

A close-up portrait of an elderly woman with short, light-colored hair, wearing a large black wide-brimmed hat and a green top with black polka dots. She is looking slightly upwards and to the right with a thoughtful expression. The background is blurred, showing hints of other people and an indoor setting.

JUSTICE IN AGING

FIGHTING SENIOR POVERTY THROUGH LAW

BUILDING JUSTICE
across the nation

ANNUAL REPORT 2019

Our Vision of Justice in Aging

All people deserve the opportunity to age in dignity, regardless of financial circumstances—free from the worry and harm caused by lack of health care, food, and a safe place to sleep. At Justice in Aging, we use the power of law to strengthen the programs older adults rely on and to remove barriers they face in getting the help they need.

As increasing numbers of Americans age into poverty, Justice in Aging is the leading national legal rights organization advocating for older adults. We provide free information and training to thousands of service providers and advocates across the country, engage in systemic advocacy, and use strategic impact litigation to bring about change. And, because those who face discrimination are more likely to age in poverty, we focus our efforts primarily on fighting for those who have been marginalized and excluded from justice, including older women, people of color, LGBTQ older adults, and people with disabilities. Over the past 48 years, Justice in Aging litigation has secured and returned billions of dollars in benefits to those most in need.

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Letter from Leadership

Dear Friends,

It is our pleasure to report on another year of effective advocacy in 2019. Thanks to the help of our partners and supporters, we made real gains for older adults across the country, despite a difficult policy environment.

Here are a few highlights from 2019:

- We provided legal training and support to over 33,000 advocates from all 50 states.
- We litigated numerous systemic impact cases to expand access to health care, long-term care and economic security programs across the country, and won a case enforcing Medicaid’s “Spousal Impoverishment” protections for married couples in need of home-based care.
- We advanced federal legislation to add an oral health benefit to Medicare, improve the Supplemental Security Income program, and expand programs that make it easier to get long-term services and supports at home.
- We played a leading role in the initial stages of the development of California’s Master Plan for Aging.

Throughout the year, we were continually called to fight back against cruel policies that threatened the rights of older adults from immigrant, LGBTQ, and disability communities. We fought against the cruel public charge policy that targets immigrant seniors, civil rights violations in health care settings, and Medicaid work requirements targeted at older adults and caregivers.

This moment has challenged us to focus our efforts on those who have been most harmed by cuts to programs and inhumane policies, and to continually advance our vision for a more just future for all older adults—the future we all want to see.

Over the past year, we also began a strategic planning process that will place equity at the center of our work. We look forward to more intentionally centering our work around those who have been historically harmed by the systems we live in, and to build new, more just systems.

We hope you enjoy reading this report, and we look forward to continuing to partner with you to advance the rights of all older adults. We are so grateful to our supporters, without whom we could not do this important work. It is our hope that, together, we can create a world where all older Americans can age with dignity and justice.

With much appreciation,

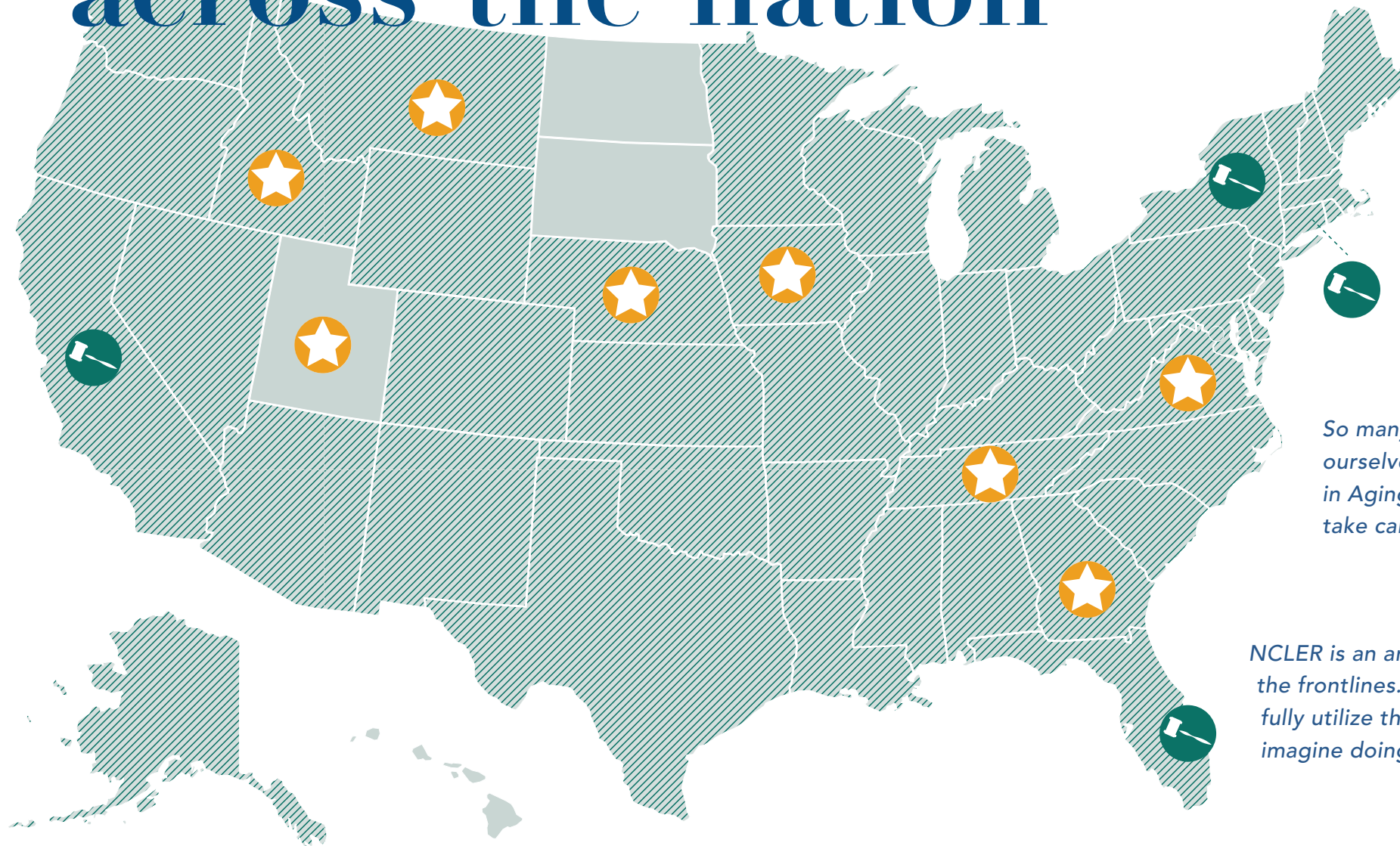


Kevin Prindiville, Executive Director



Richard Alexander, Chair, Board of Directors

BUILDING JUSTICE across the nation



-  provided training
-  worked with state-based advocates to push policy changes
-  provided training and technical assistance
-  litigation filed

Justice in Aging attorneys deliver in-person trainings, webinar trainings, and individual case consultations to attorneys and other advocates helping individual clients. Through our administration of the National Center on Law & Elder Rights (NCLER), we are able to reach and assist advocates in all 50 states and Washington, DC.

Thank you for the 25 Common Nursing Home Problems Guide. I learn so much from Justice in Aging webinars and can better advocate for those in need because of you.

—Elder Care Advocate, Florida

I appreciate having the availability of free online trainings. Being in Hawaii on an outer island, we don't have access to many affordable training resources. Mahalo!

—Hawaii County Office of Aging

So many of us are out here left to try to educate ourselves on our own while helping others. Justice in Aging is beyond compare at educating those who take care of seniors.

—Service Coordinator, Hixson, TN

NCLER is an amazing resource to those of us in the field and on the frontlines. They have shaped my understanding of ways I can fully utilize the law to help protect clients and seek justice. I can't imagine doing this work without NCLER.

—Attorney from Houston-Galveston Area Council

**NATIONAL
CENTER ON
LAW &
ELDER
RIGHTS**

In 2019, we created an Elder Justice Toolkit for Civil Legal Aid, filling a long-standing gap in elder justice advocacy. The toolkit, housed at [NCLER.acl.gov](https://ncler.acl.gov), serves as a central hub of resources and practice-oriented information to address elder abuse and mistreatment.

In 2019, through all our projects and programs, Justice in Aging delivered...

Resources to approximately
40,000
advocates through email
&
legal consultations on nearly
1,000
individual cases

116
in-person trainings reaching over
6,000
advocates in
15
states & DC.

60
webinars reaching over
33,000
advocates in all
50
states & DC.

BUILDING JUSTICE through the courts

We work with legal aid partners across the country to identify systemic barriers preventing low-income older adults from meeting their basic needs.

If we can't fix these issues through legislative and administrative channels, we work with legal aid and pro bono partners to achieve justice through the courts, focusing efforts on those cases that impact people historically excluded from justice. We also regularly submit amicus briefs on a variety of issues.

Thank you to artist
Farren Koehne for their
beautiful rendering of
Kevin Hart.



EXPANDING SERVICES FOR OLDER ADULTS TO AGE AT HOME AND IN THE COMMUNITY

Kelley v. Kent—California

Patrick Kelley, a former Los Angeles radio personality, has multiple sclerosis and needs 24-hour care. Matthew Reed also needs 24-hour care due to his disabilities. Mr. Kelley and his wife spent most of their assets to pay for his care at home. Mr. Reed's wife had to leave him alone at night, even though it wasn't safe to do so, because she needed to keep working to pay the bills. Federal law requires California to cover their in-home care through the state's Medi-Cal program, but the state refused—ignoring the needs of thousands of married couples. We sued the state, and, after 3 years of hard-fought litigation, we won. California must now provide in-home care to thousands of eligible married couples who would otherwise be impoverished by the crushing cost of long-term care. This case will save couples tens of thousands of dollars a year. Some couples will also be eligible for retroactive reimbursements of costs incurred over the last six years.

Alexander et. al. v. Mayhew and Prudom—Florida

Florida, though it is a major retirement destination, fails to plan for its growing aging population and does not provide enough in-home care, putting people at risk of institutionalization. The state has 59,000 people on a waiting list for Medicaid funded in-home care. In December 2018, we filed an Americans with Disabilities lawsuit to push the state to provide resources that allow people to get the care they need at home. While the Court denied our motion for class certification, we settled the case to secure individual relief for our plaintiffs. Under the settlement, Florida must provide transparency into its application process, waitlist, release, and eligibility information, as well as links to the current program care coverage policies and other resources.

In 2019, Justice
in Aging's 15
attorneys...

Worked with

8

different
litigation
partners and

4

pro bono firms

Filed

17

amicus briefs in
federal courts
across the
country

Worked on

4

active
lawsuits in

4

states

FIGHTING BACK AGAINST “OBSERVATION STATUS” HOSPITAL ADMISSIONS

Alexander v. Azar— National

It’s a common Medicare billing practice for hospitals to classify patients as “observation status” without formally admitting them. Patients are often unaware that they haven’t been admitted and are classified as outpatients, and are then surprised to receive large bills for hospital care and drugs that would have been covered under Medicare Part A, had they been formally admitted as inpatients. The Centers for Medicare and Medicaid Services (CMS) wouldn’t allow beneficiaries to appeal an “observation status” categorization. So we sued. Finally, in March, 2020, after 7 years of litigation, a federal judge ruled that patients who had had their status changed from “inpatient” to “observation status,” back to 2009 have the right to appeal that decision. This case will impact hundreds of thousands of people, who, if they win their appeals, will be entitled to be reimbursed for thousands of dollars of uncovered care expenses. The government has appealed the decision, so this case is ongoing.

Thank you to all our litigation and advocacy partners.


- Bet Tzedek
- Center for Medicare Advocacy
- Disability Rights California
- Disability Rights Florida
- Attorney Nancy Wright
- New York Legal Assistance Group
- Urban Justice Center
- Western Center on Law & Poverty
- Arnold & Porter
- Cozen O’Connor
- McDermott Will & Emery
- Morrison Foerster
- Munger Tolles & Olson
- Proskauer
- Wilson Sonsini Goodrich & Rosati

FIXING THE SOCIAL SECURITY ADMINISTRATION’S BROKEN APPEALS PROCESS

Amin v. Social Security Administration

Dysfunction in the Social Security Administration appeals system causes serious financial harm, homelessness, and hunger for those who rely on monthly benefits to survive. When someone appeals a loss of benefits on time, their benefits should continue without disruption while the appeal is being processed. But SSA often fails to timely process appeals, and wrongfully cuts off benefits before the appeal is decided, causing people to forgo food, health care, and other necessities. We joined a lawsuit against SSA to compel the agency to process appeals on time, so that people get the money they are entitled to while they await a decision. This case is ongoing.





PROTECTING vital programs older adults rely on

We believe that programs like Medicare, Medicaid, Social Security, and Supplemental Security Income (SSI), which help low-income older adults receive health care and provide income to pay for food, rent, and other basic necessities, need to be expanded and strengthened.

Unfortunately, the current leadership in Washington is constantly trying to cut these programs. Every time, Justice in Aging is there to fight back with the force of the law, our expertise, and the power of our supporters behind us.

Here are a few of the actions we've fought against:

BLOCKING HARMFUL MEDICAID WAIVERS

We have succeeded in stopping various state Medicaid waivers that would have eliminated retroactive coverage or made coverage harder to get through onerous work requirements. Our policy analysis has

highlighted for decision makers how retroactive Medicaid coverage is a key financial protection for older adults who develop sudden illnesses or long-term care needs, and protects them from crushing medical debt. Working in coalition with other national partners, we have challenged and stopped waivers in various states and shown how any attempt to cut Medicaid is an attack on older adults' health and long-term care.

PROTECTING THE AFFORDABLE CARE ACT

The Affordable Care Act (ACA) is critical for older adults. It cut the uninsured rate among those age 50-64 in half, protects those with pre-existing conditions, and makes health insurance more affordable. We have defended the ACA from multiple attempts to overturn or weaken the law in Congress. As the battle moved to the courts, we authored amicus briefs, joining states defending the law against Texas and the Department of Justice, which seek to overturn the law.

FIGHTING FOR CIVIL RIGHTS

The Administration's attempts to keep older adults with limited incomes and people with disabilities from living with their families in the US through a cruel "public charge" policy, while also gutting protections against health care discrimination for LGBTQ and limited English proficient people, have continuously undermined the civil rights of older adults. Every time, we have spoken out and rallied others through comment opportunities, amicus briefs, and written reports.



BUILDING JUSTICE through policy

Our legal expertise, combined with our deep knowledge of programs like Medicare, Medicaid, and Social Security, equips us to craft federal policies that will help low-income older adults across the nation access the health, long-term care, and economic security benefits they need to age in justice.

ADDING AN ORAL HEALTH BENEFIT TO MEDICARE

More than half of older adults have not seen a dentist in the past year. One in five has untreated tooth decay, and 70% have gum disease. It is not uncommon for older adults to travel to receive more affordable dental care outside of the US, as is the case for Miguel and Sonia, a retired couple living in Miami, FL. Desperate to receive care, they began traveling to Sonia's native Dominican Republic to see a dentist—a huge cost, but less expensive than paying out-of-pocket to see a dentist in Miami. Because untreated dental problems lead to other health issues, and because so many older adults rely solely on Medicare for their health insurance, we are working to ensure that Medicare is expanded to include oral health.

Justice in Aging has taken the lead on advocating for a dental benefit in Medicare and educating members of Congress about this issue. We saw progress in 2019 when legislation to add a dental benefit to Medicare passed in the House of Representatives for the very first time in history. We continue to advocate nationally on this issue and have made it one of our key health care priorities.

WHO WE ARE

Kevin Prindiville, Executive Director

Jennifer Goldberg, Deputy Director

Remy Alexander, Program & Communications Associate

Regan Bailey, Litigation Director

Vanessa Barrington, Communications & Individual Giving Director

Georgia Burke, Directing Attorney

Eric Carlson, Directing Attorney

Denny Chan, Senior Staff Attorney

Amber Christ, Director, Health Team

Katrina Cohens, Database Manager

Sarah Galvan, Senior Staff Attorney

Fay Gordon, Project Manager, National Center on Law & Elder Rights

Tracey Gronniger, Director, Economic Security Team

Natalie Kean, Senior Staff Attorney

Kate Lang, Senior Staff Attorney

Vivianne Mbaku, Senior Staff Attorney

Gerald McIntyre, Special Counsel

Emma Messore, Communications & Grants Manager

Shelby Minister, Development Manager

Trinh Phan, Senior Staff Attorney

Patti Prunhuber, Senior Staff Attorney

Claire Ramsey, Senior Staff Attorney

Gelila Selassie, Staff Attorney

Thomas Smith, Finance & Administration Director

Carol Wong, Senior Staff Attorney

SSI RESTORATION ACT OF 2019

More older adults are aging into poverty and homelessness as income inequality and the population of older adults continues to increase. The Supplemental Security Income (SSI) program provides a modest monthly benefit to over 2.2 million very low-income older adults who have few or no other resources and can no longer work enough to meet their needs. The program is especially critical for women, people of color, LGBTQ people, and others who have experienced the effects of discrimination across their lifespan, leading to a lack of retirement security as they age.

Unfortunately this vital program doesn't serve as many people as need it, and its benefit levels are too low for today's economic realities, requiring individuals to live on just \$783 a month.

Justice in Aging is leading the effort to modernize this important program. In 2019, we worked with members of Congress to introduce the SSI Restoration Act of 2019. The Act would make much-needed updates to help those who rely on SSI to meet their basic needs, and stop penalizing people for saving some money, working a part-time job, or being married.

EXPANDING THE AVAILABILITY OF IN-HOME CARE

Most people want to remain at home with loved ones and in their communities as they grow older. Last year, Justice in Aging helped pass federal legislation to create continuous funding for Medicaid recipients to be able to move out of institutions and receive the care they need at home, through the "Money Follows the Person" program. We also helped ensure extension of a rule that allows a married person who needs a nursing home level of care to receive Medicaid-covered in-home care, while protecting their spouse from becoming impoverished due to the cost of care.





ADVANCING BOLD POLICIES: our work in california

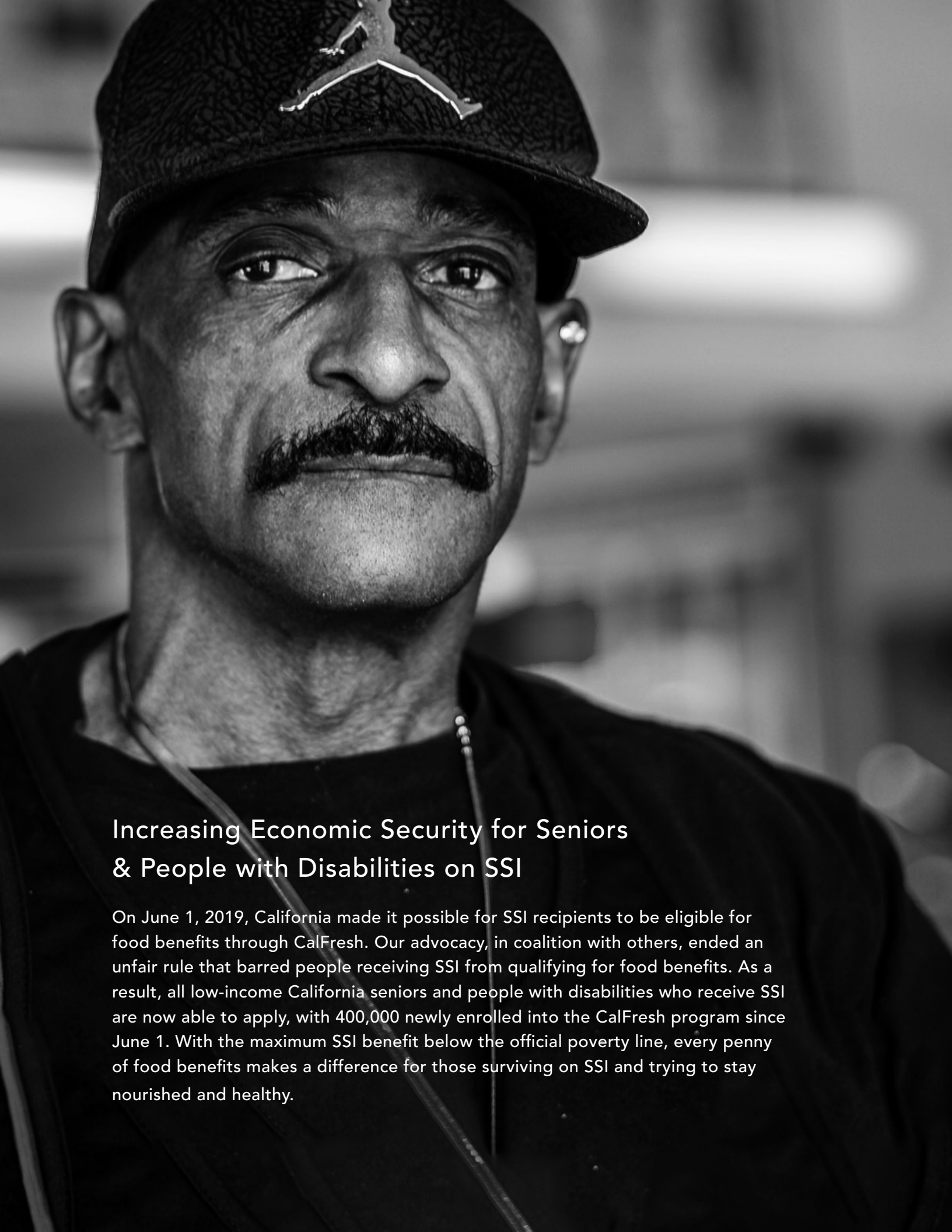
Even as Washington continued to put us on the defense with constant attempts to cut vital programs and enact policies that harm low-income older adults, California provided opportunities for us to put forth bold policies that will advance justice in aging for the state's low-income seniors.

DESIGNING A MASTER PLAN FOR AGING

Shortly after he took office, Governor Gavin Newsom announced a Master Plan for Aging to address the needs of the state's growing aging population. With a seat on the Stakeholder Advisory Committee, Justice in Aging has contributed a vision and a set of principles to govern the Master

Plan to ensure it is comprehensive, intersectional, intergenerational, addresses economic security and long-term care needs, and advances equity. We will continue to lend our expertise to the policy proposals that emerge from the Master Plan.

We hope that the California Master Plan for Aging can serve as a blueprint for other states, to help all older adults live and age in dignity.



Increasing Economic Security for Seniors & People with Disabilities on SSI

On June 1, 2019, California made it possible for SSI recipients to be eligible for food benefits through CalFresh. Our advocacy, in coalition with others, ended an unfair rule that barred people receiving SSI from qualifying for food benefits. As a result, all low-income California seniors and people with disabilities who receive SSI are now able to apply, with 400,000 newly enrolled into the CalFresh program since June 1. With the maximum SSI benefit below the official poverty line, every penny of food benefits makes a difference for those surviving on SSI and trying to stay nourished and healthy.

MAJOR WINS IN HEALTH CARE POLICY

We co-sponsored two successful health care bills in California in 2019 that expand health care coverage for low-income seniors and people with disabilities.

Ending Medi-Cal's Senior Penalty

In 2020, an estimated 35,000 seniors and people with disabilities will gain access to free Medi-Cal because of Justice in Aging's 2019 legislative and budget work to end Medi-Cal's senior penalty, which required seniors to have a lower income than other adults in order to qualify for Medi-Cal. By qualifying for free Medi-Cal, they will also get access to the In-Home Supportive Services program and other long-term services and supports.

Keeping Continuous Medi-Cal Coverage Without Disruption

Low-income seniors and people with disabilities will no longer experience needless disruptions in their Medi-Cal coverage because of Justice in Aging's legislative work to fix a loophole in the law that caused low-income older adults and people with disabilities to cycle on and off free Medi-Cal due to fluctuations in health care expenses. Allowing people to keep continuous free Medi-Cal will ensure people have uninterrupted access to their doctors, prescriptions, treatments, and long-term services and supports. We estimate this change will help tens of thousands of Californians.

CELEBRATING & HONORING WOMEN IN LOS ANGELES

On March 28, 2019 at the City Club in Los Angeles, Justice in Aging honored Laura Trejo, General Manager at the Los Angeles Department on Aging, with the Paul Nathanson Distinguished Advocate Award and Sheila Kuehl of the Los Angeles County Board of Supervisors, with the Impact Award. Program speakers honored women in their lives who had supported and influenced them and called for the need to support older women today.



Sheila Kuehl, Assemblymember Adrin Nazarian, and Laura Trejo

NATIONAL HISPANIC COUNCIL ON AGING RECOGNIZES KEVIN PRINDIVILLE

In 2019, Justice in Aging Executive Director Kevin Prindiville received special recognition from NHCOA for his commitment to improving the lives of older adults.



Michael Adams, Yanira Cruz, Kevin Prindiville

JUSTICE IN AGING SELECTED TO PARTICIPATE IN RACIAL JUSTICE INSTITUTE

Last year, Justice in Aging was selected to participate in the Sargent Shriver National Center on Poverty Law’s Racial Justice Initiative, a leadership program that equips organizations to address the role that racism plays in causing and perpetuating poverty. Deputy Director Jennifer Goldberg and Senior Staff Attorney Denny Chan joined 40 other fellows from ten states and the District of Columbia.



Janerick Holmes, Racial Justice Institute Associate Director; Denny Chan, Senior Staff Attorney, Justice in Aging; Jennifer Goldberg, Deputy Director, Justice in Aging; and Kimberly Merchant, Racial Justice Institute Director.

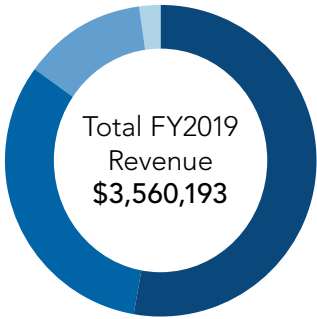
Financials

Justice in Aging operated with a balanced budget throughout 2019 and maintained reserves equal to 32% of operating expenses.

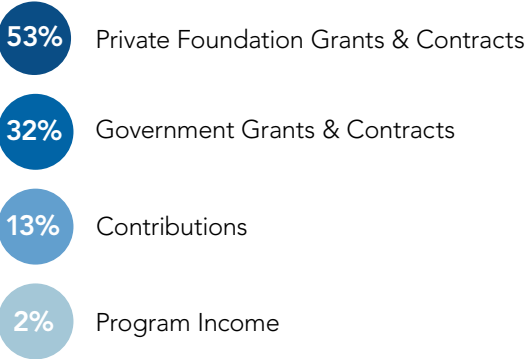
FY2019 revenue includes \$284,586 of grant funds which were received in previous fiscal years but designated for expenditure in FY2019.

Justice in Aging maintains a 4 Star Rating on Charity Navigator and a gold seal for transparency from Guidestar.

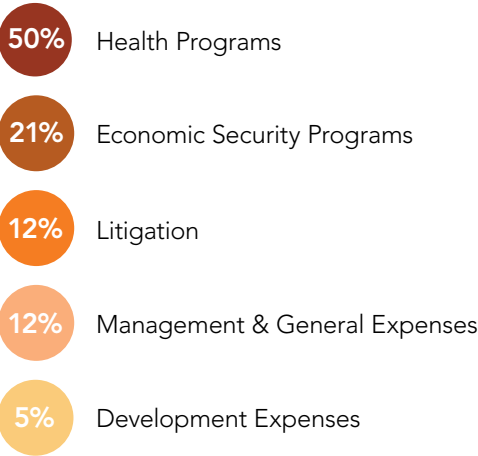
Full audited financial statements for fiscal year 2019 with comparisons to 2018 are available on Justice in Aging’s website at justiceinaging.org.



FY19 Revenue By Category



FY19 Expenses By Category



Thank you to all our donors & funders.

\$100,000+	Harbage Consulting*	Family Bridges, Inc.*	Family Caregiver Alliance*
Administration for Community Living/Administration on Aging	Health Net Inc.*	Steven and Patricia Goldberg	Fishman Family Foundation*
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\$5,000–\$9,999			
Albert & Elaine Borchard Foundation Inc.*			
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Stephen Bruce			
David Fry			

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Douglas Winthrop	Lynn Friss Feinberg	Mr. Lowell C. Paul	Your gifts make a difference.
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	Nadia Gareeb	Celine Regalia	
	Amy Gladstein and James Reif	Rene Reixach	
\$100–\$249			
Christopher Allen			

WHAT OUR DONORS SAY

<i>Hey Kevin—quick check-in to say, “thank you” for all you and your team at JIA are leading on our behalf. It’s nothing less than superb. In times of crisis, only the best rise to the occasion. AND JIA has done that. Many thanks!</i>	<i>I am a HICAP (SHIP) counselor in Alameda County, CA and your publications are invaluable in my volunteer work, thank you so much!</i>	<i>Keep up with the good work, it’s really inspiring to see how much JIA is getting done every single day.</i>
—Rigo Saborio, St. Barnabas Senior Services	—Pat Macholl	—Lyndsey, YWCA San Francisco Marin

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