

If You Have Breast Cancer

The American Bar Association Commission on Women in the Profession wants you to know that if you are diagnosed with breast cancer, you have the same legal rights that you had before and some additional protections as a result of your diagnosis. While you should always consult with a lawyer if you have specific legal concerns, there are some initial steps you can take to protect your interests:

- ❖ Collect all the records related to your cancer treatment and health care. These records should include any medical and insurance bills or statements. You should collect all written information given to you by your doctor and any other health care providers.
- ❖ Obtain copies of your health care policy and any materials explaining its coverage from your insurance company and/or your employer. Your personnel office should be able to help you obtain these materials, if you have health insurance coverage through your employer.
- ❖ Get to know the coverage that your insurance policy or plan provides. For example, the Women's Health and Cancer Rights Act requires most employer health plans to cover reconstructive surgery, but individual insurance policies may or may not cover such surgery. Plans and policies differ in how the decision whether to pay for a particular medical treatment is made, and they differ in how those decisions can be appealed, if necessary. If your employer's plan is self insured, then your employer may be willing to advocate for you with the administrators of the plan.
- ❖ Ask your personnel office for copies of your employer's policies on medical and family leave as well as disability benefits if any. Caregivers should also ask their employers for copies of their policies on family and medical leave.
- ❖ Create your own written records of conversations with your insurance company, health care providers and your employer. These records should include the name of the person you spoke with, as well as, the time, date, circumstances and content of the conversation. Be careful to record any promises or explanations of actions or benefits.

- ❖ Check your personnel and employment records to determine whether they are complete and correct. Determine whether the vacation, sick leave, or leave of absence you have taken or are planning to take will affect your retirement benefits and eligibility for Social Security. Continue to periodically check your personnel records to determine whether they are correct and whether any additions have been made related to your cancer diagnosis and treatment.
- ❖ Consult with your attorney if you have any on-going legal issues, such as child custody disputes, where your interests could be affected by your cancer diagnosis. You should also consult with your attorney if you are self employed or have your own business, to determine ways to preserve your assets and business.

Fighting cancer will affect all aspects of your life. You should be prepared to be pro-active to protect your interests. If you need legal assistance, you can call your local bar association for a referral. If you are concerned about your ability to pay, your local bar association can also help you find a source of low-cost or free legal assistance.

A breast cancer diagnosis is not the end of your career or your health insurance coverage. If you would like further information about your legal rights, you can obtain a copy of the pamphlet *Ten Steps to Protecting the Legal Rights of Breast Cancer Patients* at www.abanet.org/women/breastcancer/tensteps.html or by writing to the ABA Commission on Women in the Profession; 321 N. Clark Street – 18th Floor; Chicago, IL 60610.

