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Woman caught in state health care bureaucratic fog

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Seventy-nine-year-old Patience Scales is a former Bayview resident who just wants to pay back the money she borrowed from her family and her bank. And virtually everyone agrees she should get a refund from the Department of Health Care Services.

So why is the state's medical reimbursement process making this so difficult?

"I am 99 percent sure she is going to be reimbursed, but it should have happened a long time ago," said Christopher Douglas, an attorney with the Legal Aid Society of San Mateo County. "She is just one of the silent masses of people who are dealing with this needless delay."

Scales is an unfortunate victim of the baffling bureaucratic fog in the state's Medi-Cal system. But more troubling is that she may be only one example of elderly or disabled patients who are hitting delays and roadblocks in attempts to get back out-of-pocket medical expenses.

Michael Keys, a staff attorney for Bay Area Legal Aid, was among the attorneys who argued a landmark case in 2005 that set the reimbursement process at no more than 120 days. But even if the system worked perfectly, that's a long time for a senior with health problems and a limited budget. Douglas says he has clients who "have to make it for two weeks on \$20." The idea that it is taking even longer is distressing.

"We are starting to see cases where this has taken a lot longer than it should have," Keys said. "Some of them are inordinately long with no real end in sight. It just drags on."

Just a misunderstanding, says the California Department of Social Services. "We are well within our 120-day window," said Oscar Ramirez, a department spokesman. It's just that the process includes other steps along the way, he added, like a stop at the Department of Health Care Services.

So although it has now been nearly a year since this started - Scales made her payment in May, and filed the forms to be repaid last summer - she's still waiting.

Serious setbacks

Scales is a feisty, funny woman who was a regular in former Chronicle columnist Herb Caen's column. (Caen was amused that someone named Patience Scales was a piano teacher.) She's had some serious health setbacks, from a brain tumor to arthritis of the spine, so she now uses a wheelchair and needs an in-home caregiver.

"Without the in-home service, she's in a rest home in about five minutes," said Douglas.

But after years of the state paying for a caregiver through the In-Home Supportive Services program, Scales was abruptly told she was ineligible.

"On the 30th of April (2010), I was told that everything was going to be cut off by the second or third of May," said Scales, who now lives in Pacifica. "I had no choice. I went to Wells Fargo and borrowed \$1,500 on my credit card and my ex-husband gave me the rest of it."

It totaled over \$3,300, a lot for a senior on a fixed income. In addition, she says she's being charged \$258 a month in interest on her credit card account, so the total is now over \$4,000.

The problem was that the Department of Social Services was wrong. (Ramirez says the department cannot comment on individual cases.)

"I showed them she was eligible," Douglas said. "She's now on the program, has a caregiver and (is) not having any problems."

End of story? More like the beginning. It seems that once a client has spent his or her money, it vanishes into a black hole. Douglas is confident he has persuaded the state to reimburse Scales, and filed a request last summer.

'Not authorized'

The response didn't arrive until last month. The decision - denied. In a letter, the In-Home Supportive

Services department said her in-home care provider "is not a Medi-Cal authorized provider."

"It's true and it is utterly irrelevant," Douglas said. "She's eligible, she's getting it now, and if not for Medi-Cal's mistake she wouldn't have had to pay."

The frustration continues. A hearing on Monday was canceled at the last minute - after Scales had hired medical transport. But at least she's got Douglas advocating for her.

"One time," he says, "she told me - and it kind of broke my heart - that she wanted to pay these people back while she was still alive."

That had better happen.

C.W. Nevius' column appears Tuesday, Thursday and Saturday. E-mail him at cwnevius@sfgate.com.

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