

August 4, 2006

Mr. Dan Rubin  
Executive Director, Equal Justice America  
Building II, Suite 204  
13540 East Boundary Road  
Midlothian, VA 23112

RE: 2006 EJA Summer Fellowship

Dear Mr. Rubin:

I am writing to give you an update about my EJA Summer Fellowship now that my clerkship is coming to a close.

The EJA Summer Fellowship provided me with the opportunity to spend my summer working at Bay Area Legal Aid in San Jose in the public benefits and health care unit. The funding that EJA provided made this otherwise unfunded clerkship feasible, especially given the cost of living in the Bay Area. I am extremely grateful that I was able to work with Bay Area Legal Aid this summer. I came to law school thinking that I might be interested in pursuing a career in legal services aimed at increasing access to health care. My summer experience confirmed that I want to work in public interest after law school.

I spent a large percentage of my time this summer doing intake interviews and following-up on client cases for individuals experiencing difficulty with Medi-Cal (California's Medicaid program), Social Security and the Santa Clara County indigent health care program. Throughout the summer, I served over twenty clients. I found it extremely rewarding to meet individuals living in the community and feel like I could make a difference in their lives over the course of one summer.

As an example of the work I did over the summer, I will share the story of S.L., a 43-year-old man who was self-employed and ran his own pool maintenance business until he became seriously ill with heart and kidney failure. He has been unable to continue in a physically demanding line of work and he must now take multiple medications daily and see a doctor regularly. He currently relies on Social Security Disability Income to pay his bills, and Medi-Cal for health coverage.

S.L. contacted BayLegal in May, after receiving multiple contradictory notices from Medi-Cal and I was assigned to do his intake interview. I determined that starting in April, Medi-Cal was requiring S.L. to pay a \$454 monthly share-of-cost due to his income. This means that he would have to pay \$454 out of pocket each month before Medi-Cal would pay for any of his medical care. S.L. had already paid over \$50 for medications in April and May and had been avoiding refilling other necessary prescriptions because he would not be able to afford them on his own. S.L. was very concerned about meeting the share of cost, and also confused about how Medi-Cal had calculated his income, because he did not think that his income was as high as they

had recorded on his notices. Most importantly, he was worried about his health because he was not taking all of his prescribed medication.

I contacted Medi-Cal and determined that they had arrived at his income calculation by not only counting his Social Security Disability Income, but also by adding contributions of "in-kind support and maintenance." Recently, S.L. had filled out a form informing Medi-Cal that he was not paying rent and utilities so Medi-Cal automatically added set amounts to his income to make up for not having these expenses. In fact, S.L. was paying for rent and utilities, but had misunderstood the Medi-Cal form. I contacted the client to get receipts to prove that he paid these costs and contacted Medi-Cal to arrange for them to recalculate his income. Medi-Cal redetermined S.L.'s eligibility with the new income calculations and determined that he was in fact eligible for free Medi-Cal as of July, with retroactive coverage for April, May and June. I called S.L. to let him know that he could now receive free Medi-Cal, one of the most gratifying moments of my summer.

In addition to individual advocacy, I also spent my summer researching the Santa Clara County Ability to Pay Determination Program, a program that provides medical care from the County hospital to those who have no other insurance or public benefits. There is very little information publicly available about the program and so my first task was to collect all of the resources possible about the program including those from the County, other counties with similar programs, and the governing statutes, case law and other authority. I then used this material to create an advocates' guide to the program, both for our office and other advocacy organizations in the County. I finished preparing a draft manual and our office is now preparing to send it to the hospital for a chance to review and comment. My next step was to create a demand letter based on comparing the manual, and the current practices of Santa Clara County, with the legal requirements for the program. We outlined several policies that need to be changed, including eliminating co-payments for those on county welfare, changing the notice and appeal procedures to comply with due process, and allowing those on visas to participate in the program. Based on my work, our office scheduled a meeting with several other advocacy organizations in the County to discuss working together in the negotiations with the County, or litigation if we cannot change the policies with advocacy.

I found the combination of direct services with a larger project aimed at systemic change extremely rewarding. Beyond the substantive work, my clerkship also provided me with a chance to talk to the office attorneys about the pros and cons of practicing public interest law, gave me the opportunity to get to know other advocacy organizations in the area, and reinforced my commitment to practicing public interest law in the areas of health care or public benefits.

Thank you again for the grant that allowed me to have this experience.

Sincerely,



Jessa Barnard  
Stanford Law School Class of 2008