



# Briefs Coalition

A SEMI-MONTHLY UPDATE ON COMMUNITY MENTAL HEALTH IN NEW YORK

## Linda Gibbs Named Deputy Mayor for Health & Human Services

On January 10<sup>th</sup>, Mayor Michael Bloomberg appointed Linda Gibbs to be Deputy Mayor for Health & Human Services. Ms. Gibbs will oversee a number of City agencies, including the Department of Health & Mental Hygiene. For the last four years, Ms. Gibbs has served as the Mayor's Commissioner for the Department of Homeless Services. Prior to that, she served as a Deputy Commissioner at the Administration for Children's Services.

The Coalition looks forward to working with the new Deputy Mayor on issues of importance to the community mental health sector. We especially look forward to discussing the unique role that mental health providers play in offering services, outreach and housing to homeless New Yorkers living with psychiatric disorders. Given the Mayor's plan to reduce chronic homelessness in NYC by two-thirds within five years, it is important that mental health providers have the resources they need to provide a helping hand to individuals and families in crisis.

First Deputy Commissioner Fran Winter will be the Acting Commissioner for Homeless Services pending further notice.

## Coalition Mourns Kathy Sweeney

The Coalition is saddened by the loss of Kathy Sweeney. She will be remembered as a champion for mental health in her role at the New York City Office of the State Office of Mental Health and more recently as COO of ICL. A memorial service is to be held at Andretti's Funeral Home, 353 2nd Ave. at 11 AM on Sunday, January 15th.

## Federal Court Dismisses Effort to Protect Dual Eligibles

On December 30, 2005, Federal District Judge Loretta A. Preska dismissed a lawsuit filed by The Medicare Rights Center, The Coalition and six other organizations to protect individuals in danger of losing access to medication during the transition from Medicaid to Medicare. The suit was intended to order the continuation of Medicaid drug benefits during the transition, thus ensuring that dual eligibles encountering enrollment problems would still be able to obtain their medications. Judge Preska dismissed the suit on jurisdictional grounds, stating that the court does not have the authority to offer blanket protection for dual eligibles. According to the judge, individuals who are unable to receive their medications during the transition process must first contest the denial on an individual basis with The Centers for Medicaid and Medicare Services before seeking court protection. The text of the Court's decision can be found at [http://www.nysd.uscourts.gov/rulings/05CV09549\\_opinion\\_122905.pdf](http://www.nysd.uscourts.gov/rulings/05CV09549_opinion_122905.pdf). The plaintiffs, led by the Medicare Rights Center, filed an immediate appeal. We will continue to update you on any developments.

## Medicare Part D Transition Problems

Dual eligibles are encountering numerous problems during the transition to the Medicare Part D program. Most concerning are reports of duals being asked to pay a deductible and co-pays greater than the expected \$1 - \$3. We learned that due to a CMS computer glitch, "extra-help" eligibility was not properly reported when some beneficiaries switched plans. CMS is aware of the problem and says that it will be rectified by the end of the week.

**No dual eligible should leave the pharmacy without their medications: Beneficiaries should bring their current Medicaid and Medicare cards, as well as proof of enrollment in a Medicare Prescription Drug Plan to the pharmacy.** Proof of enrollment could include their new Prescription Drug Plan card, any mail from the plan confirming coverage, or the yellow auto-enrollment letter from CMS.

Pharmacists should be able to verify enrollment by calling 1-800-Medicare, going online at [www.medicare.gov](http://www.medicare.gov) or calling the dedicated pharmacist helpline at 1-866-835-7595. Our website ([www.cvmha.org](http://www.cvmha.org)) has a document called "4 Quick FAQs for processing dual eligible claims.doc" which answers four common questions pharmacists might have when processing Dual Eligible claims. *We suggest that beneficiaries bring this document to their pharmacist to help them understand the proper procedures.*

Ultimately, the plan must be contacted in order to confirm enrollment and this part of the process has been problematic. **If you, or the pharmacist, are unable to get information from the plan and you believe that the plan is not complying with regulations, you may contact CMS at 212-616-2222.** Be prepared to provide the name of the plan, date and time of the attempted contact, the name and phone of the pharmacist and the beneficiary's Medicare or social security number. We are told that case-workers are available at that number and will work to get the problem resolved and the medications dispensed.

# Coalition Briefs



The Coalition Web Site: Your one-stop shop for mental health news, advocacy and information. Visit today!  
[www.cvmha.org](http://www.cvmha.org)

## An Epidemic of Overpayments?

According to providers, consumers and advocates, a growing number of SSI and SSDI recipients are receiving letters from the Social Security Administration (SSA) informing them of an overpayment of their benefits. An overpayment is determined when an individual has supposedly received more income over time from Social Security than the maximum allowed benefit.

Overpayments can occur for a variety of reasons. For SSI recipients, excess resources or income, or violations of eligibility rules (for example, receiving a disability check during a hospitalization) can all lead to an overpayment. For SSDI recipients, overpayments can occur when a working consumer completes their Trial Work Period and earns income above the Substantial Gainful Activity (SGA) limit, which is currently set at \$860 per month.

Recently, SSA has been focusing a great deal of attention on overpayments, which is why so many consumers are suddenly receiving notices. SSA has the responsibility to identify overpayments in a timely manner, but this rarely happens. In the best of circumstances, early notification allows consumers to prepare to challenge overpayment allegations. This is important because SSA often miscalculates the numbers and finds an overpayment when, in fact, none exists.

Overpayments can be very stressful for consumers, especially because the amount of the alleged overpayment can be staggering. Recently, consumers have been reporting overpayments that range from \$5,000 to \$100,000. The prospect of paying such a debt is overwhelming. To make matters worse, benefits may be terminated at the same time. Fortunately, steps can be taken to reinstate benefits and eliminate or dramatically reduce the amount of the overpayment. For the best outcomes, it is imperative that consumers and advocates respond quickly to the matter.

The following are some tips to assist consumers in dealing with overpayments:

- Mark the date you receive the initial letter that indicates an overpayment.
- Review the information in the overpayment letter with an objective source as soon as possible. It is best to speak with an entitlement specialist or advocate. (Contact the Public Benefits Resource Center at 212-614-5552 for assistance).
- Respond in a timely fashion.
- Cross check Social Security's income records against your own records. Note any discrepancies.
- Examine your banking records and note past transactions involving large amounts of income.
- During meetings with SSA, ask to review materials before signing any documents and ask for a copy of everything you sign. After meetings with SSA, record the date and name of the person to whom you spoke. Also, summarize what you discussed.

For more information on employment related issues visit the Coalition's Center for Rehabilitation and Recovery at [www.cvmha.org](http://www.cvmha.org).

## Herbert Barish Named President and CEO at LESC

Herbert Barish has been named President and CEO at the Lower Eastside Service Center. Mr. Barish was a founder of LESC, and has served the agency in many capacities for the past 46 years. Most recently, he had been First Vice-President. He is a graduate of Western Reserve University with a graduate degree from The Columbia School of Social Work. The Coalition congratulates Mr Barish on his new position.

## Christine Quinn Becomes New City Council Speaker

After a long campaign, Council Member Christine Quinn (D-Manhattan) emerged as the favorite candidate to succeed the term-limited Gifford Miller as Speaker of the City Council. Barring any changes to existing term limit law, Speaker Quinn will hold the top position in the Council until 2009, when she and many of her colleagues will complete their two terms in office.

For the last four years, Speaker Quinn chaired the Council's Committee on Health, and was also a key member of the Committees on Finance and on General Welfare. She has a long history of advocacy on behalf of people living with HIV/AIDS, and has directed significant Council funding to combat infant mortality, preserve child health clinics throughout the city, and strengthen breast, colon and ovarian cancer screening and education programs.

Prior to her election to the City Council in 1999, Speaker Quinn was Chief of Staff to former Council Member Thomas Duane, and served as Executive Director of the NYC Gay & Lesbian Anti-Violence Project.

The Coalition congratulates Speaker Quinn and looks forward to working with her and her staff on issues of importance to the community mental health sector. We also look forward to working with the incoming chair of the Mental Health Committee, who will be named by the Council later this month.

## Job Board

Coalition Members advertise for free on The Coalition's Job Board! Non-members may advertise for only \$50. Go to [www.cvmha.org](http://www.cvmha.org) and click on 'Job Board' and then 'Add a Job.' Please note the addition of a dedicated Job Board for posting psychiatrist positions. View available positions anytime at [www.cvmha.org](http://www.cvmha.org).

# Coalition Briefs

## Center Delivers Benefits Training Direct to Agencies

The Coalition's Center for Rehabilitation and Recovery has been delivering on-site benefits training to various agencies in the five boroughs, and will continue to do so in the spring of 2006.

Traditionally, clinicians working in out-patient settings have not been deeply involved in benefits management. This is due, in part, to a lack of training. However, in a fiscal climate where Medicaid cuts loom large, it is increasingly important that providers be equipped with an understanding of benefits. Under PROS, benefits planning will be considered a vital service.

We all know that public benefits help consumers meet basic needs, but few are aware that benefits can actively facilitate recovery. For example, 'Work Incentives' help consumers attain and sustain employment, promoting client independence. That's the best gift we can give consumers.

For training dates and locations, visit The Center at [www.cvmha.org](http://www.cvmha.org).

## Got a Medicare Part D Question?

Please call The Coalition's Medicare Part D Provider Helpline at **212-742-1873**. Available **Tuesdays and Thursdays from 10 AM to 5 PM** to help with YOUR Medicare Part D questions!

Also available from The Coalition, **The Provider Guide to Medicare Part D**, which can be downloaded for free at [www.cvmha.org](http://www.cvmha.org).

## Coalition Calendar

### IDDT Training Session V - Strategies for System-Wide and Agency Implementation of IDDT

**01/23/06 9:00 AM - 1:00 PM**

For more information on IDDT trainings, or to register, please see The Coalition's website.

### Medicare Part D Training for Providers and Consumer Advocates

**01/24/06 10:30 AM-12:30PM**

To RSVP, call Bill Zeiser at 212-742-1600, ext. 210.

### Monthly Membership Meeting

**01/26/06 3:30 PM - 5:30PM**

### Medicare Part D Training for Providers and Consumer Advocates

**02/01/06 2:00 PM-4:00PM**

To RSVP, call Bill Zeiser at 212-742-1600, ext. 210.

## Coalition Urges City Council To Preserve Stand-Alone Behavioral Health Committee

In response to a proposal to fold mental health issues back into the Health Committee, the Coalition is urging Speaker Christine Quinn and the City Council to preserve a separate behavioral health committee to ensure that our issues receive the attention they deserve. Having fought so hard to obtain transparency on mental health funding and issues, and understanding that the Division of Mental Hygiene requires the oversight authority that only a Standing Committee can command, we strongly believe that the Council ought to preserve a distinct behavioral health committee in the years ahead.

For more information, please contact Michael Polenber, Director of Policy and Advocacy, at (212) 742-1600 ext. 102.

## Urge Your Member of Congress to Oppose Dangerous Medicaid Cuts!

On Thursday December 22, 2005, the House unanimously voted **NOT** to accept the Senate-amended reconciliation bill. The House will reconvene on January 31, 2006, at which time it will consider the amended budget package, presenting advocates with a **FINAL OPPORTUNITY TO BLOCK THE LEGISLATION**.

Your calls have made a HUGE difference so far, and it is important that we continue to inform our elected officials on how the Medicaid budget cuts would harm beneficiaries with severe mental illnesses. It is important that our elected officials who opposed Medicaid budget cuts and those that supported Medicaid budget cuts hear from constituents opposing the elimination of Medicaid funding. Please contact your Member of Congress and **urge them to oppose dangerous Medicaid cuts that would harm vulnerable beneficiaries with severe mental illnesses**.

Explain that the Medicaid cost-sharing requirements contained in the bill would prevent people living with severe mental illnesses from receiving needed treatment and may likely lead to increased hospitalizations, criminalization, homelessness, and suffering.

For further information on The Coalition's advocacy efforts, please contact Heather Rabinowicz at 212-742-1600 ext. 109.

## Please Report Medicare Part D Horror Stories to The Coalition

Many beneficiaries are reporting difficulties in receiving their medications under the new Medicare Part D program. Please report accounts of any difficulties your clients are encountering to The Coalition.

You may contact Bill Zeiser at [wzeiser@cvmha.org](mailto:wzeiser@cvmha.org) or Karyn Krampitz at [kkkrampitz@cvmha.org](mailto:kkkrampitz@cvmha.org).