

Legal Services Standards of Care

Definition:

Legal Services is provided to for an HIV-infected person to address legal matters directly necessitated by the individual's HIV status.

Limitations:

Any legal services that arrange for guardianship or adoption of children after the death of their normal caregiver is not included.

Excludes criminal defense and representation for class-action suits unless related to access to services eligible for funding under the Ryan White/State Services HIV/AIDS Program.

Services:

Services include but are not limited to:

- Preparation of Powers of Attorney and Living Wills
- Do not resuscitate orders or other end of life testamentary documentation
- Interventions necessary to ensure access to eligible benefits, including discrimination or breach of confidentiality litigation as it relates to services eligible for funding under Ryan White/State Services
- 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
- Provision of social service counseling or legal counsel regarding but limited to:
 - Drafting of wills or delegating powers of attorney
 - Preparation for custody options for legal dependents including standby guardianship, joint custody, or adoption
 - Employment
 - Housing
 - Supplemental Security Income (SSI) and Social Security Disability (SSD)
 - Public or private health insurance coverage
 - Access to and maintenance of public benefits and entitlements.

Agency/Personnel /Staff Training

Staff Qualification	Expected Practice
<p>Qualifications Staff and volunteer attorneys will be licensed in the State of Texas and members in good standing of the State Bar of Texas and have a minimum educational level of a doctorate in Jurisprudence.</p>	<p>All licensed agency professional staff, contractors, and consultants who provide legal services shall be currently licensed by the State Bar of Texas.</p> <p>Law students, law school graduates and other legal professionals will be supervised by a qualified licensed attorney.</p>
<p>Staff Education Staff members are trained, knowledgeable and remain current in legal issues in accordance with the rules of the State Bar of Texas.</p> <p>Staff providing services funded by Ryan White/State Services shall maintain knowledge of legal issues that may impact the legal assistance needs of persons living with HIV/AIDS</p>	<p>Staff will attend and has continued access to training activities :</p> <ul style="list-style-type: none"> -Agency paid legal staff and contractors must complete two (2) hours of HIV-specific training annually. -New agency paid legal staff and contractors must complete two (2) hours of HIV-specific training within 90 days of start date. -Volunteer legal staffs are encouraged to complete HIV-specific legal training -Documentation of training on current applicable laws related to HIV infection located in personnel file. <p>Agency maintains system for dissemination of HIV/AIDS information relevant to the legal assistance needs of PLWHA to staff and volunteers</p> <ul style="list-style-type: none"> -Agency will document provision of in-service education to staff regarding current treatment methodologies and promising practices.
<p>Agency Policies and Procedures</p>	<p>The agency shall have policies/procedures for each of the following:</p> <ul style="list-style-type: none"> -Patient rights and responsibilities, including confidentiality guidelines -Patient grievance policies and procedures -Patient eligibility requirements -Data collection procedures and forms, including data reporting -Guidelines for language accessibility

Standards of Care

Standard	Measure
<p>Intake and Service Eligibility According to the HRSA HIV National Monitoring Standards, eligibility for services must be determined.</p>	<p>Agency will receive referrals from a broad range of HIV/AIDS service providers.</p> <p>Eligibility information will be obtain from the referral source and will include:</p> <ul style="list-style-type: none"> -Contact and identifying information (name, address, phone, birth date, etc.) -Language(s) spoken -Literacy level (client self-report) -Demographics -Emergency contact -Household members -Pertinent releases of information -Documentation of insurance status -Documentation of income (including a “zero income” statement) -Documentation of state residency -Documentation of proof of HIV positivity -Photo ID or two other forms of identification -Acknowledgement of client’s rights <p>The client's eligibility must be recertified for the program every six (6) months.</p> <p>Before assistance is provided there should be written documentation in the client’s file that Ryan White/State Services funding is being used as the payor of last resort.</p>
<p>Provision of Services Services are provided in accordance with National Monitoring Standards to conduct appropriate action on behalf of clients to meet their legal needs.</p>	<p>Service Agreements will be developed and signed by both the attorney and the client.</p> <ul style="list-style-type: none"> -Clients will be kept informed and work together with staff to determine the objective(s) of the representation . <p>Agency may provide but not limited to the following types of legal representation, assistance, and education:</p> <ul style="list-style-type: none"> -HIV discrimination in insurance, housing, employment, etc. -Assistance to immigrants with accessing and maintaining primary health care and other support services -Access to and maintenance of public benefits and entitlements -Preparation of powers of attorney

	<ul style="list-style-type: none"> -Preparation of Do Not Resuscitate (DNR) Orders -Representing clients in court and administrative proceedings where appropriate. -Eviction prevention -Employment rights counseling -Assistance with bankruptcy proceedings -Social Security benefits -Health insurance coverage -Other relevant legal advice and counseling -Referrals to other providers/programs -Referrals to pro bono attorneys <p>Attorneys will document the following in the client's record:</p> <ul style="list-style-type: none"> -A description of how the legal service is necessitated by the individual's HIV status -Types of services provided -Hours spent in the provision of such services
Case Closure Agency will develop case closure criteria and procedures.	<p>Case may be closed when:</p> <ul style="list-style-type: none"> - Legal or benefit issue has been resolved - Client has not had direct program contact for three (3)-six (6) months after at least three (3) attempts to contact over a three (3) month period. -Client is deceased -Client voluntarily discontinues the service -Client improperly uses the service -Client has not complied with the client Services Agreement <p>If case is closed for a reason other than objectives met, agency will notify clients about case closure in writing.</p>
Documentation in Clients Chart	<p>The following will be documented in the agency's client record.</p> <ul style="list-style-type: none"> -All intake and eligibility documentation will include: <ul style="list-style-type: none"> • Proof of HIV positivity • Proof of residency • Verification of financial eligibility • Client demographics • Intake and assessment information -Documentation of identified need -Service Agreement -Documentation of progress in case notes -Documentation of referrals and results -Documentation of all legal services and results -Documentation of reason for case closure

References

HRSA/HAB Division of Metropolitan HIV/AIDS Programs Program Monitoring Standards – Part A
April 2013. p. 36-37.

HRSA/HAB Division of State HIV/AIDS Programs National Monitoring Standards – Program Part B
April, 2013. p. 35-37.