

## SHELDON V. TOUBMAN

### *Experience:*

#### **New Haven Legal Assistance Association – Staff Attorney, Benefits Unit**

426 State Street, New Haven, CT 06510, (203)946-4811, ext. 1148, stoubman@nhlegal.org (1991-Present).

#### Provide individual advice, and individual and group representation

Class action and individual litigation, and legislative and administrative advocacy, on behalf of low-income residents, particularly in the area of access to health care and health care insurance under the Medicaid program and other public programs.

#### Use multi-forum strategies to advance clients' access to health care:

- Representation before state and federal courts
- Lobbying before committees of the state legislature and state legislative leaders, state and federal administrative agencies, and members of Congress
- Coalition building and development of consumer voices to support advocacy
- Coordination of electronic and print media coverage

#### Examples of litigation and other experience/campaigns:

- *Increasing access to durable medical equipment under Medicaid*

*DeSario v. Thomas*- class action challenge to Department of Social Services' (DSS) use of exclusive list of medical equipment for coverage under Medicaid, including successful campaign to persuade federal Medicaid agency to issue guidance to all state Medicaid directors nationwide invalidating such exclusive lists and advocacy to obtain U.S. Supreme Court reversal of Second Circuit Court of Appeals' adverse decision (*Slekis v. Thomas*, 523 U.S. 1098 (1999)).

- *Holding accountable Medicaid managed care organizations*

*Karen L. v Health Net and DSS*- class action against DSS and one of four Medicaid Managed Care Organizations (MCOs) then operating in Connecticut, alleging non-compliance by the defendants with due process requirements in denying and terminating medical treatment. Settled with acceptance of broad notice obligations.

*Anthem v. FOIC, et al.*- administrative proceedings before the CT Freedom of Information Commission and litigation in CT Superior Court establishing that Medicaid MCOs were directly subject to state's Freedom of Information Act because they perform a governmental function. (2006 WL 3691796)

- *Reforming health care delivery system under Medicaid*

Co-led decade-long campaign to educate legislators, state policy makers and then Medicaid providers and enrollees about the option of non-risk patient-centered medical homes (PCMHs) as alternative to enrollment in capitated Medicaid MCOs. Persuaded incoming administration of viability of this alternative to continued contracting with MCOs, and sat on committee designing statewide PCMH program.

Co-leading consumer voice concerned with mass move of Medicaid enrollees to untested “payment reform” models imposing financial risk on Medicaid providers.

- *Addressing Medicaid Eligibility Access Issues*

*Shafer v. Bremby*- class action on behalf of all Medicaid applicants statewide challenging delays in processing applications and medical bills submitted for spend-down eligibility; settlement reached and approved by federal district court.

Committee Memberships:

Consumer Experience Committee of the Access Health-CT Board of Directors (past)

Committees of the Council on Medical Assistance Program Oversight (current):

Complex Care Committee

Quality and Access Committee

Care Management Committee

Advisory Committee for CT Home Care Program for Elderly (current)

**Connecticut Legal Services -- Staff Attorney, Elder Law Unit**

62 Washington Street, Middletown, CT 06457, (860) 344-0447 (1990-1991).

Representation of low-income elderly individuals before administrative agencies, particularly with respect to eligibility for Medicaid and Medicaid-covered services.

**Community Legal Services -- Staff Attorney, Health and Human Services Unit**

424 Chestnut Street #5, Philadelphia, PA 19102, (215) 981-3700 (1988-1990).

Representation of low-income individuals before agencies and courts, in the areas of Medicaid, Supplemental Security Income and veterans' benefits.

**Berger & Montague -- Associate**

1622 Locust Street, Philadelphia, PA 19103 (215)875-3000 (1984-1988).

Investigation, drafting of pleadings and memoranda, interviewing of named plaintiffs, and conducting of discovery for individual and class litigation in the areas of environmental law, products liability and prisoners' civil rights, for law firm specializing in prosecution of class action litigation.

***Education:***

**University of Pennsylvania Law School** (J.D., 1983).  
Philadelphia, Pennsylvania

**University of Connecticut School of Engineering** (B.S., Civil Engineering 1979).  
Storrs, Connecticut  
Honors: Phi Kappa Phi, Tau Beta Pi

***Current Bar Membership:***

State of Connecticut Superior Court  
Various federal courts

***Other:*** Member, Vaccines and Related Biological Products Advisory Committee,  
Food and Drug Administration Center for Biologics Evaluation and Research