, Development Director

How You Can Help

Your generosity will help in our ongoing effort to preserve the well-being and dignity of Alameda County’s senior community. LAS is a nonprofit 501(c)(3) charitable organization. All contributions to LAS are tax-deductible to the fullest extent allowable by law.

To donate, please mail your check or money order payable to LAS in the enclosed envelope. To make a secure online donation with a credit card, please go to our website, www.lashicap.org/donate.htm. For additional donation information or to be added to our mailing list, please call (510) 832-3040 or toll free at (800) 393-0363.

Medicare Reform in 2006: *To “D” or not to “D?”*

When the Medicare Modernization Act was narrowly passed by Congress and signed into law in December of 2003, it brought the biggest expansion to the Medicare program since it began forty years ago. This expansion centers on a new prescription drug benefit, called Medicare Part D, which is scheduled to take effect January 1, 2006. While it will provide some needed drug coverage to those on Medicare who currently have none, it also will come with a price tag and a complex array of choices. By the end of this year, all Medicare beneficiaries will need to make decisions about whether to take Part D and how it will affect their current coverage.

Medicare Part D will have a standard benefit that begins again every year. The basic premium will be around \$37 a month in 2006, but may vary somewhat from region to region. There will be an annual \$250 deductible for the person to pay, then Medicare Part D will cover 75% of the next \$2,000 in prescription drug costs. The person must pay the 25%. After that, Medicare pays nothing for the next \$2,850, or until the total drug costs in a year reach \$5,100. This gap has been commonly, if not too fondly, referred to as the “doughnut hole.” After that, “catastrophic” (or almost complete) coverage kicks in and Medicare pays 95% of ongoing drug costs for that year. Clearly someone who takes a lot of medications will benefit from the catastrophic coverage; however, the benefits of Part D are more ambiguous for a person with moderate or few prescription drug needs.

Under the new law, different insurance companies and private companies will offer the Part D prescrip-

tion drug benefit. Some of these will be Medicare HMOs. They all must at least offer the standard benefit package, but they can charge different premiums, have different cost-sharing arrangements (co-payments depending on the drugs), have different formularies, or lists of covered drugs, and different pharmacy networks. This means people who decide they want Part D will need to research and choose the best plan for their individual needs.

Not everyone has to enroll in Part D, however. Those who have current prescription drug coverage through a retiree plan, for example, that is as good or better than the basic benefit, can keep what they have and not enroll in Part D. They will not be penalized. However, others who have some or no drug coverage and don't enroll in a Medicare drug plan when they are first eligible, will pay a higher premium if they decide to take the plan later. The penalty or surcharge is 1% of the premium for every month they waited to enroll and that increase is permanent. For example, some people with retiree plans will find their current drug coverage is not equal to or better than the Medicare benefit; others with Medigap policies that currently offer some drug coverage (Plans H, I, and J) will be notified of the same fact. These people will have from November 15, 2005, through May 15, 2006, to decide whether or not to take Medicare Part D without a subsequent penalty.

Other people with Medicare will have no choice but to enroll in a Part D prescription drug plan. These are people with low income and asset levels who also have Medi-Cal. They will be automatically enrolled into a

Continued on page 7

Meet LAS

Patricia G. Price, Managing Attorney



Patty Price has been the Managing Attorney at Legal Assistance for Seniors since January 2004. She supervises all legal staff and cases, acts as mentor for the junior staff, and represents LAS at many public functions.

Q: How long have you been a public interest attorney?

A: I've been a public interest attorney since 1977. I attended the University of Colorado and spent my first ten years of practice in non-profit legal organizations in Colorado working with battered women and abused and neglected children.

Q: What drew you to public interest law?

A: I was inspired by my father who was involved in the original "War on Poverty" and my mother who helped the "homeless" before that term was coined. I went to college during the Vietnam era which further cemented my commitment to public interest law, and have been working in that field ever since.

Q: What different management positions have you held before becoming Managing Attorney at LAS?

A: In 1988, I became the Supervising Attorney at Solano Legal Assistance. From 1990-97 I was the Directing Attorney of the Public Interest Law Firm in San Jose. While there I was one of the class counsel representing African-Americans in California in the race discrimination case against the Denny's restaurant chain. And before I became Managing Attorney at LAS, I was the Deputy Director at Central California Legal Services.

Q: Other than your involvement in the Denny's race discrimination case, are there any other cases that you are particularly proud of?

A: With Central California Legal Services, I filed a

major fair housing case against the City of Hanford for discrimination against individuals with disabilities. This case resulted in a consent decree where the city adopted a new zoning ordinance, trained all city employees on fair housing and gave a monetary settlement to seven clients with mental disabilities who had been the subject of abuse by the city.

Q: On a more personal note, I hear that you are an animal lover. How many pets do you currently have?

A: In our household, we currently we have a dog, turtle, frog and fish. And a new puppy may be on the horizon. At one point I had three dogs and three cats who all slept in the bed.

Q: That must have been a pretty crowded bed! Now I know that you have two lovely and very energetic daughters, can you tell me a little about them?

A: Well, my partner Teresa and I have two daughters, Lindsay who is nine and Aimee who is four. They were both adopted from China and they attend a bilingual, bicultural Chinese school. Lindsay loves softball and martial arts. Aimee loves to talk. Some Friday afternoons they come with me to LAS.

Q: Finally, I hear that you played sports in college, which sports did you play?

A: At the University of Colorado, I was a varsity basketball and softball player, and I have been a softball umpire since 1988.

Q: Finally I understand you're an athlete.

A: At the University of Colorado, I was a varsity basketball and softball player, and I've been a softball umpire since 1988. I umpired three national girls' Junior Olympic fast pitch tournaments which led to my being in the Umpire Hall of Fame at the Amateur Softball Association headquarters in Oklahoma City.

Meet LAS

Janet Van Deusen, HICAP Program Manager



Janet Van Deusen has built the Alameda County HICAP program for LAS over the past fifteen years. She supervises all HICAP staff and volunteer counselors. Janet's work is highly regarded both statewide and nationally.

Q: Where did you go to school and how long have you been working to help the elderly?

A: I graduated from the University of Santa Clara in 1981 with degrees in Spanish and Gerontology, and since then I have worked in the field of aging in many capacities in the areas of residential care, home health care, case management, and adult health care.

Q: What drew you to this field?

A: I guess I was inspired by my mother Doris, who is a stalwart Medicare beneficiary and a truly wonderful woman.

Q: How long have you been working at Legal Assistance for Seniors as the HICAP manager?

A: I have been the HICAP manager for fifteen years now...though it doesn't seem like it's been that long. I'm happy that HICAP has been able to help seniors become wiser and more able consumers of our health care system.

Q: Are you a member of any other organizations?

A: I'm also a member of the Board of Directors for California Health Advocates, (the HICAP Association), which represents Medicare beneficiaries and their families throughout California.

Q: Would you like to tell us anything about your personal life? How about your family?

A: Well, I live with my witty partner of fifteen years, Lloyd Ernst, owner of Bay Cities Pyrorector. We have two cats, Ollie and Squirt. I am known as Grandma Jan to Lloyd's grandson Dylan and Aunt Jan to my nephews Keenan and Julian. I enjoy gardening very much, and tulips are blooming as we speak.

Q: Is there anything else about the HICAP program that you would like to mention?

A: I cannot say enough about the wonderful volunteer counselors who are the heart of the HICAP program. I particularly remember Wayne Loretz, a HICAP Counselor who inspired me with his intense desire to help people. I try to emulate people like Wayne.



Legal Assistance for Seniors *and*
Health Insurance Counseling
and Advocacy Program
464 Seventh Street
Oakland, CA 94607

Nonprofit
U.S. Postage
PAID
Oakland, CA
Permit No. 864

Community Education

Legal Assistance for Seniors provides free educational presentations throughout Alameda County. If your organization is interested in scheduling a presentation, please contact us at (510) 832-3040.

LAS PRESENTATION MENU

Who we Are, What We Do: An Introduction to Legal Assistance for Seniors

Create a Secure Future: Planning for Incapacity
(*Advance Health Care Directive Preparation Workshop Available)

No Trespassing: Protecting Your Home From Fraud & Foreclosure

Buyer Beware: How to Protect Yourself Against Scams and Frauds

Show me the Money! Seniors' Manual to Public Benefits

Home Sweet Home: A Seniors' Guide to Housing Issues

Stepping up to the Plate: Guardianship and Custody Options

Keeping Elders Safe: An Overview of Elder Abuse and Remedies

Citizenship Made Easy: A Step-by-Step Guide to Naturalization

HICAP PRESENTATION MENU:

An Introduction to HICAP & Its Services

Medicare 101: Medicare & the Choices that Go with It

Health is Gold: Understanding Medicare, Medi-Cal, and the Medicare Savings Program

Is an HMO for you? Understanding Medicare HMO's

Lower Your Drug Costs: A Guide to Discount Programs

Knowledge is Key: Know your Medicare Rights

Consumer Fraud Alert: How to Protect Yourself & Prevent Medicare Fraud & Abuse

The ABC's of LTC: An Overview of Long Term Care

Create a Secure Future: Planning for Incapacity
(*Advance Health Care Directive Preparation Workshop Available)