As a result of the insurance company's decision, the Hazelton's literally went door-to-door soliciting donations to come up with a down payment for the cancer treatments. The Hazelton's community in Glens Falls, N.Y., even held fundraisers at the local high school to pay for his treatments.

“One of my treatments was delayed a week just so I could scrape together $8,000,” he explained. The good news was the chemotherapy was working. Although his long-range prognosis remained terminal, the chemotherapy could help him live his remaining years pain-free.

On Sept. 6, 2007, the Clinic submitted the appeal for insurance coverage of the treatment Avastin/CPT 11. The letter included cited reports of “impressive results” of Avastin’s alternate use found by the Brain Tumor Center at Duke University Medical Center. It also explained how the chemotherapy had improved Hazelton’s quality of life and likely expanded his time with his family and friends.

In an affirmation document accompanying the Law School appeal, Dr. Weaver said the “experimental” usage of cancer drugs—Avastin/CPT 11 in particular—“has become very common among neuro-oncologists across the country and is routinely approved by other insurance companies.”

Six days later, Empire Blue Cross approved the treatment, finding it “medically necessary,” and would provide coverage for Hazelton’s past and future treatments.

Medical-Legal Collaboration
With the Health Law Clinic’s recent successful case, Professor Connors says the medical-legal collaboration not only helps resolve legal disputes, but leads to improved health outcomes for clients. “Doctors and lawyers working together can achieve what neither can alone.”

The students who worked on this case—Donald J. Labriola ’08 and Daniel M. Lindenberg ’08—are planning on a career in health law.

Labriola even plans to launch his own poverty law agency in Albany.

“I want to focus my practice on representing HIV/AIDS patients facing discrimination and helping the elderly with insurance problems.”

Aftermath
Months after the Clinic won the Hazelton case, Avastin/CPT 11 was approved by the FDA to treat breast cancer. The FDA still has not approved the treatment for brain cancer.

In order to reach out to other patients in similar insurance disputes, the Clinic posted many of the documents relating to the Hazelton case on the clinic’s Web site at www.albany-law.edu/clinic. Since then, Professor Connors has received a number of emails from individuals who are using the medical research conducted by Lindenberg and Labriola to support their own insurance appeals.

As for Hazelton, he is feeling much better. He’s doing so well that he and his wife went to Florida in February for vacation.

“My husband would not be alive today if it wasn’t for the Health Law Clinic.”