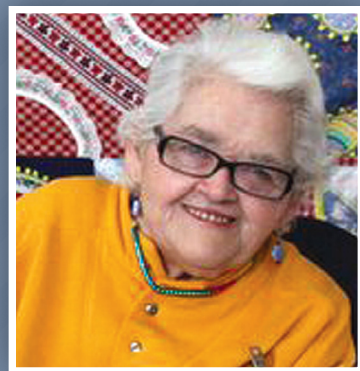
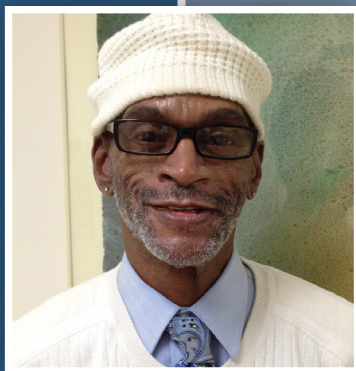


We Give Poor Seniors a Voice

2013

Annual Report



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Leadership Perspective

We are the **voice for 6.5 million elderly poor** in this country who deserve to age with dignity and grace, yet tragically fail to get their basic needs met.

That's 6.5 million of our mothers, fathers, uncles, aunts, grandmothers, grandfathers who struggle daily to afford food and rent, to access needed health care and long-term services and supports, and to remain connected to their families and active in their communities.

We advocate on the state and federal level, educate thousands of legal services and other advocates around the nation, and when necessary, use our legal might in court to fight for the rights of our most vulnerable seniors.

NSCLC exists as the one national organization uniquely focused on advocating for the elderly poor. As an organization, we give poor seniors a voice in policy circles, in federal and state government agencies and in the courts. Through our advocacy we protect their access to quality health care and economic security.

In 2013, we:

- Made sure that **one million people** with both Medicare and Medicaid (the dual eligibles) had the help they need as states change how their health care is delivered and paid for
- Were the driving force in drafting Congressional legislation that would update and make the Supplemental Security Income Program work far better for up to **two million poor seniors** who rely on it for their income security
- Trained over **10,000 advocates** and offered 700 case consultations
- Offered convincing arguments to the U.S. Supreme Court that led to the overturning of the Defense of Marriage Act

- Ensured through litigation that **370,000 California seniors** and persons with disabilities could stay home and out of institutions

The coming year will no doubt bring challenges for all of the nation's low-income older adults. The health system continues to change dramatically. Heated conversations about the future of retirement security and the social safety net will continue.

Through it all, NSCLC will be there to represent the needs and concerns of low-income older adults, to keep advocates informed and engaged, and to help policymakers understand the importance of government programs like Medicare, Medicaid, Social Security and the Supplemental Security Income program to the daily lives of real people.

We are both deeply honored to lead an organization that has for over 41 years provided focused, high-impact advocacy, responsive and dependable support for advocates nationwide and effective litigation when needed.



*Robert Johnson, Chair,
Board of Directors*



*Kevin Prindiville,
Executive Director*



We are the **voice for 6.5 million elderly poor** in this country

Health Care

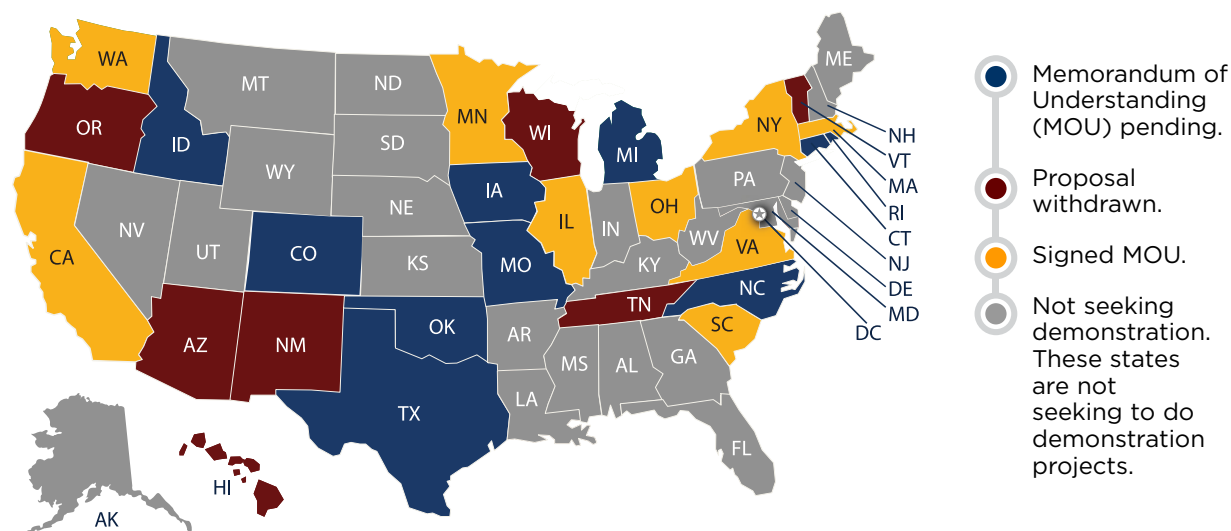
We believe that **poor seniors across the country are entitled to quality health care** and long term services and supports.

All too often, large bureaucratic programs lose sight of who they are trying to help. Part of the Affordable Care Act encourages states to develop new programs that would redesign the health care system for more than one million dual eligibles—people who have both Medicare and Medicaid. Dual eligibles, who tend to be very poor and have high health care needs, are concerned this transition will jeopardize their access to quality health care and long term services and supports.

Without someone to advocate on their behalf, dual eligibles, especially the very old, risk life threatening situations such as not getting needed treatment, being unable to appeal a bad decision, or losing access to a trusted doctor.

Fortunately, NSCLC is there to make sure that these new programs are designed and implemented with low-income seniors in mind. The elderly poor have a right to live with dignity and grace. They deserve the security of knowing that their health care needs will be met and that they can stay independent as long as possible.

In 2013, we worked with advocates in the states below to **protect the rights of low-income older adults and persons with disabilities who have both Medicare and Medicaid** (dual eligibles) as states planned demonstration programs that would move them into private managed care plans.



National Senior Citizens Law Center

“We are concerned about how this is going to translate in the real world for beneficiaries,” said Kevin Prindiville, deputy director of the National Senior Citizens Law Center. “There is a lot of change happening very quickly.”

—*LA Times, March 28, 2013*

In 2013, NSCLC and its partners secured \$12 million in federal funds to implement new ombudsman programs for dual eligibles in select states that will help beneficiaries and their advocates solve problems that may come up with the implementation of these programs.

In 2014, NSCLC continues its role as an ever vigilant watchdog for millions of dual eligible older adults as these programs roll out across the country.

Amber Cutler: Training with Impact

Amber joined NSCLC in March 2013 as a staff attorney in our Los Angeles office. Described by advocates as an “amazing resource,” she has become the “go-to” source for information for thousands of California legal services and aging advocates.

In 2013, Amber led a California-wide initiative to train the aging and health advocacy communities on the ways in which California’s dual eligible demonstration may impact more than 400,000 seniors across the state. Through 22 webinars, an advocate’s guide and 27 in-person presentations, she helped over 4,000 advocates better understand the program and develop the expertise they need to assist individual seniors through this historic change to California’s health care system.

Amber, who worked as a legal aid attorney and in the health care arena before joining NSCLC, says that “I love what I do every day. At NSCLC, I focus on health care issues that have always been important to me, and I’m able to make sure that the concerns of older people are heard, especially in policy circles.”



*Amber Cutler,
Staff Attorney*



22
webinars



27
in-person
presentations

“I just wanted to take a moment to remind you how much a person like Amber is needed in this messy health care process.”

—*Health Plan Executive*

Economic Security

We believe that **all seniors should have enough income to meet their basic needs.**

The Supplemental Security Income (SSI) program was signed into law in 1972 to provide, as President Nixon said, “a big step out of poverty and toward a life of dignity and independence.” Sadly, the vision of the program has been neglected and its promise has not been met.

Older adults who rely on SSI for their income security are deeper in poverty than when the program started. The federal benefit amount—just over \$720 a month for an individual in 2014 (only 74% of the federal poverty level)—has not kept pace with inflation. Program rules such as the \$2,000

limit on how much you can save and still get SSI benefits are out of date. This rule makes it impossible to save up for emergencies or other significant needs such as a home repair, uncovered medical expense or even a new winter coat or bed.

NSCLC aims to fix this problem. In 2013, NSCLC worked with Rep. Raúl Grijalva (D-NM) to develop legislation that will update SSI. NSCLC and the Congressman’s staff collaborated



Rep. Raúl Grijalva (D-NM) addresses Capitol Hill briefing on the SSI Restoration Act of 2013 that NSCLC helped to draft.



“After paying for housing, food and incidentals like soap and toilet paper, very few SSI recipients have anything left over. I can’t tell you how many of my female SSI recipients have whispered to me that they would give anything for new underwear.”

—California advocate

SSI Restoration Act 2013—Some Endorsing Organizations

AARP

AFL-CIO

American Association on Health and Disability

American Bar Association

Easter Seals

Gray Panthers

Leadership Council of Aging Organizations

Mental Health America

National Caucus and Center on Black Aged

National Committee to Preserve Social Security and Medicare

National Council on Aging

National Hispanic Council on Aging

OWL

Paralyzed Veterans of America

Services & Advocacy for Gay, Lesbian, Bisexual & Transgender Elders

Southeast Asia Resource Action Center

United Auto Workers

Youth Law Center

National Senior Citizens Law Center

on the announcement of The Supplemental Security Income Restoration Act of 2013 (H.R. 1601) at a Capitol Hill briefing in April. The bill strengthens SSI by streamlining and updating the rules for eligibility and amount of benefits. For example, it would increase the resource limit from \$2,000 to \$10,000,

allowing seniors, if able, to save a modest amount of money to pay for home or car repairs and other unexpected emergencies.

NSCLC engaged 49 other organizations to endorse the bill. In 2014, NSCLC will continue to draw attention to the need to update the SSI program to help alleviate senior poverty.

Reneto was trying to save up for a winter coat.

Reneto Wilkins, a lifelong Washington, DC resident, is living with several, serious chronic health conditions and has depended on SSI for the majority of his income for nearly 30 years. He lost his benefits for two months because he was

trying to save up for a winter coat and a new bed

and exceeded the \$2,000 limit allowed in his savings

account. When he lost his SSI benefits, he struggled to pay his rent and nearly became homeless. He also lost his Medicaid benefits and was at risk of losing access to medical treatments he needed to stay alive. Plus, the government

wanted him to pay back the \$18,000 they paid out in benefits while his

savings exceeded the outdated limit. With help from a legal services attorney,

his benefits were eventually restored and he didn't have to pay the \$18,000 back.

Reneto's story was used at the April Congressional briefing and he was in the audience. When he was introduced, the audience applauded him recognizing that *no one should have to make such impossible choices.*



Reneto Wilkins



Two million
people over
age 64
receive SSI



Two thirds
of recipients
are women



Over
20 percent
are African
American



One of every three
speaks a
language other
than English



In many states,
SSI recipients
live on just
\$721 a month



Recipients can't
have more than
\$2,000 in savings

Litigation

We believe that sometimes litigation is necessary to ensure that poor seniors get the benefits, services and supports they need.

Starting in 2006, as many as 140,000 people with Social Security and SSI lost the benefits they rely on for their income and survival because of an illegal Social Security Administration (SSA) practice.

The agency withheld benefits based exclusively on outstanding probation and parole warrants with no consideration as to whether someone knew about the warrant or the seriousness of the underlying accusation. As a result, far too many older adults who were simply unaware that a warrant existed or who had been accused of minor

infractions such as a traffic violation or a bounced check lost their sole source of income.

SSA's actions caused serious hardship for Marion and his wife (see story below), and many others like them who became instantly poor. They were unable to pay for basic needs including housing, food and health care. Many became homeless as a result.

NSCLC, with the Urban Justice Center and pro bono support from the Proskauer law firm, brought a class action case, *Clark v Astrue*, that stopped the illegal denial of benefits and provided relief to some 70,000 seniors and persons with



“This decision will help elderly Americans and persons with disabilities regain the basic income they need to survive and make ends meet.”

—Proskauer Senior Counsel Russell L. Hirschhorn

Litigation Impact in the Last 5 Years

Oster v Lightbourne

Value of Benefits Preserved:
Over \$500 million
At-home benefits kept for 370,000

Clark v Astrue

Value of Benefits Restored: Over \$1 billion
Ongoing Annual Value of Benefits:
Over \$100 million
Social Security/SSI benefits restored for 140,000

Darling v Douglas

Value of Benefits Preserved:
\$388.2 million
Ongoing Annual Value of Benefits:
Over \$200 million
Adult day health care kept for 25,000

Martinez v Astrue

Value of Benefits Restored: \$700 million
Ongoing Annual Value of Benefits:
Over \$100 million
Social Security/SSI benefits restored for 200,000

National Senior Citizens Law Center

disabilities by the end of 2013. The case led to the retroactive restoration of benefits worth over \$1 billion. Ongoing benefits provided

by the case are worth hundreds of millions of dollars to seniors and people with disabilities every year.

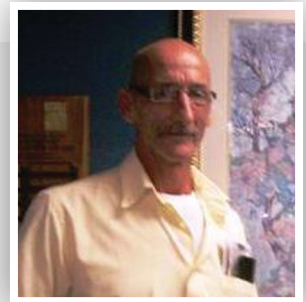
Marion and His Wife Became Homeless After Losing SSI

Marion Dyke, Jr. lost his Social Security and Supplemental Security Income benefits in January 2010. With little other income to live on, he and his wife, who live in Indianapolis, Indiana, became homeless and lived in various motels as they struggled to get by.

His problems started in 2009 when he was stopped for a traffic violation while driving through Baldwin County, Georgia during a visit to the area. Marion returned to Indiana after his visit and unknowingly, failed to appear in a Georgia court. The court placed him on probation in his absence.

Trying to find out why he lost his SSI, he consulted an Indianapolis criminal attorney and found out about the outstanding Georgia warrant. Marion then travelled to the state to clear the matter up, even if it meant going to jail.

While at a Macon, Georgia courthouse trying to find out what to do, Marion spoke to a Georgia Legal Services attorney who advised him that he was likely part of the *Clark v Astrue* class. And, it turned out he was. Thanks to the efforts of Georgia Legal Services staff who knew all about the case from NSCLC, Marion's benefits were reinstated and he received over \$59,000 in back benefits shortly after. He did not have to go to jail and both he and his wife were no longer homeless.



Marion Dyke, Jr.



370,000 Kept Their In-Home Supportive Services in 2013

In 2013, NSCLC and partners secured a settlement of the class action lawsuit *Oster v Lightbourne* that will keep nearly 370,000 of California's older adults and persons with disabilities from losing important at-home health care services. The litigation, which lasted nearly four years, challenged the state's attempt to cut funding for In-Home Supportive



Services and Supports (IHSS), a program that helps Medi-Cal beneficiaries with long term care needs. IHSS recipients receive the support they need at home instead of having to move to a nursing facility or other institution. The dollar value of the IHSS services preserved during the first year of the lawsuit alone was over \$550 million.

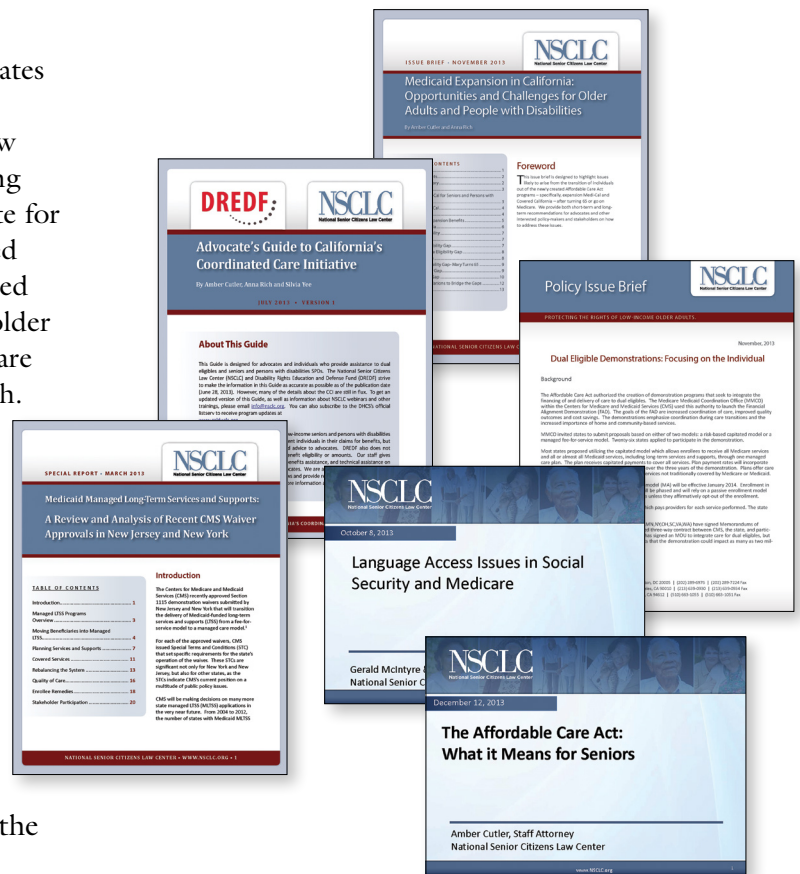
National Senior Citizens Law Center

Training

We **educate and counsel 10,000 advocates each year**, providing them with the tools and information they need.

Every day, local, community-based advocates help an older man who may have been denied health care services, but doesn't know how to appeal and is frightened about getting the care he needs. They may need to advocate for an elderly woman who may not have received a Social Security check for months and is filled with anxiety. Or, they may have to help an older man who cannot understand why his Medicare benefits have changed and fears for his health.

Our advocacy relies on our close relationship with these local advocates so that they can help the elderly poor live with dignity and independence and remain part of the community. Through our free webinar series, publications, website, articles, blogs, tweets and frequent presentations at both national and local conferences and events, we provide in-depth, accurate and current information on the complex intricacies of the law for advocates on the front lines.



Over
725 case
consultations



More than
30 conference
presentations



**41 free
webinars**
with over
6,000
attendees



3 reports,
9 Advocacy
Guides and
6 Issue Briefs



262,000
visits to
NSCLC.org



21
Washington
Reports



63 Health
and Income
Network
alerts

National Senior Citizens Law Center

Topics range from the basics of Social Security or Medicare Part D to how to understand new dual eligible demonstration program agreements. In addition, NSCLC attorneys provide feedback daily through case consultations with advocates who call or write with questions, sometimes on very complex issues that affect the lives of countless seniors.



Directing Attorney Gerald McIntyre presents at a National Aging and Law Institute session.

The information flows both ways. We provide training and the local advocates help us understand how programs are playing out on the ground. They alert us to emerging problems older adults are facing. We use that information to inform our advocacy efforts on behalf of the elderly poor.

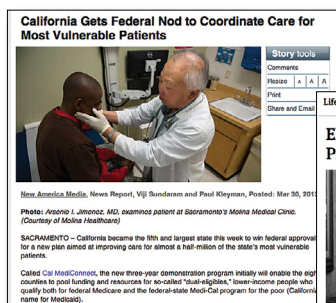
“Thank you so much for helping me be a better advocate for my agency and for seniors.”



—San Diego advocate

In The News

We are **regularly quoted in major national and local media** on issues important to our mission.



Low-income California seniors to move into new care plan
The province's patients, under Medi-Cal and Medicare, are among state's on hope the Cal MediConnect program will cut spending and improve care.
March 27, 2012 | By Anna Gorman, Los Angeles Times

In a major shift triggered by the national healthcare law, nearly half a million low-income California seniors and disabled patients will begin moving into a new managed care program this fall.
The patients, who receive both Medi-Cal and Medicare, are among the most costly in the state. Officials believe that the program, Cal MediConnect, will reduce spending and improve care by shifting the patients out of a fragmented system and into one that is more coordinated.



Elderly, At Risk, and Haphazardly Protected



Elder Law: Red flags on the way to hospital

September 26, 2013 12:00 AM
By Julian Gray and Frank Parnish

A recent report by the U.S. Department of Health & Human Services Office of Inspector General highlights the significant issues involved for Medicare beneficiaries (patients) who may be subject to observation status and also hospitals and nursing homes.

Share with others:
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Observation status hospital, usually physicians often have patients or to result initial... it is aware that the... is unable or unwilling to care for them if there is to be

the patient, making assessments... the use of drugs to determi... more information, as an insuranc...

Below: Fay Gordon speaks to a reporter at Families USA Radio Row about the Affordable Care Act's impact on poor seniors.



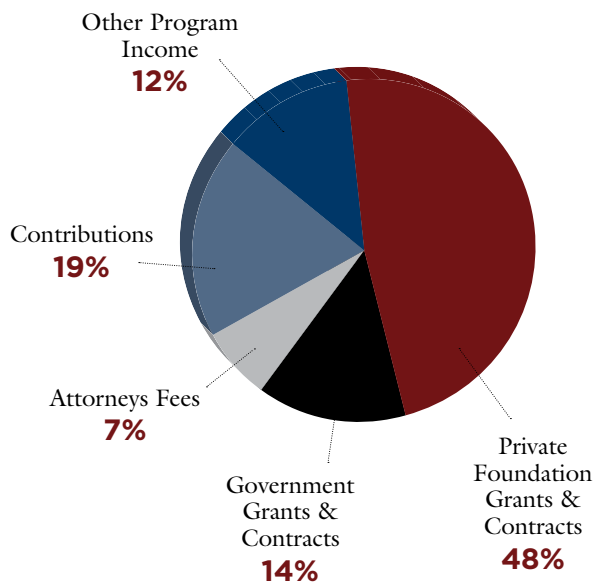
Financials

We rely on support from some of America's leading foundations and on contributions **from people who care about poor seniors.**

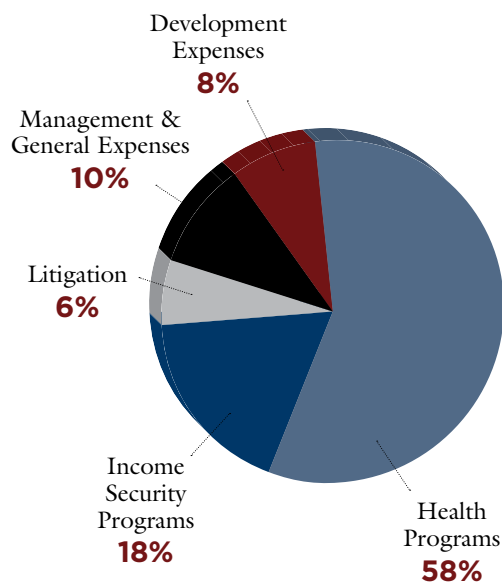
Private foundation and government grants continued to be the principal support for NSCLC's programs, providing 62% of total revenue. Contributions, publication sales, attorney's fees, and other income provided the other 38%. The vast majority or 82 percent of our expenditures were for

program services, while 10 percent were spent on management and general expenses. Eight percent were for development expenses. Full audited financial statements for fiscal year 2013 with comparisons to 2012 are available on NSCLC's website at www.nsclc.org.

Revenues



Expenses



The vast majority or **82 percent** of our expenditures were for program services, while 10 percent were spent on management and general expenses.



National Senior Citizens Law Center

Thank You!

We thank the supporters who fund the work we do. The National Senior Citizens Law Center Board of Directors and Staff gratefully acknowledge our foundation, government and individual donors for their generous support in 2013.

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