

Practical wisdom, trusted advice.

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We Put Up a Fight With MassHealth

So You Don't Have To

One of the things we pride ourselves on at Monteforte Law P.C. is our 100% success record with MassHealth, which operates Medicaid in Massachusetts. While the program is designed to help people pay for health care needs, it's one of the most complex, stingy institutions I have ever worked with. In fact, they never approve a long-term care benefit — payments to cover the cost of long-term care — application on the first round. Their goal is to run out the clock and make applicants give up!

We never recommend that clients fill out these forms on their own. It's a long, complicated process, and one mistake could be irreversible. Not only that, but many applicants are older adults who have dementia or a diminished capacity, so their children have been saddled with the responsibility. It's often difficult for them to know all the specifics of an intentionally difficult application.

We have become very familiar with the decisive techniques MassHealth deploys. In one such case, we filled out an application for a veteran who was diagnosed with dementia and in need of long-term care. His son was managing this arrangement, and while we applied, the veteran moved into a facility.

After receiving our expected first denial from MassHealth, we submitted additional information and documentation. MassHealth responded (many months later, mind you), with a denial, again, claiming that they never received the specific documentation they requested. I felt confused along with Ashley, our chief operating officer who helps me with these applications. We were adamant that we had sent that documentation, and I even remember doing it myself. Eventually, I found confirmation of delivery and signing for the package at MassHealth through UPS. (We use UPS, so we can track everything.)

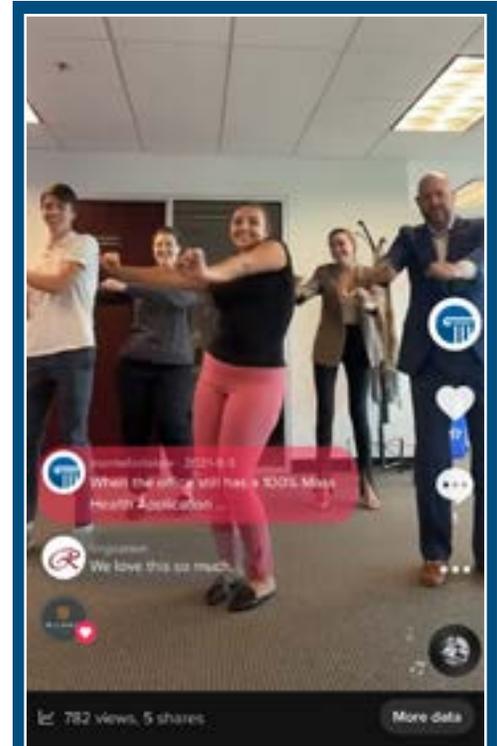
Believing this was all the proof I needed (after all, how do you argue with the fact that there is proof they received the documents), I sent the application back to MassHealth. Meanwhile, it had been months since our client moved into his new home, and the facility had yet to be paid. His bill had climbed to \$50,000, and our client faced eviction. So, while I waited for another response from MassHealth, I went to court to successfully argue for an extension. With that hurdle cleared, our client was at least able to stay in his new home while we battled it out with MassHealth.

Once again, MassHealth denied they had the documents, and the application was rejected. So, we headed into their internal appeals process. Yes, you read that right. As if it wasn't bad enough that they can terrorize people into not receiving benefits they are entitled to, MassHealth also allows an appeals process *with their own people*.

By this point, I felt extremely frustrated, but I still had faith. Surely, MassHealth had to see the proof of delivery as proof that they had the documentation, and therefore, our client's application could be approved. Sadly, they once again denied our appeal two months later when they claimed they didn't believe our proof.

I grew angrier by the minute, and this latest response brought me to my boiling point. My client's son panicked, stressing about how he would afford the now \$100,000 cost-of-care bill. And I felt insulted! Every time I think they couldn't stoop lower, I am proven wrong. But I knew we couldn't let this application end here, so I initiated our next option.

We filed a case against MassHealth in the superior court, once again arguing that we had done our part to ensure they received documentation. We filed that case on a



When we learned MassHealth *finally* approved our client's application, the whole office celebrated — with a dance! Not only was this great news for his family, but also we were proud to once again beat MassHealth's claim denial process. To see more of our office's goofy side, follow us on TikTok at @montefortelaw.

Friday, and by the following Tuesday, I had a cryptic, very short response from MassHealth: Our application had been approved.

I couldn't believe it. Normally, MassHealth includes a long explanation with their denials or approvals, but we only received notice of acceptance. I waited until the nursing home was paid before telling the client's son, who shared in my relief that this long, complicated, and unnecessary ordeal had finally ended. His father could receive the care he needs without his family worrying about how to afford it.

That's what MassHealth should provide. I'm happy we can still say we can make that happen for our clients.

—Mike Monteforte Jr.

Spring Fever

Enjoy Warm Weather While Stuck Indoors

The weather is warming up, the sun is out — and you're trapped inside. Most of us have jobs that leave us stuck indoors during spring's prime midday hours, and it's easy to feel like you're missing out on the season's best parts.

Unfortunately, your boss probably won't give you the day off just because of the gorgeous weather. So, we've compiled the next best thing — some tips to enjoy the season as much as you can while also getting your job done.

Bring the outdoors in. When the weather is nice, open as many curtains and blinds as possible. The natural light will warm up the room and brighten your mood. While you're at it, try opening the windows and positioning yourself near one. If you can't be outside, the spring breeze on your face is the next best thing. Plants decrease stress, and having them on your desk might also trick your brain into feeling less cooped up.

Take a break. You've still got to work, but that doesn't mean you can't sneak in a few minutes outdoors. Use your break for an outdoor stroll; if possible, you can also walk or bike to work. At the very least, park farther away to give yourself time to enjoy the weather. Volunteer to do a coffee run, pick up lunch, or take out the mail — you'll be an office hero while catching some rays at the same time.

Try working outside. If your boss will allow it, there's probably some opportunity to do a bit of work outdoors. Meetings and conference calls might offer your best option. For in-person meetings, your coworkers will also likely relish a chance to take it outdoors. In the event of a conference call, you won't need to convince anyone else — grab your laptop and go! It's not the same as enjoying the weather while you're off the clock, but it's a lot better than being cooped up inside.

With any luck, these tips will help you make it to Friday with your sanity intact. And luckily, the weekend is always just around the corner.



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hearings, or a trial without representation — and if you cannot afford to hire an attorney, the court will provide you with a public defender.

Ironically, to invoke your right to remain silent, you have to talk — simply not speaking isn't considered sufficient. A person needs to say as clearly as possible that they are invoking their rights and want an attorney.

Many people waive their rights because they know they're not guilty — or they think that speaking with the police will make them look innocent. Criminal defense attorneys strongly advise against this. Body language, off-handed statements, or inconsistent recounting of events can be used as evidence of guilt. And sadly, many innocent people have been sentenced to time in prison.



Though film and TV scripts tend to use uniform wording, there's no required Miranda rights phrasing. Police only need to state the rights and ensure the suspect understands them. It's also notable that police only have to read Miranda rights when they arrest a suspect — and they can question someone without detaining them. Courts consider anything the suspect says when not under arrest to be of their own free will.

If you're ever arrested or questioned in connection with a crime, the best way to protect your rights is to invoke them right away. Hire an experienced criminal defense attorney or ask the court to appoint one for you. The lawyer will review your case, help you understand the charges, and provide expert guidance on your next steps. Don't feel bad about doing so — these rights are enshrined in the Constitution. They're just that important.

TAKE A *BREAK*



EASY MARCH MADNESS CHILI

Cheer on your favorite team and chow down in minutes with this easy chili recipe!

Ingredients

- 2 lbs ground beef
- 2 16-oz cans diced tomatoes
- 2 tbsp chili powder
- 2 16-oz cans small red beans
- 1 tbsp Creole seasoning
- 2 8-oz cans tomato sauce
- 1 tsp ground cumin

Directions

1. In a deep pot, brown beef, stirring often.
2. Once beef is cooked, add chili powder, Creole seasoning, and cumin, cooking for 1 minute.
3. Stir in diced tomatoes, beans, and tomato sauce and bring the mixture to a boil.
4. After the mixture boils, reduce the heat to low and let chili simmer for 15 minutes.
5. Serve with toppings of choice, like cheese, sour cream, or chives.

Inspired by MyRecipes.com

I DON'T WANT TO BE LIKE MIKE

Why One Man Sued Michael Jordan for \$832 Million



Many people have been told they have a passing resemblance to a celebrity, and they usually have a funny story or two. To Allen Ray Heckard, his celebrity look-alike was no laughing matter. In 2006, he sued Michael Jordan for looking too much like him and ruining his life.

The amount of the lawsuit was \$832 million, and Heckard not only sued Jordan but also Nike, reasoning that the company helped Jordan achieve his incredible fame. The complaint argued that the resemblance to Jordan "has troubled Heckard's nerves" and being stopped by fans caused him emotional distress for over 15 years. He requested damages for defamation, permanent injury, and pain and suffering.

For someone tired of being "recognized," Heckard didn't shy away from media coverage. When asked how he arrived at the astronomical \$832 million lawsuit figure, he gave this much-shared (yet difficult to parse) answer: "Well, you figure with my age, and you multiply that by seven and, ah, then I turn around and, ah, I figure that's what it all boils down to." When asked why he felt the resemblance to Jordan had affected his life so negatively, he could only answer, "I want to be recognized as me, just like Michael's recognized as Michael."

Funnily enough, most people didn't think Heckard and Jordan looked alike at all. While each had a bald head, mustache, and a gold earring, the similarities seemed to end there. Many news stories noted that, compared to Jordan, Heckard is 8 years older and 6 inches shorter.

One question reporters did not appear to ask was why Heckard felt that Jordan should be held personally liable for hundreds of millions of dollars simply for his natural appearance. Sadly, we will probably never know the answer because the case ended rather unceremoniously. After a few weeks, Heckard dropped the lawsuit. He never publicly shared why, but a Nike spokesperson was glad to speculate that Heckard "finally realized he would end up paying our court costs if the lawsuit went to trial."

In the end, many '90s kids would argue that Heckard was most guilty of looking a gift horse in the mouth. After all, there is no higher achievement than to "be like Mike."



MONTEFORTE LAW, P.C.
(978) 653-4092
www.MonteforteLaw.com
300 TradeCenter, Suite 5640
Woburn, MA 01801

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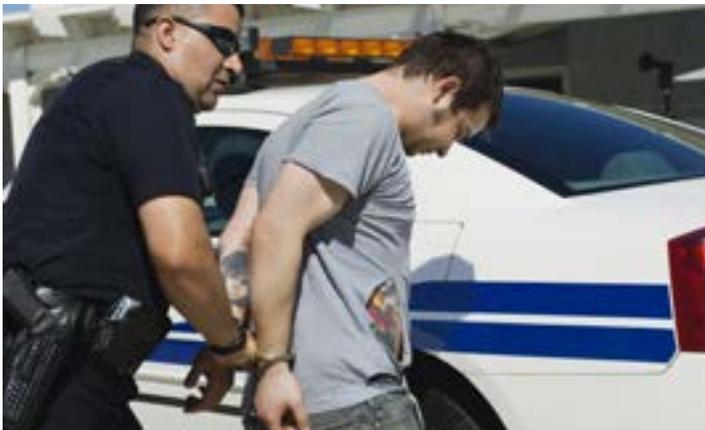
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You Have the Right to ... What Now?

Understanding and Using Your Miranda Rights

If you watch a lot of procedural dramas on television, you can probably recite your Miranda rights by heart:

You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to an attorney. If you cannot afford an attorney, one will be provided for you.



But why are these words so ubiquitous? What do they mean in the real world? And do you really need to worry about your rights if you haven't committed a crime?

Miranda rights originated in 1966 through the Supreme Court case *Miranda v. Arizona*. Police arrested Ernesto Miranda on kidnapping charges, and after two hours of questioning, he eventually confessed to the crime. His attorneys argued that Miranda did not understand his rights at the time of the confession, so the courts should disregard it as evidence of his guilt. The Supreme Court agreed, saying that one cannot sign away their rights without first understanding them.

The right to remain silent originates from the Fifth Amendment right to not self-incriminate. In this context, "staying silent" means not answering questions from the police. Though experts recommend silence from the beginning, a person can invoke their rights partway through an interrogation. The right to an attorney means you do not have to go through questioning,

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