



**TENNESSEE
JUSTICE
CENTER**

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To: Friends and partners of the Tennessee Justice Center
From: Gordon Bonnyman
Date: December 14, 1998
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 – was used during the past year.

We are close to completing our third year of operations. Three full-time attorneys staff our Nashville office, and part-time cooperating attorneys provide free legal assistance to clients in Jackson, Oak Ridge and Johnson City. Our advocacy on behalf of the poor continues to focus on cases in which the most basic necessities of life are at stake, and where our intervention can benefit needy families statewide.

Much of our work has focused on TennCare, the Medicaid managed care program which serves 1.25 million low income and uninsured people. Of the wide range of TennCare cases which TJC has handled, three are especially noteworthy:

- *Children's health* – Eighteen months of negotiations by TJC attorney Michele Johnson culminated in federal court approval last March of a comprehensive plan to provide screening, prevention and medical treatment to the 525,000 Tennessee children covered by TennCare. This affects one in every three Tennessee children, and the great majority of those children who are at risk or are seriously ill. The settlement is the most comprehensive of its type in the country, and the first to adapt the children's health mandates of federal law to the new challenges of managed care.

Implementation will take several years to complete, but improvements are already under way. In September, a team of national experts made detailed recommendations for correcting serious deficiencies in medical and mental health care for the 11,000 abused or neglected children who are in state custody. We will be in court next month seeking additional reforms to meet the special needs of this vulnerable group of TennCare children.

- *Long term care* – TJC's clients include the Tennessee Coalition for Nursing Home Reform, as well as a number of individual nursing home residents. In January, the head of the federal Medicaid agency met privately with several of our clients, and was moved by accounts of their loved ones' abuse in nursing homes, and the failure of state and federal regulators to respond. She requested from TJC a legal memorandum regarding her agency's enforcement options. Our recommendations were included among regulatory reforms announced by the President in July. In response to the federal initiative, Tennessee recently announced that it will start conducting nursing home inspections at night and on weekends (when the worst neglect or abuse occurs), and will impose substantial fines for deficiencies.

For many people, of course, the best place to receive long term care is not in a nursing home, but in their own home. Unfortunately, Tennessee is last among the states in affording its citizens that option. At the request of legislators, TJC drafted a bill, which the General Assembly adopted last spring, requiring the state to develop a comprehensive plan to reform long term care. The plan calls for reorientation of the \$700 million which TennCare now spends on nursing homes, so that the elderly and people with disabilities will have a choice in whether to go into an institution or receive supportive services at home. Unfortunately, good planning is not enough: TJC was forced within the past week to file suit to prevent TennCare from cutting the few home health services which people with disabilities now receive. This issue promises to be a major challenge of the coming year. At stake is the quality of care -- and quality of *life* -- of thousands of our clients.

- *Wrongful termination of coverage* – During the five years since TennCare began, there have been recurrent problems with the state terminating health coverage for people because of incorrect information indicating that they had not paid their premiums or were otherwise ineligible. Though TennCare made improvements, problems persisted, at great cost in the suffering of those affected. In July, TJC filed a class action which is now being settled. The state has written off questionable premium arrearages dating from the first years of the program, and will restore health coverage to tens of thousands of families. New procedures will enable people to challenge erroneous terminations or premium assessments.

Besides TennCare, TJC worked actively over the past year to make welfare reform more humane and accountable. Staff attorney Russ Overby, who enjoys a national reputation for his expertise in welfare law and policy, has achieved extraordinary protections for clients participating in Families First, our state's welfare reform program. As a result of his advocacy, Tennessee now independently reviews each family whose case is to be closed, to make sure there has not been an error, and that the children are not at risk of going hungry or becoming homeless. Since the review process was established, the number of families losing subsistence payments has dropped by more than a third, and the process is being cited as a national model.

We are proud that our accomplishments are often *not* ours alone, but are shared with other private and public interest attorneys, client groups and community organizations from across the state. Because TennCare and Families First are demonstration programs with national implications, we are glad to share our experiences with advocates and policymakers in other states. TJC's ability to work in collaboration with many diverse groups is a major strength, enabling us to have far more impact than our own meager resources would otherwise permit.

It is the clients who remind us how privileged we are to do this work. On Saturday, I spoke to Mark, a young father of 3 from Memphis, who is a witness in our newly filed class action. He is quadriplegic and just spent 7 weeks in the hospital. His TennCare managed care company told him to go into a nursing home, so that the company could avoid the cost of his home health care. Mark spoke movingly of his desire to be with his family. I explained the lawsuit, expressed hope for its success, but cautioned that we cannot guarantee the outcome. Mark responded, "You don't know how much it means just to know someone is on my side."

On behalf of Mark and the many other families who draw hope from TJC's efforts, thank you for making it possible for us to "be on their side" in working for justice for the poor.

Best wishes for the holidays, and for a happy and fulfilling 1999.

cc: 1996 and 1997 donors (including Board members)

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