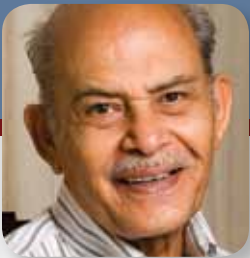


National Senior Citizens Law Center



Social Security

SSI

Health Disparities

Medicaid

Judicial Nominations

Assisted Living

Martinez v Astrue

Health Reform

Language Access

Medicare

Federal Rights

Home and Community Based Services

Protecting the rights of low income older adults

Chair's Perspective

As board chair, I have witnessed first-hand how important it is for low income older adults to have an organization like the National Senior Citizens Law Center in their court, protecting their rights through advocacy, litigation and in support of thousands of legal services attorneys all over the country.



Claire Fagin

In the past year, NSCLC has made significant progress in determining three priorities in which our highly effective staff can have significant impact: health care, economic security and court access.

First it was important to identify our “sweet spot” or major focus. A thorough and in-depth organizational analysis by the Bridgespan Group in 2009 led to a cultural transformation and provided new energy and direction under the leadership of Executive Director Paul Nathanson.

In 2010, there were many successes in each of these priority issue areas, but here are just a few examples:

- **Health Care:** The publication of the “10 Plus Years After the Olmstead Ruling” created a stir the day it was published and provided a roadmap for policymakers to implement fully more home and community based services for frail elderly and persons with disabilities.
- **Economic Security:** Litigation on behalf of those who lost Social Security benefits because of alleged outstanding warrants gained more relief because of our work on *Clark v Astrue* and continued outreach to those affected by *Martinez v Astrue*.

- **Court Access:** Our Federal Rights Project’s leadership in confronting the state challenges to the health reform law through extensive writing, amicus briefs and our outspoken stance in the media have garnered praise, and thanks from both the White House and other advocates.

Based on recommendations from Bridgespan and from a separate communications audit, the board approved the appointment of Kevin Prindiville as deputy director and recruited Scott L. Parkin as our first communications director. Their contributions already have made a huge difference in terms of how things get done and in establishing a more coherent brand for the organization.

The highly visible transformation that we are witnessing would not have been possible without the generous support of several leading foundations, individual donors and voluntary leaders. I’m happy to report that the organization is on sound financial footing, but, future financial support and more of it is needed more than ever as challenges to programs that benefit the elderly poor are under fire as never before.

As I relinquish the chair, I know that NSCLC is poised to do great things in both the near and distant future. The organization deserves your support in 2011.

Executive Director's Corner

As I have said many times, the importance of legal analysis and strategic advocacy on behalf of low-income older adults never wanes. With the implementation of new laws and regulations that affect their health, economic security and their rights, an organization like NSCLC must be ever vigilant so that laws actually work on their behalf.



Paul Nathanson

Older adults, especially women of color and millions of others with limited income and resources, should be able to live with dignity and independence for as long as possible. The health reform law contains many elements that will make this vision come true, but seeing real change implemented will not

be easy. NSCLC is working on several fronts to ensure that the goals of the new law such as ensuring the best coordinated quality care for those who are dually eligible for Medicare and Medicaid are realized.

In addition, our staff continues to champion the rights of those who speak little English, making sure that health plans and government agencies both nationally and especially in California live up to their pledge to share benefits information with limited English proficient plan members in language they can understand.

Without Social Security or Supplemental Security Income, it would be difficult for millions of men and women to pay for food, a mortgage, rent, energy or medical bills. Sadly, far too many elders rely on federal income security programs like these for all or the majority of their economic security. In

close collaboration with others, NSCLC is determined to combat efforts that would create serious financial hardships for today's elderly poor or for those in the baby boom generation who have little in savings or pension support.

There have been and continue to be efforts to move the federal courts to the political right. Without the Federal Rights Project, much of the behind the scenes work that conservative justices and judges do to move an anti-progressive agenda would never see the light of day. NSCLC will continue to keep up the pressure, especially in relation to the spurious lawsuits that seek to overturn health reform.

The states are struggling with mountains of debt, but our job is to ensure that state governments do not infringe on the rights of the elderly poor to their benefits while trying to save a buck. Our staff is continuously monitoring state actions that could mean hardship and pain for millions of older Americans and, where appropriate, we will take action whether through advocacy or litigation.

Recently released poverty measures show that the proportion of seniors living in poverty is higher than any other age group, even higher than that for children. These poverty figures confirm that the picture for the elderly poor is even more bleak than most people know. And, this means that NSCLC efforts to work to protect their rights are needed now more than ever.

Health Care

NSCLC's seeks to ensure that low-income older adults understand and have access to affordable health care benefits and medicine and that more people receive long-term care at home.

To achieve such objectives, NSCLC uses advocacy and litigation as well as provides education and counseling to local advocates who work with older adults. In 2010, NSCLC achieved important victories:

- **Stopped Program Cuts that Prevented Institutionalization for Many.** Along with other California advocates, NSCLC used the courts to challenge and stop cuts temporarily to the state's at-home care program. The program is a last defense against institutionalization for more than 130,000 seniors and people with disabilities and cuts would have had disastrous consequences, especially for limited English proficient and minority older adults. The litigation challenged a state's right to cut services arbitrarily in response to a budget crisis.
- **Protected Consumers from Back Billing by Insurers.** After NSCLC showed that a large Medicare health insurer had failed to provide its members with timely notices of dental premium arrearages, the Centers for Medicare and Medicaid Services required the company to write off back bills for some 7,000 California Medicare Advantage plan members.
- **Championed Language Access in Medicare.** An NSCLC survey of Medicare plan practices in California and Florida showed that the plans were not posting Spanish translations of consumer materials as required in their contracts with the government. An Associated Press wire story

that NSCLC generated led CMS to contact plans about taking language access seriously.

- **Fixed Medicare Part D Low Income Subsidy Problems.** NSCLC led the charge on limiting the reassignment of low-income Medicare Part D beneficiaries. The reassignment practice is particularly troublesome and disruptive for low income older adults. In collaboration with other advocacy groups, NSCLC got changes included in the Affordable Care Act that resulted in far fewer people being reassigned in 2010 than would have been the case without those changes.
- **Provided a Road Map for How to Expand Care at Home.** Called a "must read" by a leading legal advocate, NSCLC published a seminal report "10 Plus Years After the Olmstead Ruling." A local advocate said the report "was changing minds" about what the ruling meant and what still needs to be done to meet the promise of the famous Supreme Court ruling on behalf of those with disabilities.



NSCLC’s health staff authored widely read articles and columns in publications such as the *Elder Law Journal* and *Aging Today* as well as issue briefs on streamlining Medicare Savings Programs and preventing discrimination against Medicaid-eligible assisted living residents. NSCLC’s health staff provided hundreds of case consultations to both legal and aging services advocates, held widely attended Webinars, and presented frequently at national and local conferences on topics as diverse as health reform and low-income older adults, in home supportive services and their access to benefits for dual eligibles.

**NSCLC HELPS:
Pennsylvania Health Law Project**

On behalf of her clients, Fran Chervenak, senior attorney at the Pennsylvania Health Law Project (PHLP) in Pittsburgh, PA, often raises



issues with the Center for Medicare and Medicaid Services (CMS). Recently, CMS approved a PA

Medicare Advantage Plan that started a Special Needs Plan for dual eligible beneficiaries, but the plan did not enroll all dual eligibles or even a discrete subset of the population as spelled out in Medicare law. Fran and PHLP tried to engage CMS to revoke the plan, but were unable to resolve the issue. With NSCLC’s help, CMS revoked the plan in question.

“NSCLC has been especially helpful in identifying and solving systemic problems—those that affect many individuals. And when we get a case that is particularly complex or unusual, NSCLC attorneys are always there with great, practical advice.”

Diane Whaley, Contra Costa County Health Insurance Counseling and Advocacy Program

**NSCLC HELPS:
The Late Lille Brantley**

Chauncey McLorin did not want to put her Aunt Lillie in a nursing home. The late Lillie Brantley was living with Alzheimer’s and had been able to stay at home because of California’s Adult Day Health Care Services Program. In 2009, when the state wanted to make drastic cuts to the Disability Rights California program, AARP Foundation Litigation and NSCLC filed a class action lawsuit to stop devastating cuts on behalf of Ms. Brantley and other elderly plaintiffs with disabilities. The state, for example, wanted to reduce the number of weekly available days of adult day health care from five to three. The groups argued that this move would have placed thousands of recipients at immediate risk of institutionalization. “If DRC, AARP Foundation Litigation and NSCLC did not move forward and fight these cuts, my aunt would not have been able to stay at home with family and friends,” said Ms. McLorin. “I thank them from the bottom of my heart for my Aunt Lillie.”



Lillie and Chauncey McLorin



Court Access

NSCLC's Federal Rights Project works to preserve the ability of the courts and Congress to protect the health, security and civil rights of individuals under federal law. Not limited to issues that affect older adults, the Project works to strengthen justice for all.

- **Defended Health Reform.** The Project is a vocal champion for the Affordable Care Act, arguing its legal basis in the media and in the courts even before dozens of states issued their challenges. Frequently called upon by policymakers, including the White House, to support the law, staff was frequently quoted in major newspapers and magazines from the *New York Times* to *The Nation*, in columns by respected Washington pundits like Ezra Klein, on t.v. and in blogs read by thousands nationwide. NSCLC staff also took a leading role in preparing amicus briefs in both the Virginia and Florida court challenges.
- **Ensured Access to the Courts.** The Federal Rights Project continues its ongoing efforts to ensure U.S. citizens have access to the courts to remedy wrongs and to prevent the undermining of federal law. It is advocating for the interests of low-income Californians in the Supreme Court in *Douglas v. ILC*, representing the ILC plaintiffs. The case raises the issue of access to the courts to ensure compliance with federal law. It wrote a Supreme Court amicus brief, in *Virginia v. Reinhard*, regarding access to federal court by organizations that prevent and remedy abuse of the elderly. In *Astra v. Santa Clara*, NSCLC filed a Supreme Court amicus brief in support of third-party beneficiary contract claims, arguing that the Court's decision should not trample on the rights of state courts and legislatures that permit those who may have the right to sue.
- **Trained Advocates.** Webinars related to claiming and collecting attorney's fees as well as on a variety of rights-related topics attracted as many as 500 legal services, protection and advocacy, civil rights and public interest lawyers.



Policy Counsel Simon Lazarus frequently speaks on expert panels discussing constitutionality issues such as state challenges to the health reform law.

“...the National Senior Citizens Law Center, a highly effective advocacy group...”

*Michael S. Greave,
American Enterprise Institute*



Economic Security

NSCLC's seeks to preserve, strengthen, expand and improve access to income support programs such as Social Security and Supplemental Security Income.

NSCLC achieves its objectives through litigation, policy advocacy, and technical assistance that includes case consultations, trainings and written materials.

In 2010, NSCLC:

- **Spread the Word about Class Action Settlement to Thousands.** To ensure reinstatement of Social Security and SSI benefits to 200,000 primarily low-income older adults in the 2009 *Martinez v Astrue* settlement, NSCLC joined with New America Media in media seminars that attracted wide attention in multicultural media nationwide. In an effort to find even more people affected by the settlement, we reached out to African American churches and posted billboards in the San Francisco Bay area. NSCLC led the fight to restore those benefits and secured the \$700 million settlement with the Social Security Administration.

- **Achieved Better Access for the Blind to Benefits Information.** In *American Council for the Blind v Astrue*, NSCLC joined in a successful fight to ensure better language access for people who are blind or have visual impairments. We were also successful in challenging the Social Security Administration's policy of refusing to provide more than one standard print format to most blind or visually impaired beneficiaries.

- **Successfully Challenged a Policy that Cut Off Social Security and SSI for 100,000.** In *Clark v Astrue*, NSCLC in collaboration with pro bono counsel, convinced the U.S. Court of Appeals for the Second Circuit to overturn the Social Security Administration's policy of prohibiting payment of benefits to those who allegedly have an outstanding warrant for a violation of parole or parole.

On behalf of those who rely on Social Security for all or most of their income, NSCLC collaborated with other leading aging groups, the media and advocacy to resist cuts to these essential programs.



Bus signs posted in 37 locations around the Bay area sought to reach those affected by the *Martinez v Astrue* settlement.

In addition to hundreds of case consultations, NSCLC provided training for advocates on the Martinez settlement and its staff presented at national and regional conferences on Social Security and SSI and their meaning to older Americans.

NSCLC's Executive Director was chosen to serve on the National Committee to Preserve Social Security and Medicare board of directors. And, starting in September, our staff was supplemented by a Borchard Foundation Center on Law and Aging fellow.



Jose Munevar tells his story at San Francisco press event about the Martinez settlement.

NSCLC HELPS: Jose Alvaro Munevar

Born in New York City and now a resident of California, Jose lost his Social Security benefits because of some bad checks he wrote in Nevada several years ago. The single parent of two girls is living with cerebral palsy. Social Security benefits are crucial to his ability to make ends meet. Thanks to the efforts of the Legal Aid Society of San Mateo County, Jose found out about the Martinez settlement and finally got \$14,000 and his disability benefits restored. As a result, he was able to get his life back to normal.



Financials

In the fiscal year ended on June 30, 2010 NSCLC received revenue amounting to \$2,525,074 and incurred expenses amounting to \$2,024,595, resulting in net income of \$500,479. Most of this net income consisted of a \$466,659 increase in temporarily restricted net assets, which represent grant funds received to support programs in future fiscal years. Unrestricted net assets also increased by \$33,820, to a total of \$339,794, of which amount \$295,119 consisted of cash reserves and \$44,675 represented other assets.

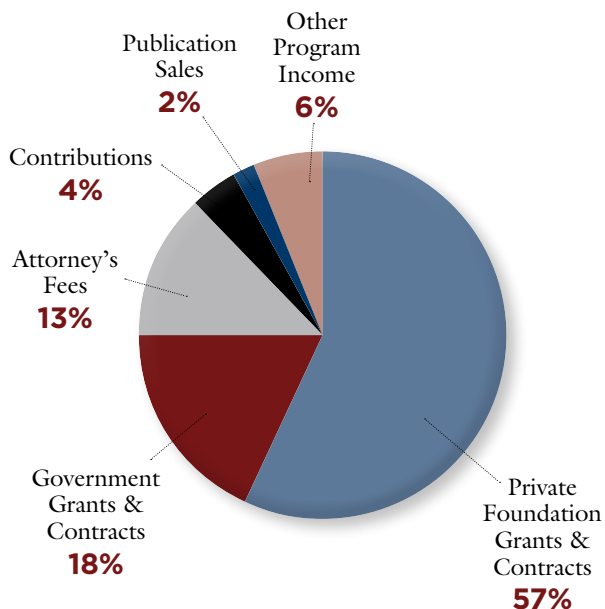
Private foundation and government grants continued to be the principal support for NSCLC’s programs, providing 75% of total revenue. Attorney’s fees provided 13% of total revenue, with contributions, publication sales, and other income providing the remaining 12%.

The majority of NSCLC’s program services continued to be focused on health-related issues affecting the elderly poor. Other

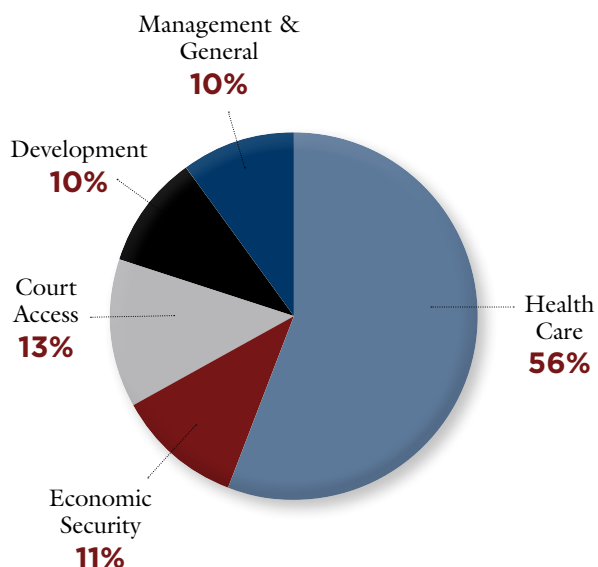
programs included economic security issues and court access issues. Program services as a whole comprised 80% of NSCLC’s expenditures, with management and general expenses and development expenses each comprising 10%.

Full audited financial statements for fiscal year 2010 with comparisons to 2009 are available on NSCLC’s Web site at www.nsclc.org.

FY2010 Revenues By Category



FY2010 Expenses By Category



2010 Donors to National Senior Citizens Law Center

The National Senior Citizens Law Center expresses sincere thanks to the donors who contributed much-needed funding to advocate for low-income older adults.

\$750,000 and above

The Atlantic Philanthropies¹

\$500,000 and above

Open Society Institute²

\$100,000 and above

Administration on Aging, U.S. Department of Health and Human Services³

State of California IOLTA Program and Equal Access Fund

The California Endowment⁴

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¹ Multiyear grant beginning 2008

² Multiyear grant beginning 2009

³ Multiyear grant beginning 2008

⁴ Multiyear grant beginning 2008

⁵ Multiyear grant beginning 2010

⁶ Consists of two grants in 2010

⁷ Multiyear grant beginning 2009

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