



TENNESSEE JUSTICE CENTER

Advocates for Families in Need

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RE: Annual Report

Dear Friend of the Tennessee Justice Center:

“Hogs fly”, proclaimed the FedEx package that arrived a few weeks ago while the staff was gathered to review new cases. It was a barbecued ribs dinner from The Rendezvous, sent by Madeline, a Memphis mother. Her note described Chelsey Burns as an “angel” for obtaining health coverage for her seriously ill son. Through more than a year of futile phone calls and letter writing, Madeline had lived every parent’s nightmare: her child was suffering, but nothing she did could relieve his pain. She was tormented as his treatable disease progressed, impairing his ability to walk and threatening much worse. Now, miraculously, he had TennCare, had gotten treatment and was improving. The gift well expressed her extravagant generosity, and her gratitude to Chelsey for achieving the impossible.

It has been a year for redefining the boundaries of the possible. Turmoil in the TennCare program forced TJC to meet a series of harrowing threats to vulnerable families across Tennessee. The state notified about 75 families just before Christmas that on New Year’s Day, TennCare would withdraw the nurses who help them care for their ventilator-dependent loved ones at home. These are remarkably courageous patients and families for whom every day is a struggle in the best of circumstances, and they instantly knew what the policy would mean. TJC was swamped with panicked calls from doctors and nurses who warned of the immediate risk of death to these patients. At the last minute, when the withdrawal of care seemed inevitable, Russ Overby succeeded in conveying to a senior official the enormity of the impending tragedy, and helped him devise a face-saving way for the state to quietly reverse its course.

At the same time, 200,000 children and adults were losing their TennCare coverage, the victims of a nightmarish bureaucratic process that wrongly classified most of them as ineligible. This human catastrophe represented the largest single increase in the number of uninsured Americans in our nation’s history, and epidemiologists at U.T. warned that the resulting disruption of access to care could be expected to raise the statewide mortality rate by an additional death every 39 hours. TJC won a sweeping order directing these families’ reinstatement, only to have that order stayed in January, when the state appealed.

Those who remained on the program were imperiled also, with TennCare preparing to impose across-the-board reductions in benefits affecting everything from mental health treatment for seriously disturbed children to home health care for the elderly. For several months, the very survival of TennCare seemed to hang in the balance. We were worn down, worn out and on the verge of despair.

But then, haltingly, TJC’s efforts began to have an effect. Changes in state government, followed in February by a crucial legal victory for our clients, set the stage for broad negotiations between TJC and the new Governor. The negotiations extended over several months and resulted in the settlement of four class actions against TennCare. While TennCare is not out of the woods, the settlements herald a less adversarial relationship that enables us to collaborate with officials in helping them improve the program. The settlement terms affect more than 1.3 million Tennesseans of all ages. The numbers are mind-numbingly large, yet the people, like Madeline and her son, are poignantly real:

- Eligible families terminated during last year's chaotic recertification process can recover their coverage through a special reapplication process.
- The planned cuts in benefits have been rolled back, and all enrollees retain full medical benefits.
- A quarter of a million uninsured children will get to keep their access to a full range of preventive medical, dental and mental health services.
- The state has committed to develop over the next three years a much needed system of services to help people stay at home who would otherwise have to go to nursing homes.

Any one of these accomplishments would have been significant by itself; together, they dramatically illustrate the law's capacity to affect people's lives for the better.

While TennCare was the year's big story, TJC's efforts improved the possibilities for poor families in other areas, as well. As a result of TJC advocacy:

- Older couples who are raising their grandchildren can now receive the temporary assistance to needy families (TANF) and health coverage needed to make ends meet.
- Families can now own a reliable vehicle without losing TANF and food stamps, a reform that is critical to enabling rural households to find and retain jobs.
- Residents of ten of Tennessee's poorest counties are receiving extended nutrition assistance.
- Immigrants no longer face policies that illegally deprived them of food stamps.
- A bill that TJC drafted for AARP became law and will improve state regulation and oversight of quality of care in Tennessee's nursing homes.

In 2003 we also saw the positive effects of what we had thought were failed advocacy efforts undertaken in the first year of TJC's existence. In 1996, TJC took to the Court of Appeals a lawsuit against the federal government. The suit attempted to compel compliance with the Civil Rights Act's requirement that federal agencies compile data regarding racial disparities in access to publicly funded health services. Although ultimately dismissed on technical grounds, the suit prompted the federal government to open statistical files to health researchers. That case, whose outcome was so discouraging at the time, is now credited with having made a crucial contribution to medical research into racial inequities in health care and health status. More than 200 research articles have been published based on the data that became available as a result of the lawsuit, and bipartisan legislation is pending in Congress to close the shocking gaps revealed by that research.

On a more mundane level, the year saw other improvements, too. Early in the year, we faced eviction after the dilapidated building we occupied was sold to developers. We moved to the basement of a parking garage, but it's a lot better than that sounds. (We hope you'll come see for yourself at our Open House on December 11.) The plumbing works, faulty wiring no longer addles our computers, and we have left behind the rodent menagerie that swaggered around our old offices. As we plan for the future, the settlement of the TennCare cases enables us to address additional areas of client need, such as housing and consumer protection, that it has not been possible for us to handle before.

So, sometimes "Hogs *do* fly". The law does sometimes seem to accomplish the impossible, providing justice to the poor in life-sustaining, life-transforming ways. On behalf of Madeline and the many families whose lives you touched this past year, thank you for helping to make it so.

Sincerely yours,

Gordon Bonnyman