

# Application for an Award of Advocacy and Witness Fees

**Entity Name:** Disability Rights Education and Defense Fund

**Date Submitted:** 4/19/2023 5:21 P.M.

**Submitted By:** Silvia Yee

**Application version:** Original App

## 1. For which proceeding are you seeking compensation?

Health Equity and Quality Committee (HEQC)

## 2. What is the amount requested?

\$41,243.00

## 3. Proceeding Contribution:

**Provide a description of the ways in which your involvement made a substantial contribution to the proceeding as defined in California Code of Regulations, Title 28, Section 1010(b)(14), supported by specific citations to the record, your testimony, cross-examination, arguments, briefs, letters, motions, discovery, or any other appropriate evidence.**

I contributed to the Health Equity and Quality Committee's (HEQC) proceeding by presenting on the range and evidence of health disparities experienced by people with disabilities. I prepared in advance for each HEQC meeting, and within each meeting asked clarifying questions, raised factual information relevant to agenda topics, and ensured that the viewpoints and needs of the disability community were provided to other voting members, presenters, and DMHC staff. In between meetings, I sent to DHMC staff for distribution to the committee documentation of health equity studies and research on how people with a range of disabilities experience multiple barriers to receiving effective, accessible, and affordable health care. Throughout the HEQC process, I advocated for the full inclusion of people with disabilities, including those who hold intersecting characteristics such as race, ethnicity, older or younger age, limited English proficiency, or LGBTQ+ status, that make them additionally likely to have limited access to social drivers of health. In particular, I argued for the necessity of ensuring that voluntarily provided demographic information about disability status is consistently collected by health care providers, insurers, and state agencies so that measures of health equity and quality could be stratified in ways that recognize the distinct and compounded ways in which disability affects health care accessibility and coverage.

**4. Please attach your time and billing record in the "Add Attachment" box below. In the time and billing record, include the hourly rate of compensation for each witness or advocate and a justification for each hourly rate, which may include copies of or citations to previously approved hourly rate; and each witness or advocate's resume or curriculum vitae. The time and billing record should show the date and exact amount of time spent on each specific task in thirty (30) minute increments, as defined in California Code of Regulations, Title 22, Section 1010(d)(3).**

<b>Document Name</b>	<b>Date</b>	<b>Uploaded By</b>
Time and Billing Record-Silvia Yee	4/17/2023 5:11 P.M.	Silvia Yee
Silvia Yee – Curriculum Vitae	4/17/2023 5:12 P.M.	Silvia Yee

**5. Clear and concise statement of participants interest in the proceeding which explains why participation is needed to represent the interests of consumers**

AB 133 (2021) required DMHC to adopt standard health equity and quality measures that health plans will report on annually to the Department. In doing so, the department was to establish a Health Equity and Quality Committee. Section 14 of the bill added Article 11.9 to the Health and Safety Code and specifically required the Health Equity and Quality Committee to “consider the interaction of multiple patient characteristics in determining where disparate outcomes exist, including but not limited to, race, ethnicity, gender, sexual orientation, language, age, income, and disability.” DREDF has long sought the recognition of disability status as a patient characteristic that, like the other listed demographic characteristics, is associated with reduced access to social drivers of health and unique health care barriers, resulting in worsened health outcomes. Disability is not, in our strong and informed opinion, a purely clinical factor inherently associated with ill health. Our participation on the committee allowed us to share our expertise in disability health and health care disparities and argue for quality measures and stratification of measures that could help capture those disparities. Whether congenital or acquired after birth, disabilities and/or chronic conditions intersect with all other patient characteristics. People with disabilities are a highly heterogeneous group. For several years, DREDF has worked at this intersectional edge of “disability plus” because we understand that an individual who lives with multiple personal characteristics and identities can be subject to compounded disparities, not merely additive ones. California still does not collect demographic information regarding disability status across public and private health insurance systems, or even within those distinct systems. However, models in other states exist for doing so, and a commitment to equity should motivate DMHC to require the health plans within its jurisdiction to at least actively prepare for the collection of disability demographic information, with the goal of eventually fully including that information in plan reporting on health equity and quality. The inclusion of disability elements within the latest versions of data interoperability standards of the Office of the National Coordinator for Health Information, and within upcoming EPIC record system “automatic” updates, are promising signs that plans will soon have needed tools to support efforts for collecting voluntary self-disclosed information on disability status. Once that information is acquired, California can begin to stratify equity and quality measures by disability as well as a combination of disability and other factors.

**6. The information contained in the Petition to Participate remains true and correct to the best of the knowledge of the person verifying the information.**

Yes

**I am authorized to certify this document on behalf of the applicant. By entering my name below, I certify under penalty of perjury under the laws of the State of California that the foregoing statements within all documents filed electronically are true and correct and that this declaration was executed at Berkeley (City), CA**

(State), on April 19, 2023.

**Enter Name:** Silvia Yee





## **TITLE: Senior Staff Attorney/Analyst**

### **Silvia Yee**

Disability Rights Education and Defense Fund (DREDF)  
3075 Adeline Street, Suite 210,  
Berkeley, CA 94703  
Voice/TTY: [REDACTED] - [REDACTED]

### **Education**

PhD studies in Musicology	University of California, Berkeley, 1997 - 2000
Master of Arts in Music	University of Alberta, 1995 - 97
Bachelor of Music, with Distinction	University of Alberta, 1992-95
Bachelor of Laws, Dean's List	University of Alberta, 1986-89
Two years, B.Comm, Dean's List	University of Alberta, 1984-86

### **Relevant Professional Experience**

01 18-pres **Sessional Instructor, Berkeley Law, University of California at Berkeley**  
11 02-pres **Senior Staff Attorney, Disability Rights Education Defence Fund**  
05 00-11 02 **Consultant and International Law Fellow, DREDF**  
09 93- 08 99 **Research Associate, Alberta Health Law Institute**  
07 89-04 90 **Articling Law Clerk, Alberta Court of Appeal**  
09 87-04 89 **Research Assistant, Faculty of Law, U. of A.**

### **Selected Publications**

S. Yee & M.L. Breslin, "[This Data, Not That Data: Big Data, Privacy, and the Impact on People with Disabilities](#)," (April 2023), Report in Series *Risks and Rewards of Demographic Data Collection: How Effective Data Privacy Can Promote Health Equity*

M. A. Morris, S. Yee, M.L. Breslin, M. Savage & B. K. Swenor, [Health Care Equity Requires Standardized Disability Data in the EHR](#), *Health Affairs Forefront*, (October 27, 2022), DOI: 10.1377/forefront.20221026.83825

Lead Author for [2021 Progress Report: The Impact of COVID-19 on People with Disabilities](#). National Council on Disability (October 2021)

*Law, Benefits, Disability Rights, and Public Health: A Sum Greater than the Parts? In Public Health Perspectives on Disability – Science, Social Justice, Ethics, and Beyond*, 2nd Ed., ed. D. J. Lollar, K. Froehlich-Grobe & W. Horner-Johnson, London, UK: Springer Naturals, 2020

Lead author for [Genetic Testing and the Rush to Perfection](#). National Council on Disability (2019)

Lead Author for [Compounded Disparities: Health Equity at the Intersection of Disability, Race and Ethnicity](#), The Institute of Medicine, National Academies of Sciences, Engineering and Medicine (April 2018)

Blog Post for Center for Genetics and Society, [Nature, Nurture, and Assisted Reproduction:](#)

[The Musings of a Comics Fan](#), CGS Column on Pop ART: What happens when pop culture and assisted reproductive technologies meet, by the experts who know both best (November 29, 2017)

*The Affordable Care Act and People with Disabilities*, 23:2 GPSolo, American Bar Association Publication (March/April 2015)

Silvia Yee, [People with Disabilities Shouldn't Be Defined by the Technology They Do or Don't Use](#), Future Tense online (a partnership of Slate, New America, and Arizona State University) (March 6, 2015)

Author for DREDF and Justice in Aging (formerly SCLC's *Advocate's Guide to California's Coordinated Care Initiative*, July 2014 and ongoing updates

Tawara D. Goode, Olivia D. Carter-Pokras, Willi Horner-Johnson, and Silvia Yee, *Parallel Tracks: Reflections on the Need for Collaborative Health Disparities Research on Race/Ethnicity and Disability*, 52 MEDICAL CARE S3 (2014)

Legal Researcher and Author for [National Disability Navigator Resource Collaborative Guide and Fact Sheets](#), December 2013

Author for DREDF and Justice in Aging's (formerly NSCLC) Guide, *Identifying and Selecting Long-Term Services and Supports Outcomes -- A Guide for Advocates*, January 2013

Silvia Yee & Mary Lou Breslin, *Achieving Accessible Health Care for People with Disabilities: Why the ADA is Only Part of the Solution*, 3:4 DISABILITY AND HEALTH J. 253 (2010)

Lead legal researcher and author for [The Current State of Health Care for People with Disabilities](#). National Council on Disability (September 30, 2009)

Lead legal researcher and author of [Implementation of the Americans with Disabilities Act: Challenges, Best Practices, and New Opportunities for Success](#). National Council on Disability (July 26, 2007)

Silvia Yee. *The Presumption Against Extraterritoriality: Case Studies*. In *Rights and Responsibilities: A Guide to National and International Disability-Related Laws for International Exchange Organizations and Participants*, ed. S. Sygall and M. Scheib. Eugene, OR: Mobility International USA/National Clearinghouse on Disability and Exchange, 2005

Arlene Mayerson and Silvia Yee. [Reasonable Accommodation after Barnett](#). National Council on Disability Policy Brief Series, Righting the ADA, No. 10 (March 5, 2003)

Silvia Yee and Marilyn Golden. *How the Americans with Disabilities Act is Changing the Face and Mind of a Nation*. In *Disability Rights Law and Policy, International and National Perspectives.*, ed. M.L. Breslin & S.Yee. Ardsley, NY: Transnational Publishers, 2002

Arlene Mayerson and Silvia Yee. *The ADA and Models of Equality*. In *Disability Rights Law and Policy, International and National Perspectives.*, ed. M.L. Breslin & S. Yee. Ardsley, NY: Transnational Publishers, 2002

Silvia Yee. *Where Prejudice, Disability and "Disablism" Meet*. In *Disability Rights Law and Policy International and National Perspectives*, ed. M.L. Breslin & S.Yee. Ardsley, NY: Transnational Publishers, 2002

Timothy Caulfield, Silvia Yee, *et al.* *Canada*. Kluwer International Encyclopaedia of Laws, ed. R. Blanpain, Medical Law, supplement 8. The Hague: Kluwer Law International, 1996

Silvia Yee, *et al.* *An Overview of Canadian Health Care Standards*. Prepared for Health Canada by the Health Law Institute, Faculty of Law, University of Alberta, Edmonton, Alberta, Canada. April 1997. 350 pp+appendices

Silvia Yee, *et al.* *The Registered Nurse's Legal Authority to Handle Drugs*. Prepared for Health Canada by the Health Law Institute, Faculty of Law, University of Alberta, Edmonton, Alberta, Canada. July 1997. 44 pp+appendices

### **Selected Presentations**

Panelist, Center for Genetics and Society, Missing Voices Initiative, "Forging New Disability Rights Narratives about Heritable Genome Editing," November 2022

Panelist, Disability Justice Event for UCSF/UC Hastings Consortium on Law Science and Health Policy, November 2022

Panelist, National Association of Insurance Commissioners, Special (EX) Committee on Race and Equity, Workstream 5, "Benefit Design Barriers, Race, and Disability," August 2022

Presenter, California Legal Aid Webinar Training, "California Advancing and Innovating Medi-Cal: What It Is and Why It Matters to Housing Advocates," August 2022

Presenter, Interoperability Standards Workgroup for the Health Information Technology Advisory Committee at the Office for the National Coordinator for Health Information Technology, "Documenting Disability Disparities: Electronic Health Record Data as First Step," March 2022

Panelist, National Association of Insurance Commissioners, Special (EX) Committee on Race and Equity, Workstream 5, "Provider Networks, Provider Directories, and Cultural Competency," July 2021

Panelist, National Association of Insurance Commissioners, Special (EX) Committee on Race and Equity, Workstream 5, "Health Insurer Collection of Disaggregated Demographic Data," June 2021

Panelist, "Overcoming barriers to vaccination in California, including barriers and challenges for PWD and BIPOC communities, and community-based efforts to overcome these barriers," UCSF Training Academy for Contact Tracers, April 2021

Presenter, Vaccination and Hospital Visitation, Independent Living Centers Disaster Response Topic Calls, February 2021

Panelist, SCAN Foundation 2020 Forum, "Combatting Ageism and Ableism to Promote Equity: A California for All Ages," October 2020

Panelist, American Association of People with Disabilities Webinar, "Disability Discrimination And Medical Rationing during the COVID-19 Crisis," April 2020

Plenary Panelist, National Health Law Program's Annual Health Advocates' Conference, "Assault on Civil Rights: Section 1557 of the Affordable Care Act," December 2019

Webinar Co-Presenter, Legal Aid Association of California, "Providing Accessible Direct



Legal Services to People with Intellectual, Developmental, and/or Psycho-social Disabilities,” October 2019

Panelist, Western Center on Law and Poverty Health Policy Summit, “Approaches to Address Health Inequities to Improve Quality of Care,” October 2019

Panelist, California Association of Health Care Leaders, “Fostering Inclusion of Patients and Employees with Disabilities,” August 2019

Panelist, National Association of Insurance Commissioners, Consumer Representative Liaison Committee, “HHS Proposed Rule on Non-Discrimination in Private Health Insurance,” August 2019

Presenter, National Health Law Program’s Annual Health Advocates’ Conference, “Reproductive Justice for People with Disabilities,” December 2018

Plenary Panel, American Public Health Association, Disability Section’s Chair’s Forum, “Compounded Disparities: Health Equity at the Intersection of Disability, Race, and Ethnicity,” November 2018

Panelist, National Association of Insurance Commissioners, Consumer Representative Liaison Committee, “Update on Section 1557 of the ACA and Non-Discrimination in Private Health Insurance,” August 2018

Panelist, Equal Justice Society, What’s Working? Conference, Breakout Session on “Reducing Bias in Healthcare/Medicine,” June 2018

Workshop Presenter, Jacobus tenBroek Disability Law Symposium, Baltimore MD, “Understanding Your Rights in the Doctor’s Office,” March 2018

Panelist, California Association of Health Plans 2017 Seminar Series, Medi-Cal and People with Disabilities, August 2017

Panelist, National Association of Insurance Commissioners, Consumer Representative Liaison Committee, “Section 1557 of the ACA and Non-Discrimination in Private Health Insurance,” April 2017

Panelist, California Foundation for Independent Living Centers, Disability Organization Network’s Health Advocacy Summit, “The Affordable Care Act and People with Disabilities,” March 2017

Presenter, National Health Law Program’s Annual Health Advocates’ Conference, “Section 1557 and Disability Rights: the Basics and Beyond,” December 2016

Presenter, National Association of Insurance Commissioners, Long-Term Care Innovation Subgroup Meeting, “Long-Term Care Needs of People with Disabilities in Private Insurance,” August 2016

Co-presenter, plenary paper at Institute of Medicine Workshop, “The Intersections Among Health Disparities, Disabilities, Health Equity, and Health Literacy.” June 2016

Presenter, the Pacific ADA Center’s ADA Conference, “The Role of Law in Achieving Equal and Effective Healthcare for People with Disabilities” (July 2016)

Presenter, National Association of Insurance Commissioners, Long Term Care Insurance Innovations Subgroup, “Private Long-term Care Insurance Needs of People with Disabilities. August 2016

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Panelist, Disability Rights California 2015 All Staff Training, "Medi-Cal Managed Care," October 2015

Moderator, Special Hope Foundation Symposium on Effective Healthcare for Adults with Developmental Disabilities: Is California on the Right Track?, "Needs of Dual Eligibles with Developmental Disabilities," September 2015

Panelist, Partnership on Aging and Disability Partnership for Managed Long Term Services and Supports Webinar Series, "Promising Practices That Feature Collaborations" (Parts 1-3), August, September and October 2015

Panelist, Legal Aid Association of California Pathways to Justice Conference, "How Legal Aid Providers Can Advocate for Clients Under the Coordinated Care Initiative," June 2015

Panelist, Saint Louis University School of Law Symposium on Disability Rights and the Healthcare Work Force, "What's Managed Care Got to Do, Got to Do with It?", March 2015

Panelist, California Association of Health Plans 2015 Seminar Series, Medi-Cal at its Core: People with Disabilities, February 2015

Workshop Presenter, California Community of Constituents Conference, "Accessibility in Managed Care," October 2014

Panelist, Children's Regional Integrated Service System (CRISS) Annual Conference, "Covered CA and Children with Special Health Care Needs," May 2014

Testimony to the Senate Budget and Fiscal Review and Senate Health Committees on the Integration of Long-Term Care Services and Supports (LTSS) into Medi-Cal Managed Care Under the State's Coordinated Care Initiative, and Quality Measures in LTSS, February 2014

Panelist, San Francisco IHSS Public Authority Conference on Advancing Disability Rights (IHSS: Into the Future), "Medi-Cal Managed Care in San Francisco," February 2014

Panelist, the SCAN Foundation's 2013 California Summit on Transforming LTSS, "Need for Managed Long-Term Services and Supports Quality Measures in Implementation of California's Coordinated Care Initiative," November 2013.

Testimony to the California Assembly Health Committee on the Consumer's Experience under the 2011-12 Transition of Medi-Cal-eligible Seniors and People with Disabilities into Managed Care, October 2013

Panelist, Disability Rights Law Center's Disability Rights Summit, "Health Care Reform and Access to Health Care for People with Disabilities," October 2013

Plenary Panelist, Intersections of Race, Ethnicity and Disability Conference, Washington, DC, "Addressing State of Research, Future Directions and Key Issues in Disability Health and Healthcare Disparities," April 2013.

Panelist, UCLA Disability Law Symposium, "Health Access Litigation and Legislative Opportunities under the Affordable Care Act," March, 2013

Panelist, Covered California Exchange Board Presentation, "People with Disabilities and Healthcare Disparities," March 2013

Panelist, Families USA 2013 Health Action Conference, Washington, D.C., "Emerging

Trends in Long-Term Services and Supports,” February 2013

Panelist, Federal Administration on Aging Webinars, “Managed Long-Term Services and Supports: Engaging in the Stakeholder Process” (Parts 1 and 2), June and July 2012

Keynote Address, Project Olmstead Community Event, “Olmstead and Managed Care,” May 2012

Plenary Speaker, 2012 Jacobus tenBroek Disability Law Symposium, Baltimore MD, “Disability Discrimination in Health Care,” April 2012

Panelist, Pacific Rim International Forum, Hawaii, “Remaking Disaster in Our Own Image: Climate Change, Emergency Preparation, and the Right to be Free of Disability Discrimination,” March 2012

Guest lecturer, Stanford Law School, course in disability rights law, May 2011, May 2013

Panelist, “Perspectives on International Human Rights Law: A Panel Discussion”: Lunch Discussion sponsored by the Boalt Disability Law Society, March 2011

Presenter, “Accessibility of Primary Health Care Settings for People with Disabilities”: Monthly meeting of the Inland Empire Disabilities Collaborative, February 2011

Presenter, “Bridging the Gaps – From Civil Rights to Human Rights”: San Francisco Mayor’s Disability Council Commemoration of the 1977 “504” Sit-In, April 2007

Panelist, “Is ‘Disability’ Legislation the Answer?”: Community Legal Assistance Society and the Equity Office of the University of British Columbia’s Conference on Disability, Equality and Social Change: 25 Years Later, Canada, October 2006

### **Consultations**

- 05 22-pres Appointed to California Department of Health Care Access and Information’s Health Care Equity Measures and Advisory Committee
- 02 22-09 22 Member of California Department of Managed Care’s Health Equity and Quality Committee
- 01-22-pres Member of Technical Expert Panel for Developing the Agency for Healthcare Research and Quality’s (AHRQ’s) Digital Healthcare Equity Framework
- 07 21-03 22 Member of Families USA’s National Advisory Committee on Vaccine Equity
- 05 21-04 22 Member of the National Committee for Quality Assurance (NCQA) Health Equity Standards Development Advisory Committee
- 11 20-06 21 Member of California’s Community Vaccine Advisory Committee
- 07 19-06-22 2020/21 Jacobus tenBroek Symposium Steering Committee Member
- 01 16-pres Consumer Representative, National Association of Insurance Commissioners
- 10 12-pres Knowledge Partner, Community Living Policy Center, University of California, San Francisco
- 12 14–pres Member, Technical Expert Panel to Inform Centers for Medicare and Medicaid Services’ Health Insurance Marketplace Consumer Experience Surveys
- 03 14-09 17 Advisory Group Member, Cal MediConnect Evaluation by UCSF Community Living Policy Center and the UC Berkeley Health Research for Action Center

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- 04 14-10 14 Advisory Group Member, Development of Proposal by University of California Research Team to Evaluate California's Coordinated Care Initiative to Integrate Medical and LTSS for Seniors and People with Disabilities (2014 and ongoing)
- 03 13-10 13 Technical Advisory Group, California Health Care Foundation's Medi-Cal Managed Care Performance Monitoring Project

### **Board Service**

01-21-pres Center for Caregiver Advancement

### **Professional Associations**

State Bar of California (admitted November 2002)

### **Selected Fellowships and Awards**

The following awards have all been held at the University of Alberta, except as noted.

#### Law

Gale Cup National Moot - Top Individual Oralist

Date awarded: 1989

Place: Toronto

President's Scholarship in Law

Date awarded: 1987

Dr. Alexander Smith, Q.C. Prize in Contract Law

Date awarded: 1987

Edmonton Bar Association Entrance Scholarship

Date awarded: 1986

#### Business

University of Alberta Undergraduate Scholarship

Date awarded: 1986

Louise Mckinney Scholarship

Date awarded: 1985

Alexander Rutherford Scholarship

Date awarded: 1984

#### Music

Flore Shaw Graduate Scholarship in Music

Date Awarded: 1998

Hewlett Foundation Fellowship

Date awarded: 1997-2000

Place: University of California, Berkeley

October 2022

## Disability Rights Education and Defense Fund Time Records DMHC Health Equity and Quality Committee

**Silvia Yee, Senior Staff Attorney**

Date	Work Performed	Time Spent	Hourly Rate	Total	Remarks
1/3-12/2022	Discuss proposed work of the Committee and potential conflicts with DREDF colleagues	2	\$699	\$1,398	
2/14-15/22	Prepare talking points and presentation slides for first Committee meeting	2	\$699	\$1,398	
2/24/2022	Prepare for and attend Committee meeting #1	5	\$699	\$3,495	
3/24/2022	Prepare for and attend Committee meeting #2	4	\$699	\$2,796	
4/20/2022	Round trip travel to attend Committee meeting #3 in person	3	\$699	\$2,097	
4/20/2022	Prepare for and attend Committee meeting #3	5	\$699	\$3,495	
5/18/2022	Prepare for and attend Committee meeting #4	5	\$699	\$3,495	
6/8/2022	Round trip travel to attend Committee meeting #3 in person	3	\$699	\$2,097	
6/8/2022	Prepare for and attend Committee meeting #5	6	\$699	\$4,194	
6/22/2022	Prepare for and attend Committee meeting #6	6	\$699	\$4,194	
7/13/2022	Prepare for and attend Committee meeting #7	5	\$699	\$3,495	I had to leave the meeting for 35-40 minutes
8/17/2022	Prepare for and attend Committee meeting #8	6	\$699	\$4,194	
9/12/2022	Prepare for and attend Committee meeting #9	6	\$699	\$4,194	
9/19/2022	Review, edit, and discuss finalizing draft of group comments on draft final report	1	\$699	\$699	
<b>TOTAL</b>		<b>59</b>		<b>\$41,243</b>	

**OVERALL TOTAL \$41,243**