

This is not legal advice. The only people authorized by law to provide legal advice are licensed attorneys; talk individually with a licensed attorney regarding your individual fact situation and applicable, current law. This information is not for commercial use; it is outreach and information for senior and low-wealth consumers and those who also serve them. Thank you!

UPDATE on SSI BENEFIT REDUCTION: On March 24, 2011, the Governor signed into law Senate Bill 72 (Chapter 8, Statutes of 2011) which will reduce the Supplemental Security Income/State Supplementary Payment (SSI/SSP) standards: Maximum monthly benefits of **\$830.40 for an individual** and a \$1,407.20 couple rate. The rate for a disabled child living with parent will be \$737.40. http://www.cdss.ca.gov/lettersnotices/entres/getinfo/acin/2011/I-28_11.pdf

CAREGIVER STRESS FACT SHEET: Womenshealth.gov published answers to frequently-asked questions about caregiver stress, including information about recognizing and preventing stress, finding caregiving services in your community and paying for home health care and other caregiving services.

<http://www.womenshealth.gov/faq/caregiver-stress.cfm?from=newsletter11>

SOCIAL SECURITY RETIREMENT INSURANCE: The [1983 Social Security Amendments](#) included a provision for raising the full retirement age beginning with people born in 1938 or later. A [chart that shows the steps in which the full retirement age is increasing](#). One can retire at age 62 but will receive less per month due to the increase in total retirement payment years. For example, if your full retirement age is 66 and your monthly benefit starting at that age is \$1,000. If you choose to start getting benefits at age 62, your monthly benefit will be reduced by 25 percent to \$750 to account for the longer period of time you receive benefits. This is generally a permanent reduction in your monthly benefit.

TIMELY PROCESSING OF APPLICATIONS for

MEDI-CAL applications must be processed by forty-five (45) days following the date the application, reapplication or request for restoration is filed. Ninety (90) days following the date the application, reapplication or request for restoration is filed when eligibility depends on establishing disability or blindness. The 45- and 90-day periods may be extended for specific reasons. The county can expedite processing when proof of eligibility for Medi-Cal is needed for a scheduled appointment or to obtain necessary medication. (Cal. Admin. Code tit. 22, § 50177)

http://weblinks.westlaw.com/result/default.aspx?cite=22CAADCS50177&db=1000937&findtype=L&fn=top&pbcd=DA010192&rlt=CLID_FQRLT1384640461726&rp=%2FSearch%2Fdefault.wl&rs=WEBL11.04&service=Find&spa=CCR-1000&sr=TC&vr=2.0

COUNTY MEDICAL SERVICES PROGRAM (CMSP): The County Department shall complete the determination of eligibility and Share of Cost as quickly as possible but not later than 45 days following the date of Application, Reapplication or request for Restoration is filed. CMSP ELIGIBILITY MANUAL 3-032. Eligibility Determination Promptness Requirement

http://www.cmspcounties.org/counties/eligibility_manual.html

CaIFRESH/FOOD STAMPS: If qualified for expedited service, one will get the food stamps no more than three (3) calendar days after applying. [MPP § 63-301.531(a)] If the CWD determines that the household is not eligible for ES, but is otherwise eligible for regular CalFresh benefits, the CWD must process the application under the 30 day processing standard (MPP Section 63-

301.549). <http://www.dss.cahwnet.gov/foodstamps/PG845.htm#63-300>

CMSP - when income drops: When income decreases or ends, a CMSP recipient can try to get a **lowered share of cost** by requesting discontinuance and starting a new certification period the next month, using the lower income. CMSP All County Letter #11-06 (June 3, 2011) to be added to next revision of the CMSP Manual. <http://www.cmspcounties.org/>

COUNTY OUTREACH - REDWAY: *The Redwood Times* reports that on the second Tuesday of every month, Humboldt County's Mobile Engagement Vehicle (MEV) can be found parked at Redway First Baptist Church. Program staff is available to help with MediCal, CMSP and other county services. Program staff also includes a county Mental Health clinician. Referrals can be made for mental health assessments, counseling and case management support services. http://www.redwoodtimes.com/health/ci_18183374

FREE CONFIDENTIAL, INDIVIDUAL LEGAL ADVICE
is available from Legal Services of Northern California
and Senior Legal Services in Humboldt County
regarding problems with
Medi-Cal, CMSP, IHSS, CalFRESH, Cash Aid, SSI or General Relief

for people age 60 or better
and
for people of any age who have very limited income/property

For an appointment,
call (707)445-0866, Ext. 304, or (800) 972-0002, Ext. 304

Please file the Request for Hearing/Reconsideration within the legal limit or lose legal rights and benefits. Read both sides of every page of the Notice to see if there are two (2) time limits.

SOCIAL SECURITY & MEDI-CAL DISABILITY - WHAT IS SGA? This is general information, not legal advice.

The major Medi-Cal programs for adults, Social Security Insurance based on past wages (OASDI) and Supplemental Security Income (SSI) programs are "categorical eligibility" programs that are limited to people in certain categories. One category is people living with severe disabilities. The criteria for disability determinations are the same. Among the criteria is one of being unable to engage in substantial gainful activity (SGA).

Work is "substantial" if it involves doing significant physical or mental activities or a combination of both. For work activity to be substantial, it does not need to be performed on a full-time basis.

The term "gainful" work activity is work performed for pay or profit; work generally performed for pay or profit; or work intended for profit, whether or not the work actually resulted in profit. Also, if one earns more than a specified amount, which changes every year, one is not

SGA. <http://www.socialsecurity.gov/redbook/2010/overview-disability.htm#6>

If Medi-Cal is denied for not being disabled, one can appeal by filing a Request for Hearing at the county office within 90 days. <http://www.dss.cahwnet.gov/cdssweb/PG27.htm>

If Social Security or SSI are denied for not being disabled, one can appeal by filing a Request for Reconsideration within 60 days. Read each page of each notice. If one does not file an appeal or files late, one loses legal rights and benefits. <http://www.socialsecurity.gov/redbook/2010/overview-disability.htm#6> [Appeal an SSA disability decision](#) [Other Ways to Request a SSA Appeal or Complete a Disability Report](#).

PRE-EXISTING CONDITION INSURANCE - federal changes: HHS Secretary Kathleen Sebelius announced that the administration is reducing premiums in some states (not California) and relaxing eligibility requirements, even in California, for the Pre-Existing Condition Insurance Plan in response to lower-than-expected enrollment figures, reported the *Washington Times*. HHS said it **no longer will** require applicants to produce a letter from a health insurer denying them coverage. Instead, those who have been uninsured for six months only will need to provide a letter from a physician, physician assistant or nurse stating that they have a pre-existing condition to enter the pools, reported the *Los Angeles Times*. Letters went to other states regarding premium cost reduction. <http://www.latimes.com/health/la-na-healthcare-high-risks-20110601,0,6959535.story> <http://www.washingtontimes.com/news/2011/may/31/feds-cut-premium-to-boost-lagging-health-care-plan/>

HEALTH REFORM in COURT: *Kaiser Health News* keeps a Scoreboard: [Tracking Health Law Court Challenges](#)

MORE on VETERANS' FORECLOSURES The Justice Department announced that it had simultaneously filed and settled lawsuits against the two companies — a subsidiary of Bank of America formerly known as Countrywide Home Loans Servicing, and Saxon Mortgage Services, a subsidiary of Morgan Stanley, reported Diana B. Henriques, "Mortgage Companies Settle Suit on Military Foreclosures," *The New York Times*, May 26, 2011.

Without admitting wrongdoing, the former Countrywide unit agreed to pay \$20 million to approximately 160 victims of illegal foreclosures from **January 2006 to May 2009**. It also agreed to reimburse victims of any other illegal military foreclosures found to have occurred from **May 2009 to the end of last year**. <http://www.justice.gov/crt/opa/pr/speeches/2011/crt-speech-110526.html> Servicemembers Civil Relief Act http://www.nytimes.com/2011/05/27/business/27foreclose.html?_r=1

MORE on DISABILITY DISCRIMINATION CLAIMS against WELLS FARGO AND WACHOVIA: Individuals who believe they were harmed by Wells Fargo's failure to comply with ADA requirements may **get information about filing a claim** by sending an email to wfclaims@usdoj.gov or by calling **1-866-708-1273** (voice) or **1-866-544-5309** (TTY). Information on the claims process is also available on the ADA home page at www.ada.gov . <http://www.justice.gov/opa/pr/2011/May/11-crt-703.html>

HOSPITALS NO LONGER TO BE PAID BY MEDICAID for about two dozen **"never events"** such as operations on the wrong body part and certain surgical-site infections, reports *Kaiser Health News* on June 1. Also, no payments will be made for a long list of **"preventable events."** [The rule published on June 1](#) gives states until July 2012 to implement it. A similar regulation has been in place for Medicare, since 2008. READ MORE: <http://www.kaiserhealthnews.org/Stories/2011/June/01/medicaid-hospital-medical-error-payment-short-take.aspx>

HOSPITALS FINED for errors: The California Department of Public Health (CDPH)

announced, on June 2, twelve California hospitals have been assessed administrative penalties after it was determined the facilities' noncompliance with licensing requirements caused, or was likely to cause, serious injury or death to patients. http://www.mercurynews.com/news/ci_18191607?ncllick_check=1 <http://www.cdph.ca.gov/Pages/NR11-025.aspx>

POLST: Physician Orders for Life Sustaining Treatment are physician order forms on which a patient indicates preferences regarding end-of-life care such as resuscitative measures and other life-sustaining treatment, reports the patient advocacy group, California Advocates for Nursing Home Reform (CANHR). To read the CANHR white paper on *POLST - Problems and Recommendations* go to http://canhr.org/reports/2010/POLST_WhitePaper.pdf

NURSING HOME CITATION SUMMARY: Eureka Healthcare And Rehabilitation Center. A \$20000 Injury Physical Abuse Supervision 03/01/2011. The facility was cited for failure to keep a resident safe from physical harm. Failure to supervise two residents following an altercation resulted in the resident sustaining a laceration to the left eyebrow, requiring emergency treatment. Citation # 110007234. http://www.canhr.org/temp/eAdvocate_2011_2.pdf

FAST RESPONSE TO AN UNLAWFUL DETAINER - SUMMONS and

COMPLAINT: File an answer on time or lose legal rights and money. If you are facing eviction, you might be eligible for free legal advice; see below.

If the tenant doesn't voluntarily move out after the landlord has properly given the required notice to the tenant, in order to evict the tenant, the landlord must file an **unlawful detainer (UD)** lawsuit in superior court. An unlawful UD is a "summary" court procedure.

The tenant has **only five (5) days to file in court a written response** to the lawsuit after being served with a copy of the landlord's **summons and complaint**. (You can get a copy of a form to use for filing an answer from the Clerk of Court's office or online at www.courtinfo.ca.gov/cgi-bin/forms.cgi (Form 982.1(95).) **If you are served with an unlawful detainer complaint, you should get legal advice or assistance immediately.**

If the court decides in favor of the landlord, which can include an order for the tenant to pay certain amounts of money, the court will issue a **writ of possession**. The writ of possession orders the sheriff to remove the tenant from the rental unit. If the tenant does not leave by the end of the fifth day, the writ of possession authorizes the sheriff to physically remove and lock the tenant out, and seize (take) the tenant's belongings that have been left in the rental unit. *The landlord is **not entitled** to possession of the rental unit until after the sheriff has removed the tenant.*

<http://www.dca.ca.gov/publications/landlordbook/evictions.shtml><http://www.dca.ca.gov/publications/landlordbook/evictions.shtml>

FREE LEGAL ADVICE & REPRESENTATION REGARDING EVICTION, SECTION 8 PROBLEMS or HOUSING ISSUES

for people age 60 or better

or

for people of any age who have very limited income and assets

at Legal Services of Northern California

123 Third St., Eureka, 9 a.m. to 3 p.m. Monday through Thursday
[\(800\) 972-0002](tel:8009720002) or [\(707\) 445-0866](tel:7074450866)

SCOTUS - California prison case: *Brown vs. Plata*, 09-1233

MYTH: California was ordered to release thousands of prisoners into our communities. "The Supreme Court, in a narrow 5-4 decision, has upheld an injunction by a three-judge panel ordering California to release about 46,000 inmates — more than one-fourth the state prison population — over the next two years to relieve overcrowding."

<http://documents.latimes.com/brown-v-plata-decision/>

FACT: California must move thousands of prisoners from 33 overcrowded state prisons and the state will decide how to comply. "How" is still undecided: move many top county jails; move many to the whichever county jails have empty beds; move many to out-of-state facilities; use home monitoring more often; revise locations of mentally ill prisoners; etc.? The state prisons can still have 137% over the number for which the prison was designed to hold. See for yourself: Open attached SCOTUS ruling.

CIVIL RIGHTS - INVESTIGATION of SHERIFF with which his office refused to

cooperate: Settlement Comes After the Sheriff's Office Provided Information Sought in Title VI Investigation, the DOJ announced on June 2. The Justice Department's investigation of the Maricopa County, Arizona, Sheriff's Office (MCSO) involves alleged violations of the prohibition on national origin discrimination in Title VI; the pattern or practice provisions of the Omnibus Crime Control and Safe Streets Act of 1968; and the pattern or practice provisions of the Violent Crime Control and Law Enforcement Act of 1994. <http://www.justice.gov/opa/pr/2011/June/11-crt-722.html>

1981-2011 HIV/AIDS ANNIVERSARY: On June 5, 2011, the United States marked "30 Years of AIDS." *Today, an estimated 1.1 million Americans are living with HIV, and nearly one out of five people living with HIV do not know it, according to the CDC.* Local confidential testing sites are **Planned Parenthood** and the **County Health Dept.** <http://www.hhs.gov/news/press/2011pres/06/20110606b.html>

WOMEN'S HEALTH PROVIDER: Federal officials warned this week that Medicaid rules do not permit states to ban certain health care providers "because they separately provide abortion services," as several states propose. [Houston Chronicle](http://www.houstonchronicle.com) The battle over Indiana's tough new abortion law cutting off much of the public funding for Planned Parenthood because it provides abortions moved **back to the courts** where attorneys prepared to argue over the organization's request for a preliminary injunction blocking the statute, reports Associated Press on June 6. Planned Parenthood and all other facilities HAVE NOT BEEN using federal money to pay for abortion services except in extraordinary circumstances such as rape or saving the life of the mother [The Associated Press](http://www.theassociatedpress.com) <http://www.chron.com/dispatch/story.mpl/metropolitan/7594740.html> http://news.yahoo.com/s/ap/20110606/ap_on_re_us/us_planned_parenthood_indiana_10

MEN'S HEALTH WEEK (June 13-19) encourages men to take care of themselves by getting preventive health screenings and pursuing medical treatment when they are experiencing symptoms. Check out a few tips and suggestions for staying healthy: • [Men's Top Health Concerns](#) • [Checklist of Screenings](#) • [Aging Well](#) [Fatherhood and Mentoring Initiative](#) <http://www.cdc.gov/men/nmhw/>

DEBT COLLECTION PRACTICES: By notice published on March 15, 2011, the Federal Trade Commission ("FTC") has requested public comments on the Fair Debt Collection Practices Act. The Electronic Privacy Information Center (EPIC) studied debt collection practices and urged the FTC to enforce the law which protects consumers' privacy and rights. http://epic.org/privacy/idtheft/EPIC_Debt_Collection_Comments.pdf

FREE LEGAL ADVICE regarding
debt collection, bankruptcy or consumer complaints
for people age 60 or better

or

for people of any age who have very limited income/assets.

Call Legal Services of Northern California for a private appointment
with an attorney from the Humboldt County Bar Association.

(800) 972-0002, Ext. 304, or (707) 445-0866, Ext. 304

HEALTH & FOOD ALERTS & RECALLS

THE PILL: The U.S. Food and Drug Administration (FDA) is informing the public about new information that is being assessed as part of FDA's ongoing safety review of birth control pills that contain **drospirenone**. This review will further evaluate the **risk of blood clots** in women who use these products. A list of birth control pills that contain drospirenone is [available here](#). Two recently published studies reported a greater risk of blood clots for women taking birth control pills containing drospirenone as compared to the risk in women taking birth control pills containing another progestin known as levonorgestrel. <http://www.fda.gov/Drugs/DrugSafety/ucm257164.htm>

EGG in [Chicken Noodle Salad RECALLED Due to Mislabeling and an Undeclared Allergen](#)

CAT FOOD SALMONELLA: [Primal Pet Foods Issues Nationwide Voluntary RECALL On Feline Chicken & Salmon Formula With A "Best By" Date Code Of 043112-17](#) Salmonella can be transferred to humans handling the product.

MILK allergy: [Azar Nut Issues Allergen Alert on Undeclared Milk in Mountain Trail Mix](#)

BREAST CANCER SCREENING: The FDA is not aware of any valid scientific data to show that thermographic devices, when used on their own, are an effective screening tool for any medical condition including the early detection of breast cancer or other breast disease. The FDA is concerned that women will believe these **misleading claims about thermography and not receive needed mammograms**.
<http://www.fda.gov/Safety/MedWatch/SafetyInformation/SafetyAlertsforHumanMedicalProducts/ucm257707.htm>

YOU HAVE A RIGHT TO AN INTERPRETER

- * Koj muaj txoj cais yuav ib tus neeg txhais lus Hmoob rau koj. (Hmong)
- * Ud. tiene derecho a un intérprete gratis. (Spanish)
- * May karapatan kang magkaroon ng tag-ugnay na walang bayad. (Tagalog)
 - * Quý vị có quyền được một thông dịch viên miễn phí. (Vietnamese)
 - * Вы имеете право на услуги бесплатного переводчика. (Russian)
 - * 你有一个翻译的权利。 (Chinese)

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CAROLYN HONDA
LEGAL SERVICES OF NORTHERN CALIFORNIA
P.O. Box 1017, Eureka, CA 95502
[\(707\) 445-0866](tel:(707)445-0866); [\(800\) 972-0002](tel:(800)972-0002), Ext. 306
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