

Issue #4: Financial and Legal Issues**ISSUE STATEMENT & RATIONALE/EVIDENCE BASED RESEARCH:**

The financial fallout and attendant legal issues stemming from a cancer diagnosis and treatment can not be overstated. Cancer patients report the practical and emotional consequences are often harder than the medical issues they face, and that these non-medical needs are not currently met by the healthcare system. Even with good insurance, high deductible plans and/or out of pocket costs result in a debt burden from cancer from which many families will never recover. Compounding the debt so many families face are cancer related legal issues including employment leave, difficulties navigating private and public disability coverage, and the need for guardianship planning for minor children. With increasing survival rates, a new, inter-disciplinary approach needs to be taken to address the many financial and legal issues cancer survivors face regarding employment, disability, insurance, debt, and estate planning. These financial and legal issues often mirror the widely recognized social determinants of health (housing, income supports, employment, food insecurity), yet are not currently part of integrated approach to whole patient cancer care.

- [“Livestrong Poll Finds Nearly Half of People Living with Cancer Feel Their Non-Medical Needs are Unmet by the Healthcare System.”](http://www.prnewswire.com/news-releases/livestrongtm-poll-finds-nearly-half-of-people-living-with-cancer-feel-their-non-medical-needs-are-unmet-by-the-healthcare-system-75593032.html) November 30, 2004, <http://www.prnewswire.com/news-releases/livestrongtm-poll-finds-nearly-half-of-people-living-with-cancer-feel-their-non-medical-needs-are-unmet-by-the-healthcare-system-75593032.html>
- [Cancer patients on average are about 2.5 times more likely to declare bankruptcy as those without cancer.](http://jco.ascopubs.org/cgi/doi/10.1200/JCO.2015.64.6620) ***Financial Insolvency as a Risk Factor for Early Mortality Among Patients With Cancer***, Journal of Clinical Oncology, Scott D. Ramsey, Aasthaa Bansal, Catherine R. Fedorenko, David K. Blough, Karen A. Overstreet, Veena Shankaran, and Polly Newcomb <http://jco.ascopubs.org/cgi/doi/10.1200/JCO.2015.64.6620>, January 25, 2016
- [Cancer patients who declare bankruptcy are nearly 80% more likely to die than does who do not.](http://jco.ascopubs.org/cgi/doi/10.1200/JCO.2015.64.6620) ***Financial Insolvency as a Risk Factor for Early Mortality Among Patients With Cancer***, Journal of Clinical Oncology, Scott D. Ramsey, Aasthaa Bansal, Catherine R. Fedorenko, David K. Blough, Karen A. Overstreet, Veena Shankaran, and Polly Newcomb <http://jco.ascopubs.org/cgi/doi/10.1200/JCO.2015.64.6620>, January 25, 2016
- [30% of women diagnosed with breast cancer who are working at the time they were diagnosed are no longer working four years later.](http://jco.ascopubs.org/cgi/doi/10.1200/JCO.2014.32.1854) ***Impact of adjuvant chemotherapy on long-term employment of survivors of early-stage breast cancer***, Cancer, Reshma Jagsi MD, DPhil^{1,*}, Sarah T. Hawley PhD², Paul Abrahamse MA², Yun Li PhD³, Nancy K. Janz PhD⁴, Jennifer J. Griggs MD⁵, Cathy Bradley PhD⁶, John J. Graff PhD⁷, Ann Hamilton PhD⁸ and Steven J. Katz MD² [Volume 120, Issue 12](http://jco.ascopubs.org/cgi/doi/10.1200/JCO.2014.32.1854), pages 1854–1862, 15 June 2014

- [Studies show that 30 to 50% of all cancer patients fall below the poverty line during, and often as a consequence of, their treatment and that 16.5 percent are unable to work compared to 5% of the general population.](#) doi: 10.1200/JCO.2006.06.7207 *JCO November 10, 2006 vol. 24 no. 32 5149-5153*
- [62% of personal bankruptcies filed are due in part to a significant piece of medical debt. Of these, 78% had health insurance.](#) ***Medical Bankruptcy in the United States, 2007: Results of a National Study***, The Journal of American Medicine, [David U. Himmelstein](#), MD, [Deborah Thorne](#), PhD, [Elizabeth Warren](#), JD, [Steffie Woolhandler](#), MD, MPH,
- [After a cancer diagnosis, the probability of a patient being employed drops by almost 10%.](#) ***Employment and income losses among cancer survivors: Estimates from a national longitudinal survey of American families***, Cancer, Volume 121, Issue 24, 15 December 2015, Pages: 4425–4432, Anna Zajacova, Jennifer B. Dowd, Robert F. Schoeni and Robert B. Wallace. Version of Record online : 26 OCT 2015, DOI: 10.1002/cncr.29510
- [14% of Minnesotans are insured by high deductible insurance plans—nearly twice the national average.](#) ***More Minnesotans driven to choose high-deductible health insurance: The state ranks second in use of such health insurance plans, which critics say save costs, but at a price.*** Star Tribune, Jim Spencer, June 6, 2012, <http://www.startribune.com/more-minnesotans-driven-to-choose-high-deductible-health-insurance/156469135/>

What factors & barriers contribute to this issue?

~Poor understanding of social determinants of health as legal issues

~Lack of trust between doctors and lawyers

~Feelings of helplessness on part of medical providers to address these health harming financial and legal issues, therefore don't ask about them

~Insurance coverage still tied to employment for most

~High deductible plans/high out of pocket costs

~Lack of paid employment leave

~Lack of understanding of laws

~Fear of contacting an attorney/inability to pay

~Lack of knowledge as to where to turn for help

~Lack of safety net

What are the gaps in policy, systems and services that give rise to this issue?

- ~Underfunded legal aid
- ~Lack of training and education of medical students and law students as to the interplay of health and law
- ~Lack of reimbursement for supportive interventions
- ~The field of “Health Law” is focused entirely on the health system (regulatory compliance, HIPAA) not on patient/consumer
- ~Waiting periods for Social Security Disability Insurance cash benefits and Medicare coverage
- ~Need to have Care Coordinators educated on these issues and the supportive services to which to direct patients

What are the POLICY opportunities to address the identified factors, and racial, economic, geographic, and other barriers that contribute to this issue? What are the POLICY opportunities to address the identified gaps?

- ~Use nonprofit hospitals’ requirement to demonstrate a community benefit on their IRS 990 form in supporting agencies that provide financial support and legal services
- ~Use nonprofit hospitals’ CHNA as a means of demonstrating need for financial support and legal services.
- ~Support local and national legislation regarding mandatory paid sick leave
- ~Integrative education between schools of medicine, law, nursing, and social work
- ~Pilot/grant funding for integrative legal care
- ~Insurance coverage that is equitable and affordable to all regardless of where one works/doesn’t work
- ~Eliminate the 5 month wait for Social Security Disability Insurance cash benefits to begin following a determination of eligibility
- ~Eliminate or reduce the 29 month wait for Medicare coverage to begin following a determination of eligibility for Social Security Disability Insurance

What are the STRATEGY opportunities to address both the barriers and the gaps relating to this issue?

- ~Seek grant funding
- ~Conferences with national speakers who are addressing the financial/legal needs of cancer patients in other states
- ~Engage deans of medical, law, nursing, and social work schools
- ~Possibility for financial/legal to be part of oncology bundled payments
- ~Broaden the definition of WHO is on the cancer care team

1. Who are the existing partners/organizations already working on this issue?

Cancer Legal Line
 Upper Midwest Health Care Legal Partnership Learning Collaborative
 Cancer and Careers
 Angel Foundation
 Pay it Forward Fund

Open Arms of Minnesota

2. Which partners/organizations should work together to address this issue?

Oncology providers (physicians, nurses, social workers)

Health insurance companies

Disability insurance companies

Employers

Medical schools

Law schools

Which strategies promote health equity?

Recognition of legal issues as social determinants of health

Legal care as an integrated piece of whole patient care