Contents

Preface xiii
Foreword xv
Acknowledgments xix
About the Authors xxi
About Triage Cancer xxiii
Contributors xxv
Commonly Used Abbreviations xxvii
Glossary xxix
Introduction xxxiii

CHAPTER ONE
Health Insurance 1

I. Introduction 1
II. Definitions 4
   A. Health Insurance Policy Terms 4
   B. Other Health Insurance Concepts 6
   C. Types of Health Insurance Plans 6
   D. Types of Health Insurance Accounts 8
III. Care for the Uninsured 10
   A. Federally Funded Health Centers 11
   B. Community Clinics 11
   C. Emergency Departments 11
IV. History of Health Insurance in the United States 12
   A. Brief History of Managed Care 12
V. Types of Health Insurance 15
   A. Employer-Sponsored Health Insurance 16
   B. Individual Insurance 22
   C. Government-Sponsored Health Insurance 30
VI. Health Care Consumer Rights and Protections 61
   A. ACA's Consumer Benefit Reforms 62
   B. Insurance Coverage While Participating in Clinical Trials 66
   C. Cancer Screening Mandates 67
   D. Oral Chemotherapy Parity Laws 68
   E. Women’s Health and Cancer Rights Act (WHCRA) 68

VII. Privacy of and Access to Medical Records 69

VIII. Appealing Claim Denials 70
   A. Private Health Insurance 71
   B. Medicare Appeals 74
   C. Medicaid Appeals 75
   D. Veterans' Appeals 76

IX. Making Health Insurance Choices 77
   A. Tips for Picking a Plan 77
   B. Health Insurance Options after a Life-Changing Event 79

X. Conclusion 85

XI. Resources 86

XII. Exercises and Discussion Topics 87
   A. Case Studies 87
   B. Class Exercises 88
   C. COBRA Exercises and Discussion Questions 90
   D. Government Insurance Exercises and Discussion Questions 90
   E. Health Care Reform Exercises and Discussion Questions 91
   F. Multimedia Sources 91

CHAPTER TWO

Employment 93

I. Introduction 93
   A. Where to Find Employment Rights and Benefits 96
   B. Employment Concepts 98

II. Federal Fair Employment Laws 99
   A. ADA of 1990 and ADA Amendments Act of 2008 (ADAAA) 99
   B. Rehabilitation Act of 1973 116

III. State Fair Employment Laws 116

IV. Filing a Complaint 118

V. Taking Time off Work 121
   A. Family and Medical Leave Act (FMLA) 121
   B. State Leave Laws 132
   C. Other Leave Laws 134
CHAPTER THREE
Disability Insurance 155

I. Introduction 156
II. Private Disability Insurance 158
   A. Individual Disability Insurance 158
   B. Employer-Sponsored and Group Disability Insurance 159
   C. Filing a Claim 160
   D. Appealing a Claim Denial 161
   E. Tax Implications 162
III. State Short-Term Disability Insurance Programs 162
   A. California 162
   B. Hawaii 162
   C. New Jersey 163
   D. New York 163
   E. Puerto Rico 163
   F. Rhode Island 164
IV. Federal Long-Term Disability (LTD) Insurance Programs 164
   A. Five-Step Disability Determination Process 164
   B. SSDI 169
C. SSI 174
D. Expediting Disability Determinations 177
E. Appealing an SSA Decision 179
F. Continuing Disability Reviews 181
G. How Employment Laws and Disability Insurance Interact 182
H. Taxes and Social Security Disability Benefits 185
I. Social Security Disability Benefits and Unemployment 185
J. Reporting Changes 186
K. Returning to Work 187

V. Conclusion 191

VI. Resources 191

VII. Exercises and Discussion Topics 192
   A. Case Studies 192
   B. Public Policy/Legislative Advocacy Opportunities 194
   C. Multimedia Sources 194

CHAPTER FOUR
Genetics 195

I. Introduction 196
   A. What Is Genetic Information? 196
   B. What Is Genetic Counseling? 196
   C. What Is Genetic Testing? 197
   D. What Is Genetic Discrimination? 198

II. Genetic Discrimination Laws in Employment 198
   A. Americans with Disabilities Act (ADA) 199
   B. Executive Order No. 13145 201
   C. Genetic Information Nondiscrimination Act (GINA) 201
   D. Reporting an ADA or GINA Violation 204

III. Genetic Discrimination Laws in Health Insurance 205
   A. Health Insurance Portability and Accountability Act (HIPAA) 206
   B. GINA 206
   C. Patient Protection & Affordable Care Act (ACA) 208

IV. State Authority on Genetic Discrimination 208

V. Case Law 211
   A. Norman-Bloodsaw v. Lawrence Berkeley Laboratory 211
   B. EEOC v. Nestle 213
   C. Culbreth v. Washington Metropolitan Area Transportation Authority 215
CHAPTER FIVE
Estate Planning and Medical Decision Making  233

I. Introduction  233

II. Estate Planning Basics  235
   A. Common Estate Planning Terms  235
   B. What Is an Estate?  236
   C. How Does an Individual Own Property?  236
   D. What Makes Up an Estate Plan?  238

III. Decisions about Property and Final Wishes  239
   A. Wills  239
   B. Probate  242
   C. Non-Probate Transfers  247
   D. Social Security Survivors’ Benefits  249
   E. Life Insurance  249
   F. Trusts  253

IV. Decisions about Medical Care  255
   A. Advance Health Care Directives  257
   B. Hospice and Palliative Care  263
   C. Death with Dignity Laws  264

V. Decisions about Finances  265
   A. Power of Attorney for Financial Affairs  265
   B. Consequences of Not Planning Ahead  266

VI. Other Estate Planning Topics to Consider  268
   A. Practical Matters  268
   B. Digital Afterlife  269
   C. Appointment of Agent to Control Disposition of Remains  
      (aka Funeral Agent)  270
CHAPTER SIX

Finances 279

I. Introduction to Cancer-Related Financial and Consumer Issues 280

II. Review Current Financial Picture 284
   A. Assets and Debts 285
   B. Credit Score and Report 287
   C. Dealing with Discrepancies on Credit Reports 288

III. Repairing Financial Damage 291
   A. Create a Current Budget 291
   B. Identify Expenses That Can Be Reduced 294
   C. Dealing with Creditors 295
   D. Dealing with Student Loans 295
   E. Steps to Rebuilding Credit 296
   F. Dealing with Medical Bills 297
   G. Reducing Taxes 306

IV. Understanding Consumer Rights 308
   A. Creditor versus Debt Collector 308
   B. Debt Collection 308
   C. Bankruptcy 309

V. Unexpected Financial Expenses 314

VI. Financial Assistance and Other Income Options 316
   A. Financial Assistance Programs 316
   B. Online Fundraising 316
   C. Other Potential Sources of Income 317
CHAPTER SEVEN

Conclusion 329

I. Other Topics 329
A. Individuals Who Are Self-Employed 329
B. Caregivers 330
C. Veterans 332
D. Education Rights 334
E. Family Law Issues 335

II. Managing Stress 336

III. Staying Organized 336

IV. Accessing Legal Assistance 337
A. Finding Legal Assistance 337
B. Cost of Legal Representation 339

V. Conclusion 339
A. Case Study: Maria 339
B. Final Thoughts 341

Index 343