

Triage Cancer's 2023 Legislative Priorities



OUR MISSION

Triage Cancer is a national, nonprofit organization that provides free education on the legal and practical issues that may impact individuals diagnosed with cancer and their caregivers.

Cancer-related legal issues are any legal issues that arise as a result of a cancer diagnosis, including employment, insurance, government benefits, consumer rights, education, and estate planning. Many of these issues are not even thought of as legal issues by a lay audience, such as health insurance. However, the availability of health insurance coverage, consumer protections in the use of coverage, and the right to appeal denials of coverage are all routed in laws.

And lack of awareness of the law and failure to recognize its power to help people has been a barrier to people getting their needs met. In the context of a cancer diagnosis, an understanding of your rights can mean the difference between losing your job, your health insurance, or even your home. And in its most extreme case, it can be the difference between getting access to care or losing your life.

Understanding how the law and proposed legislation may provide potential solutions to these issues is foundational to our work at Triage Cancer. Our staff have spent decades translating complex laws, programs, and legislative proposals for the cancer community.

This work has also highlighted the gaps in the law, ranging from health insurance issues, to paid family leave. Some of the issues are cancer-specific and some are much broader, such as housing and government benefits.

During 2023, Triage Cancer has identified the following issues as legislative priorities, but this list is not exhaustive:

- Expanding access to the FMLA
- Providing paid family and medical leave
- Expanding access to Medicaid
- Curbing non-ACA compliant health insurance plans (e.g., short-term, self-funded student, farm bureau, association, etc.)
- Improving access to Social Security disability benefits and eliminating waiting periods
- Improving oral chemo parity
- Curbing utilization management, including the prohibition of copay accumulator programs
- Expand insurance coverage of biomarker testing

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To learn more about Triage Cancer's advocacy efforts and resources, visit:

**[TriageCancer.org/
Advocacy](https://www.triagecancer.org/advocacy)**

Triage Cancer also believes that there are many legislative solutions related to lowering out-of-pocket medical costs and improving access to health care that could be pursued by the advocacy community.

A Legislative Advocacy Case Study: Expanding Access to the FMLA & Paid Family and Medical Leave

The Family and Medical Leave Act (FMLA) entitles U.S. employees to take a maximum of a 12-week unpaid, job-protected leave to care for their own serious health condition or as a caregiver for a family member. The FMLA restricts eligibility by limiting the definition of “family” and imposing rigid thresholds requirements.

- The FMLA defines family member as a spouse, child, or parent with a serious health condition. It does not include caregiving for parents-in-law, grandparents, grandchildren, siblings, or other family members. This limiting definition of protected caregivers ignores the reality of many cancer patients who depend on extended family for assistance during and after treatment.
- Other factors that restrict access to the FMLA include requirements that employees work:
 - ◆ for the government, or a private employer with 50 or more employees;
 - ◆ for an employer for at least 12 months; and
 - ◆ at least 1,250 hours in the past year.

T O D A Y

- The FMLA only covers 56% of U.S. employees.¹
- 6 in 10 Americans live with at least one chronic health condition that may need ongoing medical care and/or restrict daily activities that will require absence from work.²
 - ◆ 1 million Americans die of heart disease, stroke, or other cardiovascular diseases every year.³
 - ◆ 1.6 million people are diagnosed with cancer in the United States every year.⁴
 - ◆ More than 34 million Americans have diabetes, while another 88 million have prediabetes.⁵
- About 43.5 million adults have provided care to an adult or child in the last 12 months.⁶
 - ◆ 58% of cancer caregivers are women.
 - ◆ 50% of caregivers feel high levels of emotional stress.
 - ◆ 25% feel high levels of financial strain due to their responsibilities.
 - ◆ 62% of cancer caregivers are in a high burden situation, meaning they spend an average of 32.9 hours a week caring for their loved one, with 32% providing 41 or more hours a week.⁷
- 2018: 56% of Americans believed that the FMLA covers more situations than it does (e.g., care for a sibling or grandchild).

P O T E N T I A L I M P R O V E M E N T S

- Expand the definition of “family”
 - ◆ Include siblings, in-laws, grandparents, grandchildren, and caregivers outside immediate family.
- Provide 12 weeks of paid FMLA leave
 - ◆ Approximately one-half to one-third of eligible workers cannot afford to take unpaid leave, with the greatest impact falling on: low-wage workers, primarily women; racial/ethnic minorities; lower-educated workers; and blue collar workers.
- Lower the requirement from 50 to 25 employees, to increase coverage in the private sector
 - ◆ 2018: 95% of employers covered by the FMLA, reported positive or neutral perceptions of the FMLA’s the overall effect on productivity, profitability, and employees. Only 10% private sector employers were covered by the FMLA, but they employed 59% of private sector employees.⁸
- Reduce restrictions on length of employment and number of hours worked
- Lengthen the time of leave
 - ◆ Many cancer treatment protocols last longer than the 12 weeks allowed under FMLA.

¹ http://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/WHD_FMLA2018PB1WholsEligible_StudyBrief_Aug2020.pdf

² www.cdc.gov/chronicdisease/resources/infographic/chronic-diseases.htm

³ www.cdc.gov/chronicdisease/resources/publications/factsheets/heart-disease-stroke.htm

⁴ www.cdc.gov/chronicdisease/resources/publications/factsheets/cancer.htm

⁵ www.cdc.gov/chronicdisease/resources/publications/factsheets/diabetes-prediabetes.htm

⁶ <https://pearlpoint.org/caregivers-by-the-numbers/>

⁷ www.caregiving.org/wp-content/uploads/2020/05/CancerCaregivingReport_FINAL_June-17-2016.pdf

⁸ https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/WHD_FMLA2018SurveyResults_FinalReport_Aug2020.pdf