

Legal Insider



FROM THE DESK OF CHARLES D. HANKEY

SPECIAL NEEDS EDUCATION: A PARENT'S BILL OF RIGHTS



As one of the few law firms in Indiana that handles child Supplemental Security Income (SSI) cases, we have seen that many parents are unaware of their rights concerning their disabled child. If you feel your child is disabled and needs special education services, you absolutely have the right to request that your child be evaluated by his or her public school.

The child must be evaluated in all areas related to the child's suspected disability. If you disagree with the results of that evaluation, you have the right to take your child to an independent evaluation and you have the right to ask the school system to pay for it. If the child is found to have a disability, the school must write an Individualized Education Program (IEP) for the child within 30 days. If the child is not found to qualify for services, you have the right to ask for a hearing.



You have the right to attend the meeting wherein the IEP will be drafted. If the meeting is scheduled for a time or place where you cannot attend, it must be rescheduled for a time and place convenient to you. You have the right to bring anyone with knowledge of the child's disability, including advocates and attorneys, to the meeting with you. You have the right to disagree with any or all of the IEP, or to refuse or discontinue services all together.

1. Parents have the right to list all of their concerns in the Individualized Education Plan (IEP).
2. Parents have the right to review and receive copies of their child's educational records.

(...continued on page 3)

YOUR RIGHTS UNDER NEW MEDICAL RECORD REGULATIONS

Since medical records are such a vital part of any claim that our office handles, we wanted to make you aware of the new Federal regulations regarding medical records requests that just came into effect. Patients can now share their information with competing healthcare providers as they look for answers regarding their medical conditions. This is a victory for patients and greatly helps our disabled and injured clients prepare their cases.



The following is a list of what these new regulations do to assist in the medical records requesting process:

- Patients must have access to their medical records within 30 days of their request.
- A patient is no longer required to pick up records in person if they have requested them to be sent by mail or electronically.
- Access cannot be denied to a patient who has not yet paid medical bills.
- While a fee may still be charged for the cost of copying, it will not be charged if there are no records found.
- All records must now be provided - except the psychotherapy notes, which are kept separate from the patient's other medical records. In the case of a suicidal patient, certain information can be withheld for their safety.
- If the records are only on paper but are requested electronically, healthcare providers will be obligated to scan them into an electronic format for patients.

SOCIAL SECURITY TIP FROM THE DESK OF REGINA EDDINGTON

"I won my Social Security claim...what happens next?"



After being approved for Social Security Benefits, you may be wondering what the next step is in the process and when you will start receiving your payments. Once a claimant is approved to start receiving benefits, Social Security will then send the approved claim to the payment center for review.

The payment center is responsible for calculating your monthly benefits, as well as your backpay benefits. Determining how much you will receive will take some time. The average waiting time for Social Security to calculate your payments is approximately 60-90 days.

Once your benefits have been calculated, you will receive a letter in the mail titled, "Notice of Award." This letter will indicate and break down how much you will receive and when you will be receiving it. If there is a large sum that is due to you in backpay under SSI, the sum could be split into up to three separate payments spread out over an 18-month timeframe. However, large sums owed in backpay under SSD are released in one lump sum.

If 90 days has passed since your claim has been approved and you have not received a "Notice of Award," be sure to contact your case administrator so he or she can help you.

RECIPE: Heart Healthy Turkey Chili

It's the start of 2016 and eating healthy doesn't mean it has to taste bad! Here's a delicious and simple recipe that will help you stick to that resolution and keep you warm throughout the cold winter months.



Ingredients:

- 1-2 lb. ground turkey
- 3 (15 oz.) cans diced tomatoes with green chiles
- 3 (15 oz.) cans beans, drained (chili beans, black beans, kidney beans, a combo, or whatever you like)
- 1 small white onion, diced
- 2 tbsp. chili powder
- (Optional) shredded cheese, chopped green onions, sour cream, cilantro, etc.

Instructions:

In a large stockpot, cook ground beef or turkey over medium-high heat until browned, stirring frequently. Drain the excess grease. Add remaining ingredients and stir to combine. Bring to a boil, then reduce heat to medium-low, cover, and simmer for 15 minutes or until the onion is cooked and softened.

Serve warm with additional toppings or grilled cheese on the side if desired.

DE-ICING YOUR WINDSHIELD FOR A CLEARER VIEW OF THE ROAD

Stepping out to your car during the cold, winter months is never fun when you know your windows are covered with frost!



You should be prepared for whatever the season throws at you (or piles on top of you).

Protect your windshield after Mother Nature's frosting.

- The cardinal rule for de-icing your windows? Hot water is a no-no, unless you like that shattered glass look.
- To begin, start your car and turn on the front and rear defrosters to help soften the ice and snow. It will also help warm up your car while you work.
- When you're ready to begin scraping the ice, opt for a plastic ice scraper. Plastic scrapers are less likely to damage or scratch the surface of the glass.
- Your wipers weren't made for heavy lifting. Use them only after you've completely cleared off the snow and ice from your windshield.
- Make sure your car has plenty of windshield washer fluid before you get out on the slush, salt and sand covered roads.

Content Courtesy of Geico.com

THE HANKEY LAW PUZZLER

We hope you love our Valentine's Day Word Search. Words can go up, down, forward, backwards and diagonally. Good luck!

candy	flowers	roses
cards	friendship	romantic
chocolates	hearts	teddybear
cupid	love	valentine

S E T A L O C O H C R F G P C
 F P S E S O R M U A B A H A S
 T L I U L C F Q E R K Q N V W
 D N O H J M T B V T O D E Z Y
 G I T W S J Y Y X F Y L N Y T
 S M P C E D R O M A N T I C H
 D O C U D R N B V E E G T W E
 R T V E C G S E V Z F Z N H A
 A Y T S X Q U O I Q W W E Y R
 C S F G V N L X F R Y D L D T
 M K G K A H M M N M F T A F S
 C Z D W Z Y V K V K N J V D D
 T Q R Q V W S N T S S B M T F
 A M D B U N F N Q P M J H H V
 H U F Z M Q U E N Z H B R I E

...Parent's Bill of Rights (continued from page 1)

3. Parents have the right to receive Prior Written Notice when a school district proposes a change in a child's placement or refuses a parent's request.

4. Parents have the right to file complaints and disagree with parts or all of the IEP.

Remember, if you are pursuing SSI for your child, an IEP can be a valuable resource for your SSI case. If you obtain an IEP, or your IEP changes, please contact us as soon as possible. We will submit this, and any supporting evidence, for your SSI claim. If your child is not currently a client but has an IEP, physical disabilities and/or mental disabilities, please contact our office for a free evaluation of their claim.

CLIP & SAVE: Helpful Contacts

Charles D. Hankey Law Office P.C.

Lockerbie Square, 434 East New York Street, Indianapolis, IN 46202
Office: 317-634-8565 | Toll Free: 800-520-3633 | Fax: 317-634-9818
www.hankeylaw.com

Contact us if:

- You moved to a new address or changed your phone number
- You received a denial letter
- You went to see a new doctor
- You have been admitted to the hospital
- Your doctor has diagnosed you with a new medical condition
- You had a new test/MRI/X-ray

Additional Resources

Information Referral Network – 317-926-HELP

Crisis Line – 317-251-7575

Center Township Trustees (can assist with rent, utilities, take applications for Food Stamps, TANF, and Medicaid)

863 Massachusetts Avenue – 317-633-3610

Healthy Indiana Plan: low cost insurance for Indiana Families – 877-438-4479 | www.hip.in.gov

RX for Indiana: assistance with prescription drug cost – 877-793-0765 | www.rxforIndiana.org

Advantage Program: health care program for uninsured, low-income Marion County residents – 317-221-2000 | www.hhcorp.org/adv.htm

Div. of Disability & Rehabilitative Services (DDRS) – 800-545-7763
www.in.gov/fssa/ddrs/4938.htm

Damien Center: help for those afflicted by HIV/AIDS – 317-632-0123 | 800-213-1163 | www.damien.org

Indiana Free Clinic Information: low cost or free health care for low-income or uninsured – www.freeclinicdirectory.org/indiana_care.html

Housing Help:

Indianapolis Resource Center for Independent Living – 317-926-1660

Colonial Park (chronic homeless program) – 317-353-6784

Indianapolis Public Housing Agency (section 8) – 317-261-7200

Barton Center (sleeping rooms - \$278, 2 bedrooms \$500-613) – 317-423-2575

You can apply for Social Security disability benefits by calling 1-800-772-1213, online at www.ssa.gov, or in person at your local office

Indianapolis Area Local Social Security Office Addresses*:

West Side: 6745 Network Place – 866-218-2309

Downtown: 575 N. Pennsylvania, Suite 685 – 866-931-7057

East Side: 5515 N. Post Rd. – 866-220-7899

*If you live outside of the Indianapolis area, please ask a Case Administrator for the address and phone number to your local social security office.

CLASS ACTION LAWSUIT ALERT: ZOFRAN



By Shannon Eck

There is a class action lawsuit against British pharmaceutical company GlaxoSmithKline (GSK) over their anti-nausea drug, Zofran. Zofran is most commonly used by expectant mothers to help combat nausea and vomiting related to morning sickness in their first trimester.

Now, a percentage of the children of previous Zofran users are being born with birth defects. Some of the conditions plaintiffs are alleging in their infants are cleft lips and palates, heart and kidney defects, respiratory defects, and in rare circumstances, even death.

The U.S. Food and Drug Administration approved Zofran for patients who had underwent radiation or chemotherapy treatments, as well as for patients who had undergone anesthesia – all of which can make a person nauseous. The FDA never approved Zofran for use by pregnant women for their morning sickness, but GSK marketed the drug to OB/GYNs and expectant mothers across the U.S. In the past year, an estimated 1 million pregnant women took Zofran.

If you or a loved one has been affected by Zofran, contact us right away so that we can get you the help you need.

*"I have decided to stick to love.
Hate is too great a burden to bear."*

— Martin Luther King, Jr.

GET CONNECTED ONLINE

It's easy for you to stay connected with the Hankey Law Office online. You can like us on Facebook, follow our tweets, meet us on Google+, and watch our videos on YouTube.





CHARLES D. HANKEY LAW OFFICE P.C.

WITH 80 YEARS OF COMBINED EXPERIENCE, BOTH IN AND OUT OF THE COURTROOM, THE LEGAL PROFESSIONALS OF THE CHARLES D. HANKEY LAW OFFICE CAN RESOLVE CASES INVOLVING:

- DISABILITY CLAIMS (SSD/SSI)
- CAR ACCIDENTS
- PREMISES LIABILITY
- LONG TERM DISABILITY
- TRUCK ACCIDENTS
- PRODUCT LIABILITY
- SHORT TERM DISABILITY
- MOTORCYCLE ACCIDENTS
- BRAIN/HEAD INJURIES
- WORKER'S COMPENSATION
- BICYCLE ACCIDENTS
- SPINAL INJURIES
- EMPLOYMENT LAW
- RAILROAD CROSSING/
TRAIN ACCIDENTS
- DOG BITES/ANIMAL ATTACKS
- WORKPLACE DISCRIMINATION
- AIRPLANE ACCIDENTS
- CHILD INJURIES
- WAGE & HOUR ISSUES
- HIGHWAY DEFECTS
- CONSTRUCTION ACCIDENTS
- INSURANCE LAW
- PERSONAL INJURY
- WORKERS' COMPENSATION
- BURN INJURIES
- DROWNING

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EMPLOYEE SPOTLIGHT: Kristi

Meet Kristi! Kristi is one of the receptionists at the Hankey Law Office and is likely to be the first voice that you hear when you call into our office. She was born in Galveston, Texas but has lived in Indianapolis most of her life. She loves to write, paint, and draw but dabbles in all forms of art. Other interests include music, singing, reading, hiking, camping, star gazing, yoga, podcasts, and stand-up comedy. During her free time, you will most likely find her spending time with her family, friends, and pets while spending as much time as possible out in nature, exploring different state parks, forests, and trails.

Past results afford no guarantee of future results. Every case is different and must be judged on its own merits. The contents of this newsletter do not constitute legal advice.

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