

County of Santa Clara
Santa Clara Valley Health & Hospital System
Valley Medical Center
Ambulatory and Managed Care




HHS02 011309

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Ambulatory and Managed Care

DATE: January 13, 2009

TO: Board of Supervisors

FROM: 
Kim Roberts
SCVHHS - Chief Executive Officer

SUBJECT: Agreement with Law Foundation of Silicon Valley for Medical Legal Partnership Clinics at Santa Clara Valley Medical Center

RECOMMENDED ACTION

Approve delegation of authority to SCVHHS Chief Executive Officer, or designee, to negotiate, execute and amend agreement with Law Foundation of Silicon Valley relating to provision of free legal services to Santa Clara Valley Medical Center patients at clinic sites for period January 14, 2009 through January 13, 2012, with the option to renew for two consecutive one-year terms, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority shall expire on January 13, 2014.

FISCAL IMPLICATIONS

There is no impact to the General Fund as a result of this action. Funding for this partnership will be provided by the VMC Foundation, which has been awarded grants in the amount of \$82,500 from FIRST 5 Santa Clara County and \$50,000 in private donations. Funding has also been awarded by Equal Justice Works, and the partnership is also financially supported by the Law Foundation of Silicon Valley.

CONTRACT HISTORY

There is no prior contract history with Law Foundation of Silicon Valley. The contract with Law Foundation of Silicon Valley will include the responsibilities of each party as well as indemnification and insurance requirements. Law Foundation of Silicon Valley will indemnify the County for services performed under the agreement.

Specifically, Santa Clara Valley Medical Center (SCVMC) will be responsible for providing shared office space for confidential legal consultations, referring individuals to the Medical Legal Partnership (MLP) clinic for legal consultation, and allowing Law Foundation staff to review select medical records and discuss medical treatment if appropriate releases have been signed by the patient or representative. Law Foundation of Silicon Valley will be responsible for providing free legal services to SCVMC patients, assess individual's legal needs, determine scope of legal services, and provide feedback to SCVMC staff with appropriate client permission.

REASONS FOR RECOMMENDATION

The Medical Legal Partnership (MLP) will be a partnership between Santa Clara Valley Medical Center and the Law Foundation of Silicon Valley. The goal of the MLP will be to help SCVMC patients better comply with their medical regimens and improve their health outcomes in the long term. Having the medical legal partnership clinics within SCVMC will enable patients to see an attorney without traveling to a new site. Working with Law Foundation staff, the medical staff will be better trained in recognizing and addressing unmet legal needs.

These partnerships will be established at two sites - the pediatric outpatient clinic at Valley Health Center Bascom and the adult Diabetes and Metabolism Center at Moorpark.

Legal Advocates for Children and Youth (LACY), a branch of the Law Foundation of Silicon Valley, will provide all legal services at the pediatric MLP. This clinic will focus on legal issues that affect health and well-being, including safe housing, guardianships, domestic violence, educational advocacy, emancipation, homeless and runaway youth, teen parents, and foster care.

Many patients that come to the pediatric medical legal clinic may have complex medical histories and social lives. Some children and youth experience the stress of substandard and crowded housing conditions, poverty, language and cultural barriers, variable stages of acculturation for recent immigrants, parental lack of medical insurance, and physical and/or sexual abuse. Often times, patients and parents do not realize that a medical problem may need a legal solution, that they are eligible for legal services or how to access affordable legal services. Medical staff will refer children and youth for a legal consultation if the child or family or a health care worker uncovers a problem that the MLP may be able to help solve.

At SCVMC's adult Diabetes and Metabolism Center, the Law Foundation will provide legal assistance to patients living with diabetes to alleviate legal problems hindering their diabetes management. These legal interventions may include obtaining reasonable accommodations in employment, gaining access to disability benefits and government sponsored medical insurance, maintaining housing stability and more.

This item was discussed at the Health and Hospital Committee (HHC) meeting on December 10, 2008, and HHC supports the implementation of the Medical Legal Partnership clinics at Santa Clara Valley Medical Center.

BACKGROUND

In 1993, Barry Zuckerman, MD, Chair of Pediatrics of Boston Medical Center, developed the Medical Legal Partnership for Children in Boston. Dr. Zuckerman also helped to develop *Reach Out and Read*, a national literacy program to give new books to children at medical visits; Santa Clara Valley Medical Center currently participates in this program.

The Medical Legal Partnership for Children program received grants in 2005 from the Robert Wood Johnson Foundation and the W. K. Kellogg Foundation to create a national center to provide similar partnership clinics with technical assistance and guidance. As of early August 2008, there were 72 sites in operation or development around the country, including Lucile Packard Children's Hospital, Children's Hospital of Oakland and Marin Community Clinic. There is a site in development at San Francisco General Hospital.

The American Bar Association adopted a resolution in favor of Medical Legal Partnership clinics in August 2007. Medical Legal Partnership clinics have been the subject of articles in the Wall Street Journal, multiple journals in many disciplines, and on National Public Radio.

Pediatric Medical Partnership Clinic

An example of a legal issue that affects medical care is a child with asthma who lives in rental housing with mold contamination which can worsen asthma. A lawyer's letter to a landlord is more likely to improve housing conditions than a doctor's letter. Other examples of legal issues facing children include ensuring a child with disabilities has an appropriate educational setting, or ensuring that a teen in a relationship with domestic violence has knowledge and awareness of all legal resources available.

At the conclusion of the legal relationship, information about resolution of legal issues may be provided to the referring medical provider if appropriate consent has been given. Program leaders would track demographic data, referral patterns, patient satisfaction, and provider satisfaction with MLP clinics. Legal and medical staff would also provide cross training to one another. While the focus in the pediatric Medical Legal Partnership Clinic would be on providing legal services to the child rather than the parent, staff would do so with the knowledge that parents' issues (housing contracts, for example) often affect the child. As a result, clinic staff would be working with both parents and children to identify legal issues. This embodies the spirit of "no wrong door," where any opportunity to connect to appropriate community services is useful to improve overall health and well-being.

Center for Diabetes and Metabolism Legal Clinic

Santa Clara Valley Medical Center serves over 12,000 unique adult patients with diabetes every year who account for over 46,000 annual outpatient visits. The Center for Diabetes and Metabolism at SCVMC is an integral part of the care of this group of patients, providing over 1,000 visits per month in the form of group diabetes education, individualized

care management, retinal camera screening, and a variety of sub-specialty services including nutrition, podiatry and endocrinology.

Adults with diabetes face a complex health care regimen that they must attend to on a daily basis or risk hospitalization or life-threatening complications. Many of these patients also face complex social, financial and legal situations that result in significant barriers to being able to participate in the management of their increasingly complex chronic disease. Many of the Center's patients could benefit from legal consultation to aid with some of the problems in the work or home situation that would facilitate compliance with their medical regimen and improve their health and quality of life.

For example, patients with diabetes often fear losing a job due to a diabetes management regimen that requires regular blood glucose monitoring, insulin injections, frequent breaks, and sick leave to attend medical appointments. In addition, they often do not understand when they might be eligible for other kinds of financial assistance, including Social Security Disability Insurance, Supplemental Security Income, State Disability Insurance, and Workers' Compensation. Even when they are aware of possible eligibility, there is often a fear of repercussions connected with utilizing that assistance that a legal consultation might ease. The breakdown in finances related to the illness often impacts the home life, increasing domestic violence, child abuse/neglect and problems maintaining housing. Each of these difficulties further curtails good diabetes management. Knowing that there are legal options and having support to address some of these stressors can improve the diabetes patient's compliance, reduce the risk of complications from diabetes, and further reduce the need for more long-term costly interventions, such as emergency room visits and hospitalization.

It is worth noting that a Medical Legal Partnership clinics might increase revenue for a medical center. For example, if a patient is wrongfully denied medical insurance, a large medical bill might go unpaid. A Medical Legal Partnership Clinic in New York called LegalHealth showed that over two years, 13% of 381 cases generated new revenue for two hospitals with an average of \$11,904 per patient. In this instance, the Partnership Clinic was able to demonstrate \$345,222 in collections and \$1.3 million in billings. (Legal Care Good for Patients, Good for Hospitals' Bottom Lines, LegalHealth.)

The Office of the County Counsel contacted representatives involved in three medical-legal partnership programs in the Bay Area, as well as New York City, which has programs in five of its public hospitals. While it appears that these programs have shown some success in certain areas, there is also legal risk associated with these programs. The attorneys who would staff the SCVMC clinics would be employed by one or more nonprofit; they would not be employees of the County and would not be representing the interests of the County.

CONSEQUENCES OF NEGATIVE ACTION

The Medical Legal Partnership clinics will not be implemented to assist SCVMC patients in addressing legal issues with the goal of improving health outcomes.