

Anthony Szczygiel

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EDUCATION

J.D. Boalt Hall (U.C. Berkeley Law School) - May, 1975
B.A. Economics, with Honors, SUNY at Buffalo - June, 1972.

WORK EXPERIENCE

University at Buffalo Law School - January 1982 to present; Clinic Instructor to Professor

My teaching and research center on Health Law and Elder Law. I supervise law students and handle health care cases in the Legal Services for the Elderly Clinic, as I have since I started that in 1983. My courses include Introduction to Health Law, Elder Law Clinic and Administrative Law.

I served as the Director or co-director of UB Law School's clinics, the Clinical Legal Education Program, from September 2001 to September 2010.

I organized the UB Law School Health Law Concentration, effective the Fall Semester of 1998. The Health Law Concentration (HLC) provides students and faculty with an opportunity to study the complex set of economic, social and political conditions and relationships that affect the U.S. health care system.

Farmworker Legal Services of New York, Rochester, New York - March 1977 to January 1982, Staff Attorney to Acting Executive Director.

SELECTED PUBLICATIONS

Federal Health Care Reform - What's Happening And Where Are We Going? 50 Bar Association of Erie County Bulletin 21 (February 2011).

VA Improved Pension Benefits and Medicaid Budgeting, 15 NYSBA Elder Law Attorney 75-79 (Fall 2005).

Long-term Alternatives for Long-term Care Reform, Chapter 7 of the New York State Bar Association, Elder Law Section, Report of the Long-Term Care Reform Committee, p. 75-82 (February 2005). Co-author with Valerie Bogart.

Patenting Medical Process: A Legal-Ethical Analysis. Vol. 23 (No.2) Journal of Medicine and Philosophy (May 1998). This article reviews the legal and ethical problems associated with patents covering medical and surgical techniques or processes. I co-authored this with two medical professionals.

Long Term Care Coverage - The Role of Advocacy: This is the lead article in 44 University of Kansas Law Review, No. 4 (July 1996), a special issue on Elder Law. The article examines the promise and performance of Medicare, the Department of Veterans' Affairs and private insurance in securing access to, and payment of, long term health care services.

Beyond Informed Consent, 21 Ohio N. U. L. Rev. (No. 1) 171 (1994): Reviews the legal doctrine of informed consent to medical care and the evolving the physician-patient relationship in light of the 1980 revision of the AMA Principles of Medical Ethics and the changing environment of medical care provision.

What Every Lawyer Should Know About Medicare Coverage of Long Term Care, 64 New York State Bar Journal 40 (December 1992).

Coalition of Medicaid Advocates (COMA) newsletter: I organized and chaired this organization of over 240 attorneys and other advocates, who represent Medicaid-eligible clients in New York. The coalition served as an information exchange on developments in health care law. The COMA newsletters I wrote updated members on the developments in health law and policy. 1987 - 2001.

GRANTS AND AWARDS

2012-13 Civic Engagement Research Fellowship offered by the University at Buffalo Civic Engagement and Public Policy research initiative (CEPP). My Canopy of Neighbors Public Benefits Screening Project addresses two research questions:

To what extent are lower-income residents in zip codes 14209 and 14222 aware of and enrolled in public benefit programs that will support their aging in place?

If a significant number of these residents are not enrolled in such programs, can a "Village" effectively use volunteers and a screening tool to identify members eligible for such public benefits and assist the members to apply?

Cleveland Clinic and Cleveland-Marshall College of Law Summer Medical Institute for Law Faculty. -- In 1993, I was one of nine law faculty selected to participate in this ten day interdisciplinary program for health care law teachers. We were given an insider's view of a tertiary care center.

William J. Magavern Fellows Fund, Summer Research Grant -- This 1990 award allowed me to continue research on the health care system.

New York State/United University Professions Experienced Faculty Travel Award -- This 1989 award funded travel to Washington D.C. for research on the Veterans' Administration transition to an appeals process that includes the newly created Veterans' Court of Appeals.

UNIVERSITY SERVICE

Researcher, Four Seasons: the Experience of Midlife and Older Adults In the Buffalo Niagara Region, UB 2020 Interdisciplinary Research Development Fund (IRDF). Awarded April 2006

UB Center for Clinical Ethics and Humanities in Health Care - This multi-disciplinary center coordinates and supports education, consultations and scholarship on a variety of topics including health care reform, the role of institutional ethics committees and patient/provider decision making. Member, 1994 - present.

Research Supervisor, Center for the Development of Human Services - I have supervised two research assistants each year working on Medicaid-related projects. 2005 to 2008

Graduate Faculty, Univ. at Buffalo Member, 2005-present.

PROFESSIONAL ACTIVITIES

New York State Eighth Judicial District Pro Bono Committee. 2005 to 2011.

Board of Directors - Canopy of Neighbors (Aging-in-place village). 2010 to present.

Executive Committee, New York State Bar Association Elder Law Section. 2002 to 2005.

Board of Directors - Neighborhood Legal Services, Buffalo, New York - Member 1998 to 2006; Vice President 2001-2004; President March 2004 to 2005.

Board of Directors - Northwest Buffalo Community Health Care Center - 1998 to 2004.

Farmworker Legal Services of New York, 1984 - 1997; President, 1984 - 1993.

Medical Advisory Committee to New York State Department of Social Services. 1991 - 1997.

COURT ADMISSIONS

I also am admitted to the four federal District Courts in New York and the United States Court of Appeals, Second Circuit.

MAJOR LEGAL SERVICES FOR THE ELDERLY CLINIC CASES

Conrad v. Perales, Civ. 91-846C (W.D.N.Y.) -- In December 2006, plaintiffs settled this statewide class action challenging a New York State Medicaid policy. Defendants have paid \$11 million into an escrow account, and we have distributed this money to heirs of the class members. See, 818 F.Supp. 559 (W.D.N.Y., 1993), 92 F.Supp.2d 175 (W.D.N.Y., 2000). The plaintiffs' attorneys earned \$2.3 million in Sec. 1983 attorneys' fees.

Evans v. Wing and Merrifield, Index No. 96/4797. Supreme Court, Erie Co. 1996 - Petitioners are a state-wide class of married individuals receiving services through the Long Term Home Health Care Program. We overturned a 1995 policy decision reducing the Medicaid income allowance for these class members, from \$595/month (1997 level) to \$50/month. See, 716 N.Y.S.2d 269 (4th Dept., 2000)

Maggio v. Shalala, 40 F.Supp.2d 137, (W.D.N.Y., 1999) - Claimant successfully appealed a final decision of Secretary of Health and Human Services denying Medicare Part B coverage for dental services.

Pfalzgraf v. Shalala, 997 F.Supp. 360, 56 Soc.Sec.Rep.Ser. 626 (W.D.N.Y., 1998) -- Federal Court reversed Medicare's denial of coverage for skilled nursing facility care.

Klementowski v. Secretary, Dept. of Health and Human Services, 801 F.Supp. 1022, 39 Soc.Sec.Rep.Ser. 246, CCH Medicare & Medicaid Guide ¶ 40,876 (W.D.N.Y., 1992) -- The "treating physician" rule developed by the Second Circuit in disability cases is held to apply to Medicare appeals, the first reported holding to that effect. Medicare's denial of coverage for an air ambulance service from Buffalo to the Cleveland Clinic is reversed. I was lead counsel.

Fitzgerald v. Hackett, 161 A.D.2d 1128, 555 N.Y.S.2d 502 (4th Dept., 1990). This case challenged Medicaid's budgeting policy on VA Dependents' and Unreimbursed Medical Expenses (UME) benefits.

Wilson v. Hackett, 152 A.D.2d 1018, 544 N.Y.S.2d 751 (4th Dept., 1989). This is a partially successful attack at Medicaid's post-eligibility budgeting of Veterans' Improved Pension Aid and Attendance benefits. The lower court decision is the first reported decision on this issue.

OTHER MAJOR CASES

Merriweather v. Sherwood, 518 F.Supp. 355 (S.D.N.Y., 1981). This class action challenging the conditions of confinement at the Orange County Jail was settled under terms very favorable to plaintiffs.

Mid-Hudson Legal Services, et al., v. G & U, Inc., 437 F. Supp. 60 (S.D.N.Y., 1977) - Defendant grower was enjoined from interfering with Legal Services personnel's right of access to labor camp. I was a plaintiff and co-counsel.

Mid-Hudson Legal Services v. G & U, Inc., 443 F.Supp. 893 (S.D.N.Y., 1978), reversed and remanded, 578 F.2d 34 (2nd Cir.(N.Y.), Jun 15, 1978), decision on remand, 465 F.Supp. 261 (S.D.N.Y., Nov 16, 1978) -- The district court's denial of attorneys' fees in the access case was reversed on appeal. On remand, attorneys' fees of \$32,000 were awarded. I was co-counsel.

SELECTED PRESENTATIONS

I have made over three hundred presentations to bar associations, continuing legal education (CLE) seminars, medical staffs, advocate organizations, senior citizen and other community groups, nursing groups, and others on the topics of my research.

A partial listing of audiences I have addressed includes:

New York State Bar Association Elder Law Section (over 20 CLE Seminar presentations on Elder Law and/or Ethics);

Erie Institute of Law (Erie County Bar Association) (over 30 CLE Seminar presentations on Medicaid, Medicare and the Affordable Care Act);

Elder Law Fair co-sponsored by Erie County Department of Senior Services, Legal Services for the Elderly and UB Law School (organizer and presenter annually 2001 through present (except 2007));

Long Term Care Ombudsmen training organized by the Red Cross (over 15 training modules on accessing and paying for Long Term Care); and

Allegany County and Genesee County Offices for the Aging (over 10 presentations to seniors and other interested individuals, on Medicare, Medicaid, Care Giver Skills.)