

MEMO

To: Friends and partners of the Tennessee Justice Center

From: Gordon Bonnyman

Date: December 17, 1997

RE: Year end report

The purpose of this report is to inform you how your generous investment in the Tennessee Justice Center - in money or other important forms of support - has been used during the past year.

We are close to completing our second year of operations. Three full-time attorneys staff our Nashville office, and part-time cooperating attorneys provide free legal assistance to clients in Memphis, Jackson, Oak Ridge and Johnson City.

Much of our work has focused on TennCare, the Medicaid managed care program which serves 1.25 million low income and uninsured people. We have worked in the legislature to ensure more timely access to prenatal care for TennCare mothers, to improve their babies' chances to be born healthy. TJC has advocated for reform of long term care for the elderly and people with disabilities, in order to create home and community services as an alternative to nursing home placement. And we have pressed for bureaucratic reforms which would make managed care more accessible to vulnerable patients who must contend with limited education, chronic illness or geographic isolation. Of the wide range of TennCare cases which TJC has handled, three are particularly noteworthy:

- Appeals of denials of care - Last year, TJC helped win a landmark class action ruling which directed the state to reform the procedure through which patients can challenge managed care companies' denial of care. Much effort has since gone into the design and implementation of a new appeals process. We recently negotiated special protections for the 11,000 abused and neglected children who have been committed to state custody, and who depend upon TennCare for their extensive medical and mental health needs.
- Children's eligibility - We helped win enactment of a state law which, effective January 1, will extend TennCare eligibility to approximately 10,000 children in poor, or near-poor families, whose parents work but cannot afford to buy dependent health coverage through their jobs.
- Children's screening and treatment - Unfortunately, obtaining TennCare coverage for a child does not always ensure that she will get the medical care she needs. Staff attorney Michele Johnson has negotiated with state officials for more than a year to develop a comprehensive plan to provide health screenings and needed medical and mental health services for the more than 500,000 children whom TennCare covers. This represents one in every three Tennessee children, and the great majority of those children who are at risk or seriously ill. The remedial plan, which now awaits approval by the Governor and the federal court, is the most comprehensive and ambitious of its type in the country.

Besides TennCare, we worked actively over the past year to influence the design and implementation of Families First, the state welfare reform program. Russ Overby, an experienced colleague on leave from the Legal Aid Society, who enjoys a national reputation for his expertise in welfare law and policy, represents our clients with Families First problems. With the help of Deidre Smith and Pam Ford Wright, our cooperating attorneys in Memphis and Jackson, Russ has represented scores of individual clients across the state. Those cases have produced policy reforms which have benefitted literally thousands of the neediest children and families in Tennessee. Many such reforms, though they sound mundane, can determine whether children are fed, or go hungry.

We are proud that our accomplishments are often *not* ours alone, but are victories shared with other private and public interest attorneys, client groups and community organizations from across the state. TJC's ability to work in productive collaboration with many diverse advocacy partners and coalitions is a major strength, enabling us to have far more impact than our own meager resources would otherwise permit.

That same collaborative approach guides our work at the national level. In addressing clients' problems with these new programs, we are grateful to have been able to enlist the expertise and resources of colleagues in public interest law firms and resource centers from around the country. By the same token, TJC has provided technical support to advocates and colleagues beyond Tennessee. Tennessee is among the states which has most aggressively embraced both Medicaid managed care and "tough love" welfare reform. Our clients' experiences -- for good or ill -- provide valuable lessons for those states which are following in Tennessee's footsteps. A day seldom passes that TJC is not asked for technical support by policy makers, community groups or researchers elsewhere in the country.

In all of these efforts, it is the clients who inspire. A couple of recent thank you notes may provide a sense of why it feels (on our better days, at least!) like such a privilege to do this work:

- After her husband abandoned her and her infant, Kelli, a young mother in Big Sandy was told by the welfare department that they could not receive assistance unless she dropped out of her senior year of high school and enrolled in a GED course. Kelli and her infant were in desperate straits when Russ Overby got her benefits restored. Not incidentally, he got the department to reform its policies statewide so that other young mothers can finish high school. Russ received the following thank you note:

Without the help of this program, I don't know what I would have done... You don't know how much it means to me to know that there are people out there that will help me when everyone has turned their backs on me.

- Michele Johnson just received a Christmas card from Paula, and her son, Colby, from rural West Tennessee. Colby, a teenager, is dying of the same rare genetic disease which killed his older brother two years ago. Now paralyzed and bedfast, Colby requires 24-hour care. Ignoring the pain of a serious back injury, his mother struggles to provide that care, with the aid of a TennCare nurse who comes to their home several hours a day while Paula sleeps. When the managed care organization cut off the home nursing services and told Paula to

consign her son to a geriatric nursing home (where the managed care company would no longer have to pay for his care), Michele moved heaven and earth to get the nursing services reinstated. She and Lenny Croce, our cooperating attorney in Oak Ridge, are using the federal courts to reform TennCare appeals procedures, so that people like Paula can challenge improper denials of care without having to resort to the courts. Paula wrote:

I hope you keep up the fight for all the children & parents that so desperately need your help. .. I will keep my son at home, no matter what the costs. ..Please keep up the fight!

On behalf of Paula and Colby, and the many other families who have benefitted from TJC's efforts, thank you for making it possible for us to "keep up the fight" for justice for the poor.

Best wishes for the holidays, and for a happy and fulfilling 1998.

cc: 1996 and 1997 donors (including Board members)

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