

Legal Services

SERVICE CATEGORY DEFINITION

Legal Services:

Legal services are services to individuals directly necessitated by the individuals' HIV status with respect to powers of attorney, living wills, do-not-resuscitate orders, and interventions necessary to ensure access to eligible benefits, including discrimination or breach of confidentiality litigation as it relates to services eligible for funding under the Ryan White HIV/AIDS Program.

Permanency planning for an individual or family where the responsible adult is expected to pre-decease a dependent (usually a minor child) due to HIV/AIDS; includes the provision of social service counseling or legal counseling regarding (1) the drafting of wills or delegating powers of attorney, (2) preparation for custody options for legal dependents including standby guardianship, joint custody, or adoption.

Legal services to arrange for guardianship or adoption of children after the death of their primary caregiver should be reported as a permanency planning service.

Unallowable services include criminal defense and/or class-action suits unless related to access to services eligible for funding the Ryan White HIV/AIDS Program.

CLIENT INTAKE AND ELIGIBILITY

All agencies are required to have a client intake and eligibility policy on file. It is the responsibility of the agency to determine and document client eligibility status, as outlined in the Ryan White Part A—Cleveland TGA Eligibility Policy.

Eligible clients must:

- ◇ Live in the Cleveland TGA (Cuyahoga, Ashtabula, Lake, Lorain, Geauga, or Medina County)
- ◇ Have an HIV/AIDS diagnosis
- ◇ Have a household income that is at or below 500% of the federal poverty level
- ◇ Be uninsured or underinsured

Services will be provided to all Ryan White Part A qualified clients without discrimination on the basis of: HIV infection, race, creed, age, sex, gender identity or expression, marital or parental status, sexual orientation, religion, physical or mental handicap, immigrant status, or any other basis prohibited by law.

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PERSONNEL QUALIFICATIONS

All legal counsel services must be performed by trained professional staff. Attorneys must have current licensure to practice before a court with jurisdiction in the Cleveland TGA.

Paralegal staff or other non-licensed staff must be supervised by an attorney.

CARE AND QUALITY IMPROVEMENT OUTCOME GOALS

The overall treatment goal of legal services is to address legal matters directly necessitated by an individual's HIV status so that the client can ensure adherence and maintenance to primary medical care treatment.

Clinical Quality Improvement outcome goals for legal services are:

- 100% of all client files include a completed legal assessment.
- 80% of legal service clients are linked to medical care as documented by at least one medical visit, viral load or CD4 test in the measurement year.

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SERVICE STANDARDS

Standard	Measure	Goal
1. * Legal services are provided by licensed professionals	* Documentation of current licensure to practice before a court with jurisdiction in the Cleveland TGA made available to review.	100%
2. * Paralegal staff or other non-licensed staff must be supervised by an attorney.	* Documentation that paralegal and other non-licensed staff are supervised by an attorney with supervisory records kept on file and made available for review.	100%
3. Client file includes a description of how the legal service is necessitated by the individuals HIV status.	Documentation of how the legal service is necessitated by HIV status is included in the file of all clients receiving services in the measurement year.	80%
4. * Client files include a completed legal assessment.	* Documentation of completed legal assessment is included in the file of all clients receiving services in the measurement year.	100%
5. Client is linked to medical care.	Documentation that client had at least one medical visit, viral load, or CD4 test within the measurement year evident in the client record. (Can be client report)	80%

* Indicates Local TGA Standard of Care
 All other standards derived from the HRSA/HAB National Monitoring Standards and/or the HRSA/HAB HIV Performance Measures.

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CLIENTS RIGHTS AND RESPONSIBILITIES

Agencies providing services are required to have a statement of consumer rights and responsibilities posted and/or accessible to the client. Each agency will take all necessary actions to ensure that services are provided in accordance with the consumer rights and responsibilities statement and that each consumer understands fully his or her rights and responsibilities.

CLIENT RECORDS, PRIVACY, AND CONFIDENTIALITY

Agencies providing services must comply with the Health Insurance Portability and Accountability Act (HIPAA) provisions and regulations and all federal and state laws concerning confidentiality of consumers Personal Health Information (PHI). Agencies must have a client release of information policy in place and review the release regulations with the client before services are received. A signed copy of the release of information form must be included in the clients record. Information on all clients receiving Ryan White Part A funded services must be entered in the HRSA sponsored, Cleveland Part A managed, CAREWare Database.

CULTURAL AND LINGUISTIC COMPETENCY

Agencies providing services must adhere to the National Standards on Culturally and Linguistically Appropriate Services.

CLIENT GRIEVANCE PROCESS

Each agency must have a written grievance procedure policy in place which provides for the objective review of client grievances and alleged violations of service standards. Clients will be routinely informed about and assisted in utilizing this procedure and shall not be discriminated against for doing so. A signed copy of the grievance procedure policy form must be included in the clients record.

CASE CLOSURE PROTOCOL

Each agency providing services should have a case closure protocol on file. The reason for case closure must be properly documented in each clients file. If a client chooses to receive services from another provider the agency must honor the request from the client.