

Handling Debt Collectors - Transcript

An Arm and a Leg: Season 4, [Episode 6](#) published October 15, 2020

Note: Parts of this transcript are machine-generated, so it's probably not 100 percent accurate. Pretty close, though!

Dan: Hey there. Quick heads-up: This episode includes a bunch of cuss words, which we have not beeped, because they are perfect just as they are. So if you're listening with little kids right now, maybe save this one for later.

Otherwise, please get ready for a freaking treat. And a ton of great information.

Last time on this show, I talked with Shaunna Burns. She's a forty-something mom who's a star on TikTok, thanks in large part to a series of videos she posted about dealing with medical debt.

She doesn't sing or dance, she just talks-- with lots of cuss words right where they belong. She's smart and charming, and I like her advice a LOT.

But I held off on one of her big topics: How to deal with debt collectors. Here's how Shaunna describes her authority on the topic.

Shaunna Burns: I did debt collection for many, many years, and I love it when a debt collector calls me. Cause I'm like, I know your game bitches.

Dan: Oh, insider stuff? YES, PLEASE. Also, she's got some stories to tell, and we'll hear a bit of those.

But... I went to fact check Shaunna's advice, and there seemed like there were maybe some legal complexities, grey areas. The kind of thing I might want to run by a lawyer.

Jen Bosco: My name is Jennifer Bosco. I'm a staff attorney at the national consumer law center and I work on medical debt advocacy

Jen and her colleagues actually wrote a book called "Surviving Debt"-- they revise it every year and it's free to read online. There's a chapter on medical debt, a chapter on dealing with debt collectors, a chapter on what if you get sued over debt. It is great, and we will link to it from wherever you're listening to this.

So yeah! I said to Jen, hey, I want your take on these videos. She was like

Jen Bosco: This is great because I heard about these videos for my teenage daughter, who knows that I work in medical debt. So I think medical debt became a little bit cooler once, it had, you know, made TikTok.

Dan: But Jen hadn't gotten to watch the videos yet herself. So we watched them together on Zoom. Yeah: The TikTok mom plus the consumer-law guru. This is my basic dream team, right here.

This is An Arm and a Leg-- a show about the cost of health care. I'm Dan Weissmann-- I'm a reporter, and I like a challenge. So my job on this show is to take one of the most enraging, terrifying, and

depressing issues in American life-- and yes, the competition REMAINS really fierce these days-- thanks 2020! -- and bring you a show that's entertaining, empowering and useful.

Lucky for me, I've got Shaunna Burns and Jenifer Bosco here to help. I should say, you can totally enjoy this episode and make use of it without listening to our first episode with Shaunna. I mean, once you hear this one, you'll WANT to go back and hear that one, and boy will you be glad you did.

But here: I started my chat with Jen Bosco by quickly getting her up to speed

Dan So here's the story with Shaunna Burns. She's in her early forties, she's a mom. She's got teenage children of her own in North Carolina. and she went on to talk for the first time in the late summer of 2019. she was like, I know I'm all y'all, but I like it here.

And within a few, it's like right around Thanksgiving, she posted, she was saying like,

Shaunna Burns: I keep getting comments on my videos that people wish that I was their mom. Would you be my mom Will you please bill my mom I wish you were my mom and the answer to that is, Fuck yeah bitches. I will be your fucking mama.

Dan: And so, about a week later, towards the start of a series of videos where she was like, I'm going to teach you how to clean. we all need practical things from moms. Like I, you, how to clean your house. . but like interrupting that she's like, Hey, wait guys-- Well, actually, here is that first video

Shaunna Burns: so here's some quick debt collection, pro tips. My daughter is sick a lot and has to go to the hospital and we don't owe the money but it's really complicated. So I deal with a lot of debt collectors and I don't actually owe the money. So I'm in a great position because I can be like, But if you have to deal with debt collectors, here's some pro tips.

Dan: OK, Shaunna goes through three different tips pretty fast here. So instead of playing the whole thing straight through, we're gonna pause after each one and catch Jen's response.

Shaunna Burns: One, they call you any time. Other than Monday through Friday nine to five, they are wrong for that. And you need to report them

Jen Bosco: I would say that that's, maybe not strictly true what. what you can do is you can ask for, limits on when they contact you. You know, you can say like, don't contact me during working hours. Don't contact me at this number. Cause this is my cell phone number and you're using up all my minutes and I need to save my minutes for other things. you can place limits on it.

Dan: And what she's saying is Monday to Friday nine to five, when I did some bowling around, it seemed like there are hours when they're not supposed to contact you, but they're not quite that narrow. It's like, 9:00 PM to 8:00 AM. They're supposed to not call you.

Jen Bosco: Yeah.

Dan: and you're saying that beyond that you can set limits. You can say like, no, I'm saying no to these kinds of contact and you have a lot of leeway to say that,

Jen Bosco: Yes.

Dan: Great.

Okay, good. And your book gives us instructions on how to issue those instructions to them. So they'll stick.

Jen Bosco: Right, there instructions about how to write a no contact letter.

Dan: there's like

templates. You can copy and paste.

Jen Bosco: Yes.

Dan: that's what I need. I need templates. I can copy and paste and you've got them.

Jen Bosco: I do too. I think, you know, we all do. Um, you know, and as, as an attorney, I generally advise people to try to put those things in writing. and to have a paper trail for yourself in case there's a problem further down the road.

Dan: All right. She's like Two:

Shaunna Burns: Two medical debt dies after a certain amount of time in North Carolina, it's five years. So if I owe you \$10,000, bitch, I ain't paying that money. I'm letting that fucking clock run out

Jen Bosco: love it. I love the feistiness. I um, okay. there are statutes of limitation on when you can be sued for a debt. So, I mean, you still technically owe the debt but there's not much the debt collector can do to collect it. At that point. There are some important caveats though, in some States, the way the state law is written.

If you made a partial payment during, you know, say there was a seven year statute of limitations and it's six years and 11 months, you made a partial payment, you might start the clock over again.

Dan: WHICH-- side note-- JUST SEEMS TOTALLY AWFUL AND UNFAIR. But OK, caveat taken.

Dan: so, okay. So this one stands out as like partially true handle with fucking care.

Jen Bosco: Yes. Yeah,

Dan: Okay. Okay, great. Then third,

Shaunna Burns: third. If they can not provide you by mail, original invoice that you signed, that means it is not valid debt. That means they have bought it and you do not have to pay it.

Dan: True, false partially true handle with fucking care.

Jen Bosco: Partially true handle with what you said care. Yeah. Um, and does it have to be the original signed copy? I don't think that it would in court. Like I think, you know, there could be other valid verifications of the debt probably, but they do have to verify it.

Dan: She goes into this one at more length, in the next video,

Shaunna Burns: Hi guys. Here's how to handle it. Anytime a collection agency calls you the very first call, what you need to do, you need to say, I would like to request an itemized bill with every single charge. And I would like a copy of my original invoice or my original receipt with my signature.

If they come back and they say, I'm sorry, we don't have that. You come back and say, well, Without that you can't legally collect this debt. So I legally don't have to pay it, have a great day and hang up the fucking phone. They cannot provide you the original invoice. That means that the debt it's been bought and sold and bought and sold, and probably the medical debt died along the way somewhere.

And they legally can't collect it from you. If they cannot provide you with the original invoice, tell them to fuck off. It's that simple. They are illegally trying to collect debt from you that you legally don't have to pay. And if you know that, fuck them.

Dan: So yeah. True, false, partially true handle with fucking care.

Jen Bosco: You know, these are great. She's, she's giving a lot of really good advice. And I think, you know, it's important for consumers to stand up for themselves and to, you know, to, require accountability from whoever's trying to collect the debt from them.

So, that said, I mean, it doesn't mean necessarily that that is invalid just because it's changed hands several times. But if nobody can kind of trace it back to you and to the actual.

Charges that you're responsible for, then that's where the debt, you know, may not be valid and you can, you know, give them the finger.

Dan: him to fuck off. Yeah.

So, okay. They're their ultimate recourse, in any debt collection situation is to take you to court, get a judge to say, you can garnish this person's wages. You can read their bank account. and if they don't have any documentation to show that, this represents an agreement that you entered into the judge will say in polite terms, fuck off. Is that true?

Jen Bosco: Yeah.

Dan: I SHOULD SAY-- breaking in here-- the judge isn't going to ask them this question themselves. You've gotta show up and make it an issue.

Jen Bosco: , I think unfortunately what happens a lot is when people are sued and they get a summons to go to court. A lot of people they're afraid and they just don't go. Or sometimes they don't actually get the notice this, You know, when that happens, there could be a default judgment where the debt collector gets what they want, .

Dan: And she's saying, play offense: Let them know, look, do you have this or not? Cause if you don't have it, you're never going to be able to get a judge to award this to you. I'm not going to let that happen. So show me the paper, you know, or go away.

Jen Bosco: right, right. . I mean, there are instances of medical debt where someone's billed, who, you know, it's the wrong person.

Dan: right there's all kinds of reasons that either this debt isn't real, not really yours or that this person doesn't really have any legal authority to collect it from you. Right that

the, that I think I read in your, so rubbing dead handbook that like, you know, a lot of times, somebody was trying to collect it from you has bought it for, from somebody and, you know, they don't necessarily, I have good documentation and that's on them.

if their business model is to squeeze money from you, you don't have to play along. Like if they haven't done their homework, you know, fuck them.

Gonna break in here one more time to emphasize one thing: In her videos, Shaunna says if the collector can't give you an original invoice, they've got nothing. And Jenifer Bosco is saying, "Well, maybe there's some OTHER kind of valid documentation they could have?" The point is, you make them *prove* they've got something real.

Coming right up, we hear from Shaunna about how she imprinted on the idea of that original bill-- from the dirty dealing at the collection agency where she WORKED. YEP.

And: More advice from Shaunna, more legal backup from Jen, and a nice example of Shaunna's advice playing out in the real world. That's in just a minute.

MIDROLL

Dan-Track: This episode of An Arm and a Leg is a co-production with Kaiser Health News. That's a non-profit news service covering health care in America. Kaiser Health news is not affiliated with the big health care outfit Kaiser Permanente. We'll have a little more information about Kaiser Health News at the end of this episode.

So, I filled Jen in on where Shaunna picked up her dirt on debt collectors-- by working as one-- and how they were determined to hide the ball. Like how they told Shaunna to handle people who asked to see that original invoice.

Shaunna Burns: they were like under no circumstances. Do you ever, ever, ever let them know that you don't have the original bill? was like If they ask for an original bil, then this is the procedure to handle that. And basically you just run them around in fucking circles until they stop asking you send it to the wrong address. you send them someone else's paperwork with their name at the top. You know, you, you basically lie to them in any way you can. And to convince them to pay the bill.

Dan: you know, this is where she's coming from. It's like, if you're getting a call from somebody like this, you're getting a call from by definition, a shark.

And you're not under any obligation to a shark.

Jen Bosco: Yeah. I mean, I that's fair. , I think that's, you know, really interesting to get her perspective as for, you know, having worked for one of those companies, because that's kind of what we suspect is going on, you know, pretty often.

Dan: . So let's go to one last, self-defense tip from Shauna burns.

Shaunna Burns: here's another pro tip, dealing with debt collectors. First of all, no, they are shady as fuck. They will try to . scare you. He will tell you they're going to put it on your credit. First of all, it costs them money thousand dollars to put anything on your credit.

If you owe less than a thousand dollars, they ain't putting that on your credit. That is an empty fucking thing. Second of all, when they get on the phone and they say any information and using this code will be used to collect the debt.. That's basically the cops. So when you have the right to remain silent, you don't got to give them shit.

They want your phone number, your email, your address. They want your Snapchat. They want every possible bit of information, but guess what? You don't have to give that to them. You don't have to provide them with any information. They don't already know your address? That's a big fucking clue. It's not valid debt.

If they can't tell you why they're calling what doctor's officer calling for the address on file. That's shady. Hang up the phone immediately.

Dan: Okay. You don't have to tell them shit and it may not be in your interest to do so. Yeah. True or false or handle with

Jen Bosco: yeah, I mean, why, you know, I give all that additional information. I wouldn't advise anybody to. To do that. and I think, she makes a good point that if they don't have your current address there may well be clues that, this is a debt buyer who has bought your debt for pennies on the dollar.

And, does it not have kind of that chain of custody to show that it's actually your debt. Whether you just hang up? I guess that's, you know, probably your call as a consumer. Or, I, I think I might try to see if they could verify the debt.

But yeah, she used right the debt could have been bought and sold multiple times. And, and there could be very little left to prove that it's a valid debt at that point.

Dan: Alright. Yeah. So it's a clue. It's a clue. This, this could be somebody who has no, no legal basis for chasing you. Uh, and you're saying like, don't necessarily hang up the fucking phone because you might want to proactively protect your rights a little bit more, by demanding, you know, to know the situation from them, but, But yeah, that's a-- that's a clue. And don't, and don't volunteer anything.

They want to collect money from you, like make them work for it.

Jen Bosco: yeah, I think that's right. And I also think, you know, as a consumer: you might know, "Yes. I went to the hospital and I owe some money." But how are you going to know exactly how much you owe? Like if they say something was \$12,000, maybe they're maybe they're wrong. Maybe there was an error on your bill and something was calculated incorrectly.

Dan: um, we've got this from Shawna. And you're saying like, this is basically right on, handle with care, do a little extra homework.

But they say, you owe this money. You make them prove it, and let them know if they can have a great day and hang up the fucking phone.

Jen Bosco: Yeah. That, that kind of captures it right there. ,

Dan: but then here's what we haven't talked about. We haven't, we haven't checked, uh, if you owe less than a thousand dollars, they'd put that on your credit. That is an empty fucking threat.

Jen Bosco: um, you know, I don't know how much it costs to put. A debt on a credit report, but I don't know if it's always a thousand dollars. I mean, medical debt is like over half the items on credit reports in the U S are for medical debt.

Dan: Actually I dug around a bit. A consumer-credit expert named Gerri Detweiler pointed me to federal statistics. The average medical debt on a credit report is even LOWER than other debts that show up there. Half the medical debts on credit reports are less than \$210.

So that's the one place where Shaunna's intel didn't check out. But in general, Jen agreed her stuff was pretty good. And her general strategy was great: Keep your defense game strong, from the start to finish.

Can I show you one more actually on that?

Jen Bosco: of course.

Dan: cool. Yeah. This was three days after Shauna posted her videos about this. . Someone posted a response saying like, "You know what? That, that really, that worked."

Beltane Beauty: Hey, they're happy. heathens and humans. So this is a call-out video. Not in the way you're thinking though. Shaunna Burns. Yeah. That's theTikToker I've been talking about. Who's giving out advice. Shaunna. I want you to see this. Today was the second time I had court over debt collection of medical debt.

I had contested two of the bills they were coming after me for anyway. There were only three. So today, when I went in having seen your videos, I asked for an itemized bill on those that I was contesting and they couldn't provide it. So guess what? That got it knocked off. I went from owing \$1,400 with court costs and legal fees down to six hundred and forty-eight.

And then just because of you, dear. Don't stop sharing your stories. Don't stop sharing your information because it is helping people like me. Thank you so much.

Jen Bosco: That's sweet. Wow.

Dan: So it worked.

Jen Bosco: yeah. Yeah, that's great. I mean, if she's empowering people to show up in court and to defend themselves, that's fantastic.

Dan: Yeah,

Jen Bosco: well, it was interesting that Shaunna said in the first video that, like her own personal experience was receiving a lot of medical bills, but she knew that they were going to be paid by some other source. And so she was sort of in a position to say, yeah, screw you. I don't know this money because she knew that was true.

You know, I think there are probably a lot of situations where people own something. I think it's completely reasonable and valid for consumer to exercise all their rights -- and I think at some point though, you know, you might have exhausted every possible option and, and you, you may really still owes some money.

And then at that point, you know, you're advocating for yourself in a different way, to, come up with like reasonable terms for paying it.

Dan: we've got one on that actually, from Shauna,

Shaunna Burns: alright, there's one more debt thing for you. This is it. You actually do owe the money. Say you owe \$350 to your local hospital and you have a debt collector named Rose who calls you first thing that bitch going to call you every single week. Usually about the same time. The number one thing is answer your phone.

Don't reject it. Don't block it. Don't avoid it. If you do that, they win. Answer your phone. And then be nice to her. I know, right? What a crazy concept! 99% of the people she deals with are fucking assholes. So you get on the phone. "Hey, Ms. Rose. How you doing? Did you have a good Thanksgiving? Yeah, I had a good one. No Ms. Rose. I still don't have any money. No, Ms. Rose, I still can't do a payment plan. I'm sorry, Ms. Rose I still can't pay that bill." You do that every week for six months. And then one day when Ms. Rose call, you'd be like, "Hey Ms. Rose. Guess what? It was my birthday. I got a check for 50 bucks. I know I owe you 350, but will you settle this in full for 50 bucks to not have to deal with me anymore?"

99% of the time, they will take that 50 bucks. They will write off the rest and they will take it. And there you go. That's how you get out of paying \$350 bills.

Dan: You were like cracking up,

Jen Bosco: Yeah, I love that. I love that.

Dan: There's two things here. And one of them that we're talking about is like, be nice. cultivate a relationship, be honest. Don't, in the interest of being nice, promise to money that you can't pay. "No, Ms. Rose, I still can't pay that bill. No, Ms.

Rose, I still can't do a payment plan." Right? Like just be a human being about it. but the first piece of advice she gives like strikes me as legally, important. She's like, don't ignore the call. Don't block it. Don't you know, not take it. If you do that, they win.

Because the ignoring-it leads to them like eventually, "Well, they ignored us. We went to court, we got a garnishment order." And like, you don't have any defense.

Jen Bosco: Yeah. Yeah, absolutely. I think, you still could limit the amount of times that they call you and, they don't have to call you once a week. you could say don't call me more than once a month

Dan: once a month. Let's make an appointment. so you can, you can do it on your terms, but her basic advice here is one, do not just ignore it, which we all want to do. Right? That's the thing you don't do. and then too, when you do it, be nice.

And three you're saying like, remember you have some rights, like you don't have to accept the terms on which they are wanting to just call you whenever they want. You can make that happen on terms that avail, are agreeable to you. And especially if you're like, "You know, we make this appointment, I'm going to answer the call."

So, thank you so much for this last, last question. you've been doing this for a long time. you're trying to keep on top of rights for people, help people give people advice.

how does it feel?

Jen Bosco: it's, it's kinda like trying to roll a Boulder uphill, I think. And, um, I mean, I'm especially worried now with the COVID crisis. now that so many people have, you know, lost their jobs and lost employer sponsored insurance.

Um, I know, , I feel like ultimately in the long term, it's hard to see market solutions working for this medical debt problem

Dan: When you say, I don't think market solutions is that code for like, yeah, man, we need single payer healthcare. All this is just gonna keep being a bigger, bigger snowball.

Jen Bosco: I don't think there's a lot of dispute about that among advocates to do this kind of work,

Dan: Yeah.

You'd have to find a different kind of work, right?

Jen Bosco: Oh, well, yeah, I mean, there, there probably other things I could do, but, there's always going to be financial challenges for lower income people and that's what my organization does.

Dan: so there's more rocks to push up Hill.

Jen Bosco: yes, yes.

Dan: if your job is pushing a rocket pill, you gotta really want the exercise.

Jen Bosco: yeah, I guess so

Dan: Yeah. Well, thank you so much. This has been really, really, really great. I so appreciate you taking the time. It's fun. It was fun watching you watch those videos for the first time.

Jen Bosco: yeah. , , those were, uh, those were great.

Dan: SO, THERE YOU HAVE IT. Jenifer Bosco of the National Consumer Law Center and Shaunna Burns, the leading mom of the TikTok Nation, bringing you news you can use.

We'll have links to Shaunna's TikToks and a link to the 2020 edition of the book Surviving Debt from the National Consumer Law Center. It is FREE to read online at [bit dot ly slash surviving debt 2020](http://bit.ly/survivingdebt2020).

AND ALSO THIS, breaking news: Gerri Detweiler, the consumer-finance writer who helped me fact-check the do-collectors-put-medical-bills-on-your-credit-report questions? As we were finishing this episode, she published a [SUPER-HELPFUL article](#) about dealing with medical debt collectors on her really-useful-looking site [Debt Collection Answers dot com](http://DebtCollectionAnswers.com). We'll have a link to it wherever you're listening.

And hey: I hope this is not information you personally NEED right now, but first: If it is, GO TEST IT OUT: Read up, know your rights, and stand up for them. And please LET ME KNOW HOW IT GOES. For better OR for worse. Whatever the result is, we need to share all the intel we can.

And second: No matter what, please spread this one around. Because there are a LOT of people who DO need this info. Just last week, the investigative newsroom [ProPublica reported](#) that the two biggest debt-collection agencies in the country are back to filing thousands of collection lawsuits every. Week.

And one of them, Encore Capital, just [got sued by the feds in September](#) -- the Consumer Financial Protection Bureau alleges [in its complaint](#) that Encore is doing some of the exact. Shady. Stuff that Shaunna Burns talks about: Like suing hundreds of people without even HAVING any valid documentation of the debt in question. Suing people over debts where the statute of limitations had expired. (Encore responded with [a statement](#) to the effect of, "Naw, man. We don't do ANY of that stuff. Anymore.")

Uh-huh. What Encore definitely DOES -- as its main business, according [to its own public filings with regulators](#)-- is to buy old debt... for an average of less than nine cents on the dollar. So yeah. Sharks. With help from folks like Shaunna Burns and Jen Bosco (and Gerri Detweiler), let's keep our defense game strong.

And next time, we're gonna meet a guy who went on the OFFENSE. Jeffrey Fox got an outrageous bill from a local hospital for a routine test, and the phone conversations he had with them were -- at least initially-- pretty predictable.

JEFF FOX I'll tell you -- how many times they would go. "Well, let me explain how this works. Your insurance company allows us..."

"Listen, listen. I understand how this works. Stop misdirecting. You billed too much."

He took 'em to small claims court. And won.

It's SO fun. And seriously instructive.

That's next time on An Arm and a Leg.

AND one last thing before we go:

If you've been listening for a while, you might have noticed that there were some ads running on this show in the last few months, pre-recorded ads. And now-- no ads. Wanna know why? Well, from the outset, we'd told Acast, the company that was selling those ads: NO ads related to health care. And they told us, You got it.

And then a few weeks ago, a listener heard an ad for an insurance company, and let us know.

We told Acast right away, and here's what happened: They immediately, like that day, figured out what happened-- it's a tech thing, of course. We told them to please to pull **all** advertising until they could guarantee it was totally fixed. They agreed. And that's where we are.

They also figured out how much we would have made from that ad, and pulled it out of their next payment to us. Which I love. (Also, my representative at Acast PERSONALLY made a donation on

behalf of the show to RIP Medical Debt, a non-profit that kills old medical debt, in an amount GREATER than that ad revenue. Which I love even more.)

We did that because we all agree: there can never be any question about whose side this show is on. About if we're making someone sound good-- or ignoring something bad they do-- because they've bought ads.

And we can take that stance because you are supporting us directly. giving us the money we need to make this show. So, I say, with my last perfectly-placed cuss word of the day: FUCK YEAH. Seriously, you rock.

If giving money is totally not in your reality right now, well yeah: that makes a ton of sense. Hang in there.

We've got a LOT of work cut out for us. I'll catch you in two weeks.

Till then, take care of yourself.

This episode of An Arm and a Leg was produced by me, Dan Weissmann and edited by Marian Wang.

Daisy Rosario is our consulting managing producer. Adam Raymonda is our audio wizard. Our music is from Dave Winer and Blue Dot Sessions.

This season of An Arm and a Leg is a co-production with Kaiser Health News-- a non-profit news service about health care in America that's an editorially-independent program of the Kaiser Family Foundation.

Kaiser Health News is NOT affiliated with Kaiser Permanente, the big health care outfit-- they share an ancestor. This guy Henry J. Kaiser-- he had his hands in A LOT of different stuff. Aluminum, ship building, one of the first big resorts in Hawaii. Concrete-- like for the Hoover Dam. Seriously. When he died, more than fifty years ago, he left half his money to the foundation that later created Kaiser Health News.

You can learn more about him and Kaiser Health News at armandalegshow.com/kaiser

Diane Webber is National Editor for Broadcast and Taunya English is Senior Editor for Broadcast Innovation at Kaiser Health News-- they are editorial liaisons to this show.

Finally, thank you to some of our new backers on Patreon and some who increased their pledge. Pledge two bucks a month or more, and you get a shout-out right here.

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