Employment, Financial, & Insurance Issues

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CEO, Triage Cancer

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Financial Factors

• Employment Changes
• Health Insurance Status
• Medical Bills
• Life Changes
  • Graduating college, marriage/divorce, moving, etc.

Employment Rights

Federal Leave Laws
  • Family & Medical Leave Act (FMLA)
Federal Fair Employment Laws
  • Americans with Disabilities Act (ADA)
    • Discrimination protections for patients and caregivers
    • Reasonable Accommodations for patients
State Leave Laws
State Fair Employment Laws
  • Discrimination protections for patients and caregivers
  • Reasonable Accommodations for patients
Employment Contracts
  • Employment Contract
  • Independent Contractor’s Contract
  • Union Contract
Employer Policies

- Employee Benefits
  - Health/dental/vision insurance
  - Short-term and/or long-term disability insurance
  - Life and/or accidental death insurance

- Other Benefits
  - Sick time
  - Vacation time or paid time off (PTO)
  - Pool of donated hours
  - Flex time/job sharing
  - Telecommuting

- Medical Leave Process
- Reasonable Accommodation Process

Americans With Disabilities Act (ADA) – Title I

Eligibility

- Private employers with 15 or more employees
- State/Local Governments
  - Note: Federal employees covered by Rehabilitation Act of 1973 (similar to ADA)
  - ADA does not apply to tribal employers

- Be a “qualified individual”
- Have a disability under the ADA’s definition

Americans With Disabilities Act

Definitions

- Disability:
  - “A physical or mental impairment that substantially limits one or more major life activities”

- Major life activity
  - Eating, breathing, speaking, walking
  - ADA Amendments: concentrating, thinking, sleeping, operation of major bodily functions
  - Predictable assessments: cell growth
Americans With Disabilities Act

4 ways to use the ADA:
- Currently
- History
- Regarded
- Association

Applies to all phases of the employment process

Benefits:
- Protection from Discrimination
  - Employers can’t make employment-related decisions based on medical information
- Reasonable Accommodations
- Similar rights available in education arena: IDEA & Rehab Act

What Are Reasonable Accommodations?

“An accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities”

Reasonable Accommodations

Modifying Work Space
- Phone, fax, files within easy reach
- Switching offices
- Special furniture requests

Modifying Schedule
- Working from home
- Part or full-time
- Flexible schedule
- Schedule breaks
- Extended leave

Other Options
- Use of Technology
- Change in Policy
- Shift Job Responsibilities
- Change Job
CASE STUDY: Amber

- After Amber was diagnosed with cancer of the tonsils and larynx, she decided to work through her treatment. Amber works as a cashier at a large supermarket chain.
- She hasn’t told anyone at work about her medical condition. She took 2 weeks of vacation time for her surgery and recovery.
- She is now in the third week of her chemotherapy and is having trouble with fatigue and is limited in how long she can stand at a time.
- She also has to constantly drink water because of the affect of treatment on her salivary glands. As a result of the large volume of water she consumes, she has to urinate frequently.
- The supermarket does not allow employees to have beverages at the checkout stand and she is only allowed breaks every 4 hours. Amber doesn’t know what to do.

State Fair Employment Laws

- Similar to ADA
- But, can be more protective in 3 ways
  1. Broader definition of disability
     - Ex: CA, IA, IL, NY, WA, WI
  2. Specifically list cancer as a potential disability
     - Ex: CA, ME, OH, VT
  3. Cover employers with fewer than 15 employees
Family & Medical Leave Act (FMLA)

- Federal law for:
  - Employees with a serious medical condition
  - Employees with a spouse, parent, or child with a serious medical condition
    - Parents
    - Spouses (common law spouses, also same-sex spouses – final rule pending)
    - Children (biological, foster, adopted, step, or in loco parentis)

FMLA Eligibility

Employee: 1250 hours, 12 months
- 12 months = total of 12 months in 7 years
- 1250 hours
  - 24 hours in each of the 52 weeks/year; or
  - 104+ hours in each of the 12 months/year; or
  - 40 hours/week for more than 31 weeks of the year

Employer: private employers with 50+ employees (75 mile radius) and all government employers (federal, state, local)
- 75 mile radius
- No fixed worksite
  - Ex: sales rep, truck driver, flight attendant

FMLA Benefits

- Up to 12 weeks leave, per year
- Unpaid leave
- Job protected
- Health insurance protected
Intermittent FMLA Leave

- Can be used in segments
- Using FMLA leave for:
  - Follow-up appointments
  - Days not feeling well
- Smallest increment of time
  - Ex: airline pilot v. IT staff

Disclosure Rights

Generally, not required, but may need to disclose information to use . . .

- ADA’s discrimination protections
- Reasonable accommodations
- Medical leave

Online Brand

- Social media usage
- Employers Google candidates
- Privacy settings
- MyLifeline or CaringBridge

- Disclosure decisions
  - Then communicate decisions
  - What are other people saying about you?
  - Long-term impact
  - Relationships & dating

43% of employers use social networking sites to research job candidates – CareerBuilder 6/26/14

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Enforcement Options

*If all you needed was a law . . .*

1. File a complaint with federal (or state) agency
   a. EEOC – ADA
   b. DOL WHD – FMLA
2. Consult an employment attorney
3. File an employment lawsuit
   a. ADA discrimination
   b. ADA failure to provide reasonable accommodations
   c. FMLA failure to provide time off
   d. FMLA retaliation

Understanding How to Get & Use Health Insurance

"I’m sorry, but stress caused by trying to figure out your health insurance is not covered by it."

Health Insurance Terms

Cost to Have Health Insurance
- Premium – each month

Costs When You Use Your Health Insurance
- Deductible – each year
- Co-Payment – each time you get care
- Co-Insurance or Cost-Share – each time you get care
- Out-of-Pocket Maximum =
  deductible + co-payments + co-insurance
Health Insurance Example

Your Plan:
- Deductible = $2,000
- Co-insurance = 80/20 plan
- OOP Max = $4,000

If you have a $102,000 hospital bill, what do you pay?
1. Your deductible of $2,000
   $102,000-$2,000 = $100,000 left
2. Your co-insurance amount of 20%
   20% of $100,000 = $20,000

But OOP max is only $4,000. So, you would only pay your $2,000 deductible + $2,000 of the $20,000 co-insurance amount, for a total of $4,000

Where We Get Health Insurance

Employer
Insurance Company
The Government: Medicare, Medicaid, VA Health, High Risk Pools

Employer-Sponsored Health Insurance

COBRA
- Employers with 20+ employees
- Cost up to 102% of applicable employee rate
  = Employer amount + Employee amount + 2% fee

<table>
<thead>
<tr>
<th>COBRA Qualifying Event</th>
<th>Max COBRA Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment ends or hours reduced</td>
<td>18 months</td>
</tr>
<tr>
<td>Loss of dependent child status</td>
<td>36 months</td>
</tr>
<tr>
<td>Employee enrolls in Medicare</td>
<td>36 months</td>
</tr>
<tr>
<td>Divorce or legal separation from employee</td>
<td>36 months</td>
</tr>
<tr>
<td>Death of employee</td>
<td>36 months</td>
</tr>
</tbody>
</table>
State COBRA Laws

States with state COBRA laws:
- AR, CA, CO, CT, FL, GA
- IL, IA, KS, KY, LA
- MA, ME, MD, MN, MS, MO
- NV, NH, NJ, NM, NC, ND
- OH, OK, OR, RI, SC, SD
- TN, TX, UT, VT, WV, WI, WY

- Details vary by state
- Most cover employees with 2-19 employees
- Coverage lasts between 3-36 months

Medicare

- Eligibility
  - 65+ years old
  - On SSDI 2+ years
  - ESRD or ALS
- www.Medicare.gov
- Open Enrollment: 10/15 – 12/7

Medicare

- 4 Parts
  - A: Hospital Insurance
    - Free monthly premium (for most people)
  - B: Medical Insurance
    - Monthly premium $104.90 (for most people) & annual deductible $147
  - D: Rx Drug Coverage
    - Average premium in 2015 projected to be $32/month
    - “Extra Help”
  - C: Advantage Plans (Medicare HMOs)
    - Average premium in 2015 projected to be $33.90
  - Medigap Plans
Medicaid – Prior to 1/1/14

Eligibility
- Low Income and assets, AND . . .
  - “Aged, Blind, Disabled” program; or
  - Minor child; or
  - People with minor children; or
  - Pregnant women for up to 6 months after baby’s birth

Why Has it Been Hard to Get Health Insurance?
- Pre-existing conditions
- Cost
- Confusion

Why was our health care system broken?

Source: Woolhandler, et. al., American Journal of Medicine 8/09
Patient Protection & Affordable Care Act (ACA)

Signed into law on March 23, 2010

New Benefits

1. No rescissions (cancellations)
2. No lifetime or annual limits
3. Young adults can stay on parent’s plan until 26
4. Clinical trials coverage
   • Routine care costs as of 1/1/14
   • Existing law in many states

New Benefits

5. Free preventative care*
   • No co-pays, co-insurance, or deductibles
   • Ex: Immunizations, blood pressure, diabetes, cholesterol, cancer screenings
   • USPSTF Rated A/B (+ Mammography for women over 40)
   • www.healthcare.gov/what-are-my-preventive-care-benefit
     • Colonoscopies AND removal of polyps
     • BRCA genetic screening AND testing

* Does not apply to grandfathered plans
New Medicare Benefits

1. Free Wellness Visit
2. Free Preventative Care
3. Lowers the cost of prescription drugs

2015: Part D deductible=$320; Donut hole between $2,960 & $4,700 (oopc)


<table>
<thead>
<tr>
<th>Year</th>
<th>What you pay for brand name drugs in the coverage gap</th>
<th>What you pay for generic drugs in the coverage gap</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>45%</td>
<td>65%</td>
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<tr>
<td>2016</td>
<td>45%</td>
<td>58%</td>
</tr>
<tr>
<td>2017</td>
<td>40%</td>
<td>51%</td>
</tr>
<tr>
<td>2018</td>
<td>35%</td>
<td>44%</td>
</tr>
</tbody>
</table>

2014 Protections

1. Premium Rating:
   - Individual/family
   - Geographic Location (Ex: CA has 19 regions)
   - Age (64 year old can’t be charged more than 3 times what a 21 year old can)
     - Ex: if a plan costs a 21 year old $100, then that same plan cannot cost a 64 year old more than $300
   - Tobacco (some states have eliminated this, too)

2. No Pre-Existing Condition Denials/Exclusions
   - Insurance companies cannot look at:
     - Pre-existing condition (physical or mental) or health history
     - Gender or age

New Requirement to Have Health Insurance

Most U.S. citizens & lawfully present must have health ins

What coverage counts?
- Employer or Individual Plans
- COBRA/HIPAA Plans
- Medicare, Medicaid, Veterans Health
- High Risk Pools, & others

How much is the penalty?

<table>
<thead>
<tr>
<th>Year</th>
<th>Adult Penalty</th>
<th>Child Penalty</th>
<th>Family Max</th>
<th>or % of Income, whichever is more</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>$95</td>
<td>$475.50</td>
<td>$285</td>
<td>1%</td>
</tr>
<tr>
<td>2015</td>
<td>$325</td>
<td>$162.50</td>
<td>$975</td>
<td>2%</td>
</tr>
<tr>
<td>2016</td>
<td>$695</td>
<td>$347.50</td>
<td>$2,085</td>
<td>2.5%</td>
</tr>
</tbody>
</table>

Fine collected through IRS annual taxes
New Requirement To Have Health Insurance

- Can have 1 gap up to 3 months during the year
  - Lines up with 90 day waiting period for employer health insurance
- Penalty is per month: only pay 1/12 of yearly penalty for each month you’re uninsured

Who Doesn’t Need to Purchase Health Insurance?

- If cheapest plan costs more than 8% of household income
- Taxpayers with incomes below $9,750 (individual under 65-2013)
- Members of Indian tribes and health care sharing ministries
- Members of recognized religious sects with religious objections
- Individuals who are not lawfully present or incarcerated

New Requirement To Have Health Insurance

Financial Hardship Exception

- You were determined ineligible for Medicaid because your state didn’t expand eligibility for Medicaid under the Affordable Care Act
- Your individual insurance plan was cancelled and you believe other Marketplace plans are unaffordable
- You filed for bankruptcy in the last 6 months
- You had medical expenses you couldn’t pay in the last 24 months
- You experienced unexpected increases in necessary expenses due to caring for an ill, disabled, or aging family member
- You were homeless, were evicted in the past 6 months, or were facing eviction or foreclosure
- You received a shut-off notice from a utility company
- You recently experienced the death of a close family member

ACA's New Health Insurance Options
**New Health Insurance Options**

**Medicaid Expansion**

- **New category of eligibility:**
  - Adults with household income under 138% of the federal poverty level
  - No asset/resource test

<table>
<thead>
<tr>
<th>Household Size</th>
<th>138%*</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>$16,105</td>
</tr>
<tr>
<td>2</td>
<td>21,707</td>
</tr>
<tr>
<td>3</td>
<td>27,310</td>
</tr>
<tr>
<td>4</td>
<td>32,913</td>
</tr>
<tr>
<td>5</td>
<td>38,516</td>
</tr>
<tr>
<td>6</td>
<td>44,119</td>
</tr>
</tbody>
</table>

*Except Hawaii & Alaska

**State Medicaid Expansion In 2015**

<table>
<thead>
<tr>
<th>Expanded</th>
<th>Under Discussion</th>
<th>Not Expanded</th>
</tr>
</thead>
<tbody>
<tr>
<td>29</td>
<td>AR, AZ, CA, CO, CT, DC, DE, HI, IA, IL, IN, KY, MA, MD, MI, MN, ND, NH, NJ, NM, NV, NY, OH, OR, PA, RI, VT, WA, WY</td>
<td>AL, FL, GA, ID, KS, LA, ME, MS, NC, NE, OK, SC, SD, TX, WI</td>
</tr>
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</table>

Updated January 27, 2015 (information changes frequently, please check for updates)
1. MI expansion began 4/1/14
2. PA expansion will begin 1/1/15
3. NH plans to implement expansion in a future month
4. IA and AR implemented expansion through premium assistance & wrap around Medicaid

**New Health Insurance Options**

**State Health Insurance Marketplaces**

- “Exchanges”
- An insurance shopping mall
- “I have an Obamacare plan”
Helping You Buy Health Insurance

• Premium tax credits:
  • Lowers your monthly premium
  • Can’t get if you choose a catastrophic plan
  • Generally only applies to plans in the exchange!

• Cost-sharing subsidies:
  • Lowers your deductible, co-pays, & co-insurance amounts
  • Only available if you purchase Silver Plans

States Expanding Medicaid

Cost-Sharing Subsidies
(Silver Plans Only)

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<td>1</td>
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<td>29,175</td>
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<td>15,930</td>
<td>21,983</td>
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<td>20,090</td>
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<td>79,160</td>
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<td>24,250</td>
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<td>47,700</td>
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<td>95,400</td>
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<td>39,206</td>
<td>55,820</td>
<td>69,775</td>
<td>111,640</td>
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<td>32,570</td>
<td>44,646</td>
<td>63,940</td>
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<td>127,880</td>
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States Not Expanding Medicaid

Cost-Sharing Subsidies
(Silver Plans Only)

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**Financial Assistance At Risk?**

- Subsidies will be available for people "enrolled through an Exchange established by the State."
- 35 States have Federal Marketplace
- Solution??: State Marketplaces

*King v. Burwell*  
Arguments 3/15, Decision 7/15

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**Health Insurance Marketplace Plans**

1. Standardized cost-share:  
   - **Bronze**: 60% Paid by Health Plan / 40% Paid by Consumer  
   - **Silver**: 70% Paid by Health Plan / 30% Paid by Consumer  
   - **Gold**: 80% Paid by Health Plan / 20% Paid by Consumer  
   - **Platinum**: 90% Paid by Health Plan / 10% Paid by Consumer

   **Catastrophic coverage** (under 30 or $ hardship or cancelled plan)

2. Standardized Summary of Benefits & Coverage (SBC)
3. Minimum Essential Health Benefits
4. Highest OOP maximum*: $6,600 individual / $13,200 family

*with some exceptions

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**What are the differences between plans?**

- Networks of doctors and hospitals  
  - Check to make sure your doctors are covered by the plan you choose

- Co-payments

- Prescription drug coverage  
  - Which drugs are covered?  
  - Is there a separate drug deductible?
Where to Start?

How to Enroll

- Toll-free phone hotline: 800-318-2596
- Paper application: mail or fax
- In-person: places to get help enrolling
  - Marketplace Assister Organizations: www.healthcare.gov/contact-us
- Website: HealthCare.gov

When to Enroll

- 2014: Open Enrollment Period Closed
- Must apply by December 15, 2014, for coverage to begin January 1, 2015
- Medicaid applications accepted year round
- 2016 Open Enrollment Period Undetermined
  - Could be 10/1/15 to 12/15/15
Special Enrollment Period

When you have a life changing event . . .

- Loss of minimum essential coverage, for ex:
  - Change in full-time employment status
  - Loss of employer-sponsored insurance
  - Change in dependent status as a result of turning 26
  - COBRA ending
- Birth or adoption of a child
- Marriage, domestic partnership, divorce, legal separation
- Moving regions or states
- Gain eligible immigration status
- Release from incarceration
- Military returning from active duty

. . . you have 60 days to enroll in Marketplace plan

Marketplace Example: FL

102 Health Plans

All health plans must offer the same essential health benefits.

<table>
<thead>
<tr>
<th>Plan</th>
<th>Weekly premium</th>
<th>Deductible</th>
<th>Out-of-pocket max</th>
</tr>
</thead>
<tbody>
<tr>
<td>BlueCross</td>
<td>$371.00</td>
<td>$6,600</td>
<td>$5,100</td>
</tr>
<tr>
<td>Humana Connect Gold 1390/060</td>
<td>$754.00</td>
<td>$1,999</td>
<td>$9,099</td>
</tr>
<tr>
<td>BlueCross</td>
<td>$295.00</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Total potential costs for year = 12 months of premiums + OOP max

- #1: $171x12 = $2,052 + OOP = $6,300 Total = $8,352
- #2: $234x12 = $2,808 + OOP = $3,500 Total = $6,308
- #3: $295x12 = $3,540 + OOP = $2,000 Total = $5,540

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Summary: Health Insurance Options

Over 400% of FPL:
Can buy a plan in Marketplace

Between 400% and 138%* of FPL:
$ help to buy a plan in State Marketplace

Up to 138% of the FPL:
Eligible for Medicaid (if your state expands)

* 100% if your state does not expand Medicaid

Financial Assistance

“...If you have already sent us your payment, please accept our apology for the death threat and warm wishes for the holiday season.”
Disability Insurance Options

- Disability Insurance
  - Private Disability Insurance
    - Purchase through employer
    - Purchase directly from company
  - State Disability Insurance
    - Short-term disability benefits
    - CA, NY, NJ, RI, HI, and PR
  - Federal Disability Insurance
    - Long-term disability benefits
    - Social Security Disability Insurance (SSDI)
    - Supplemental Security Income (SSI)

Income for Caregivers

- State Paid Leave for Caregivers
  - Ex: CA, DC, NJ, RI, WA
  - May be other state laws that provide paid leave for specific employees
- IHSS
  - In-Home Support Services, but may be called something different in each state
  - Through state Medicaid program

Other Sources of Income

- Supplemental insurance policies, e.g., AFLAC
- Assistance programs from mortgages/credit cards/etc. that suspend payments when you have a disability or lose your job
- Loans from 401k plans/pensions
- Life insurance loans
  - Ex: Fifth Season Financial (www.fifthseasonfinancial.com)
- Viaticals
Financial Assistance Resources

- Local, state, county, & community organizations
- Cancer organizations
  - The SAMFund
  - We Believe Foundation
  - Hope for Young Adults with Cancer
  - American Cancer Society
  - CancerCare
- Private programs
  - Patient Services, Inc.
- Fundraising
  - GiveForward

Treatment Resources

- Co-Pay Assistance Programs
  - HealthWell Foundation [www.healthwellfoundation.org](http://www.healthwellfoundation.org)
  - CancerCare Co-Payment Assistance Foundation (866) 552-6729 [www.cancercarecopay.org](http://www.cancercarecopay.org)
- Prescription Drug Assistance
  - NeedyMeds: [www.needymeds.org](http://www.needymeds.org)
  - Patient Access Network Foundation: [www.PANFoundation.org](http://www.PANFoundation.org)
  - Patient Advocate Foundation: [www.patientadvocate.org](http://www.patientadvocate.org)
  - RxHope: [www.RxHope.org](http://www.RxHope.org)

Transportation & Lodging

- Transportation to/from treatment
  - Ground
  - Air
- Lodging expenses
- Parking and toll expenses
- Gas expenses
- Resources:
  - Health insurance coverage/supplemental policies
  - Your health care team and hospital programs
  - Assistance programs – ex: American Cancer Society’s Road to Recovery program
Daily Expenses

- Childcare or eldercare for a parent
- Meals that you are unable to cook
- House cleaning
- Utilities
- Addressing comfort/cosmetic side effects, e.g., hair loss, skin care, etc.

Resources

- Your healthcare team
- Your support network
- Cleaning for a Reason
- Utility Discounts
- Wig Banks, e.g., ACS and others

Education Resources

- Scholarship programs (cancer orgs, community orgs, etc.)
- Higher education assistance
  - [www.finaid.org/scholarships/cancer.phtm](http://www.finaid.org/scholarships/cancer.phtm)
- Student loans
  - Private student loan companies will let you change payment plans or postpone payments through a loan deferment or forbearance process: [https://studentloans.gov/myDirectLoan/index.action](https://studentloans.gov/myDirectLoan/index.action)
  - Federal student loans forgive loans if you qualify as having a permanent and total disability or meet other criteria: [www.studentloanborrowerassistance.org](http://www.studentloanborrowerassistance.org) and [http://studentaid.ed.gov/repay-loans/forgiveness-cancellation](http://studentaid.ed.gov/repay-loans/forgiveness-cancellation)

Triage Cancer

Triage Cancer provides education and resources on the entire continuum of cancer survivorship issues

- Speakers Bureau of experts & survivors
- Educational blog at TriageCancer.org/blog
- Resources & materials at TriageCancer.org
- Expert authors on cancer survivorship issues
- Seminars, teleconferences, webinars, & conferences
- Cancer survivorship event planning & support

Topics: medicine, mental health, nursing, social work, patient navigation, nutrition, oncofertility, law, employment, education, financial management, insurance, relationships, sexuality and intimacy, pain and palliative care, advocacy, and other areas of cancer survivorship.
Other Resources

- Available at www.TriageCancer.org/Resources
  
  - Thrive Survive’s FREE e-book for young adults on many important issues, including finances
  
  - LLS Financial Health Matters
  
  - Cancer Support Community: Coping with the Cost of Care

Resources

- Employment Rights:
  - U.S. Department of Labor www.dol.gov/esa

- Disability Insurance Options:
  - Social Security Administration: www.SSA.gov

- Health Insurance Options:

CancerandCareers.org

- Free Resume Review Service
- Free Career Coaching
- Balancing Work & Cancer Webinars
- Educational Series for Healthcare Professionals (webinar)
- National Conference on Work and Cancer
- Scholarships
- West Coast Conference on Work and Cancer

Flexjobs.com
Questions

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