Cancer and the Law

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Today’s goals: giving an overview of...

1) Health Insurance
2) Employment Rights
3) Disability Income

And how they all fit together...
What is the CLRC?

Our mission: To provide information & resources on cancer-related legal issues to cancer patients, survivors, caregivers, health care professionals, employers, and others coping with cancer.
Health Care 101:
Insurance Options & Programs

- Insurance Laws (COBRA)
- Health Care Reform (PPACA)
- Other Programs (Medicaid)
Imagine Sima…

Childhood Cancer Survivor

Laid off from work

Health insurance for family through employer
COBRA

Keep same group health insurance for 18 to 36 months
By paying up to 102% of premiums

Eligibility: 20+ in group
Healthcare.gov

Last chance for 2015 coverage: February 15
February 15 is the deadline to enroll in a plan for 2015

SEE PLANS & PRICES  GET STARTED

Have a baby, adopt, get married, or lose coverage in 2015? See if your plan can start sooner than usual.

ENROLLED IN A 2015 PLAN? YOU CAN CHANGE UNTIL FEBRUARY 15

LEARN HOW

Insurance for anyone who can afford it – including people with pre-existing conditions
Health Care Reform

• Lifetime/Annual limits
• No Rescissions
• Children (<19) & Young Adults (<26)
• Preventive care

But some exceptions apply...
Pre-Existing Conditions: Adults

• As of January 1, 2014, insurers cannot consider:
  – Pre-existing condition (physical or mental)
  – Health status
  – Medical history
  – Genetic information
  – Gender
Individual Mandate

US citizens/legal residents MUST have health coverage

- Short breaks – OK
- Certain exemptions

If not: penalties
Premium Subsidies

Incomes between 100% and 400% FPL

• 400% = $46,680 individual; $95,400 family of 4

Not for employer sponsored health insurance, Medicare, or Medicaid
Medicaid Expansion
What are Sima’s options?
Sima’s Plan

Check that employer notified plan

Elect COBRA or purchase through Healthcare.gov

Strategize for finances and future insurance after COBRA ends
Employment 101: Workplace Protections

- Leave Laws (FMLA, CFRA)
- Nondiscrimination Laws (ADA, FEHA)
Imagine John...

- Full-time Store Manager
- 60 employees at John’s branch
- 8 months at his job

- What are John’s options?
Family and Medical Leave Act (FMLA)

12 weeks of **UNPAID** job & health benefit protected leave **per year** to:

1) take care of self
2) covered family member
“Covered Individual”

Yourself or

Covered Family Member:
1. Parents
2. Minor Children
3. Spouses
“12 weeks”
Can be taken intermittently

OR

can be taken all at once.
“Covered Employer”

**ALL** Public Employers
(Local/State/Federal)

**SOME** Large Private Employers
(Have 50+ employees in 75 mile radius)
“Covered Employee”

Employee must have worked for:

A) 12+ months

AND

B) 1,250+ hours in last year
Is John covered?
If so, why?

• Full-time Store Manager
• 60 employees at John’s branch
• 8 months at his job
Imagine Sara…

• Recently graduated
• Part-time employee
• Company of 200 employees

• What are Jane’s options?
Americans with Disabilities Act (ADA)

To protect from discrimination at all phases of employment
ADA Applies to:

Some Employers:
15+ employees

Some Employees:
Must have a disability
Must be “qualified”
(can perform the essential functions of the job with or without accommodations)
State Fair Employment Laws

Many states provide coverage for employers with fewer than 15 employees.
What are Sara’s options?
What are Sara’s options?

• ADA likely applies

• Figure out her needs to help her do her job

• Ask for reasonable accommodations
Disability Insurance 101:

- Private Insurance Plans
- State Short Term Insurance
- Federal Long Term Insurance
Imagine Sylvia…

- Can’t continue to work
- Still has monthly expenses
- Does not know where to turn for income
Private Disability Insurance

The devil is in the details…
State Disability Insurance

Only FIVE states and one territory offer some form of short term state disability insurance: CA, HI, NJ, NY, RI, and Puerto Rico
SSI and SSDI – Similarities:

No “substantial gainful activity”

Due to a physical or mental impairment

Expected to last 1+ year or result in death
Compassionate Allowances

ssa.gov/compassionateallowances
Social Security Disability Insurance (SSDI)

Based on:
Prior work history
(whether you paid into Social Security)
AND
inability to continue working
(due to a disability)
SSDI Payments:

No payment for at least 6 months…

(Waiting period from date disability began)

BUT retroactive payments possible

Medicare after 2 years on SSDI
Supplemental Security Income (SSI)

Based on:

Assets and income
NOT work history

Usually also eligible for Medicaid
What are Sylvia’s options?
What are Sylvia’s options?

• See if she has a private disability insurance plan

• Work with her doctor to apply for SSI and/or SSDI

• Emphasize all conditions!
What are today’s takeaways?

1) Health Insurance
2) Employment Rights
3) Disability Income

And how they all fit together...