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City Called Too Aggressive on Health Care

The Giuliani administration's pursuit of reimbursements from city residents whose spouses benefited from government-paid nursing home care drew charges of cruelty and insensitivity yesterday from city officials, a former top federal health care regulator and some of the people who have been the subject of recent collection efforts.

State law requires the state and city governments to pay for long-term institutional care for people who need it, even if they or their spouses have assets that they refuse to turn over to the government. But the same law allows the city to recover some or all of that cost if the married couple's assets exceed \$84,120 or they have a monthly income of more than \$2,103.

Public Advocate Mark Green and City Councilman Stephen DiBrienza, chairman of the general welfare committee, said yesterday that the city was justified in pursuing refunds from the rich. But in recent years, they said, the city has been far too zealous in seeking payments from middle-class and lower-income residents, threatening to push them into poverty.

"Be smart, have a heart, stop this cruel and unusual policy of threatening to sue and seize the lifetime earnings of widows at their moment of grief," Mr. Green said at a news conference yesterday on the City Hall steps.

Ruth Reinecke, a spokeswoman for the city's Human Resources Administration, rejected the criticism, saying that the agency was "sensitive to hardship issues resulting from these payments and in the majority of cases" did not force payments even if a couple's assets exceeded the limits.

But Mr. Green and Mr. DiBrienza pointed to cases like that of Ada Bloom, 73, of Queens, who received a \$144,000 bill from the city in March 1999, several weeks after her 78-year-old husband died, following three years of government-paid nursing home care.

"It is a nightmare, a physical and mental nightmare for me," Ms. Bloom said yesterday, fighting back tears. She said she had about \$300,000 in assets, money she wanted to keep to cover her own personal and medical bills. "I am desperate to have somebody do something about the cruelty of this condition," she said.

City documents show that Human Resources has at times sought payments from people with less savings. In July, for example, the city moved to collect \$15,836 from a 79-year-old woman from the Woodlawn section of the Bronx who had \$94,856 in assets to help cover part of the \$187,610 in nursing home bills her 80-year-old husband incurred over three years.

"The city is much more aggressive than other counties in seeking reimbursements," said Bernard A. Krooks, a lawyer who represents about 50 elderly clients who have faced collection efforts, including the Bronx woman. He is also chairman of the New York State Bar Association's committee on elder law.

"These are people who paid their bills, who already tried to do the right thing and yet are being crucified, treated like criminals merely because their spouse got the wrong illness that required long-term care in a nursing home."

Bruce C. Vladeck, administrator of the federal Health Care Financing Administration from 1993 to 1997, said that while the city had the option of collecting payments from middle- income residents, it was not required to do so.

"It makes no sense on policy grounds, on economic grounds and certainly not on humane grounds," said Mr. Vladeck, who joined Mr. Green, Mr. DiBrienza and Mr. Krooks at the news conference yesterday.

Human Resources officials said they provided nursing home care to more than 40,000 New Yorkers, at an annual cost of more than \$2.6 billion. Of the approximately 1,200 people who apply for assistance each year, about 200 to 300 have incomes or assets exceeding the limits. It is in those cases that the city seeks repayment.

City officials yesterday disputed suggestions that they had intensified their collection efforts, saying that the policy had been in place since 1992, dating back to the Dinkins administration.

They also rejected suggestions that they had been overly aggressive in pursuing payments, noting that of the 196 collection efforts in the last fiscal year, 53 concluded in payments.

In those 53, the city generally accepted a contribution of 25 percent of the couples' income above the \$2,103 monthly limit. The city noted as well that in the 60 cases in litigation this year, the total assets of the couples averaged \$533,000.

One case highlighted yesterday by critics of the administration, in fact, seemed to show the city's flexibility in its demands. Cindy Belfiore Grossman, 42, an assistant administrator at St. John's University, whose 52- year-old husband is disabled and receives part-time care at their Upper West Side home, had been asked by the city to pay \$1,177 a month, more than half her take-home pay, toward the cost of his care. But after negotiations, she said, the co-payment was cut to \$65 a month.

Mr. Green sent Jason A. Turner, the human resources commissioner, a letter yesterday asking him to establish a more flexible reimbursement policy. Mr. DiBrienza also said the City Council planned to hold a hearing on the matter next month.