

## ATLANTA EMA QUALITY MANAGEMENT STANDARDS AND MEASURES - LEGAL SERVICES

### **Purpose**

The purpose of the Ryan White Part A quality management standards and measures is to ensure that a uniformity of service exists in the Atlanta Eligible Metropolitan Area (EMA) such that the consumers of a service receive the same quality of service regardless of where the service is provided.

### **Definition of Legal Services**

Per HHS Policy Notice 10-02, page 6 (April 8, 2010), “Legal Services are an allowable support service under the Ryan White HIV/AIDS Program. Funds awarded under the Ryan White HIV/AIDS Program may NOT be used for any criminal defense, or for class-action suits unrelated to access to services eligible for funding under the Ryan White HIV/AIDS Program. Funds may be used for legal services directly necessitated by an individual's HIV/AIDS serostatus.

These services include but are not limited to:

- Preparation of Powers of Attorney, Living Wills
- 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, and
- 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 counsel regarding (1) the drafting of wills or delegating powers of attorney, and (2) preparation for custody options for legal dependents including standby guardianship, joint custody or adoption.”

The Atlanta EMA provides the following priority category definition of legal services (LS): Provision of services to individuals with respect to powers of attorney, 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 Program. It does not include any legal services that arrange for guardianship or adoption of children after the death of their normal caregiver.

<b>Subservice Name</b>	<b>Definition</b>
Access to Eligible Benefits	Provide legal counsel or referral regarding pharmacy assistance programs, patient assistance programs, Social Security and SSI, FMLA, Short-Term Disability and Long-Term Disability, SNAP, TANF, utility assistance, and Unemployment Benefits.
Bankruptcy and Debt Relief	Provide legal counsel or referral regarding bankruptcy and other debt relief issues.

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Discrimination	Provide legal counsel or referral regarding denial of health care, services, unemployment, or rights due to HIV/AIDS.
Breach of Confidentiality	Provide legal counsel or referral when a person's HIV/AIDS status disclosed without the person's consent.
Health Insurance	Provide legal counsel or referral regarding access to health care through health insurance including Medicaid, Medicare, COBRA, COBRA subsidy, Ryan White Part B Insurance Assistance, HIPAA, and Health Care Reform.
Will and Advance Directives	Provide legal counsel or referral regarding preparation of Wills and Advance Directive documents such as Powers of Attorney, Trusts, Nomination of Guardian and Do Not Resuscitate Orders.

### **Application of Standards**

These standards apply to any agency receiving Ryan White Part A funds to provide legal services in the Atlanta EMA. If an agency is unable to meet a particular standard, the agency must document why the standard was unable to be met and explain the steps it is taking to meet that standard.

### **Standards Development Process**

The standards were developed through extensive background research on quality management standards, a review of existing standards from other Ryan White Part A EMAs, meetings of the quality management committee of the Atlanta HIV Health Services Planning Council, and meetings with the Ryan White Part A Grantee.

### **Acknowledgements**

Fulton County would like to thank all of the EMAs that shared their standards, as well as the members of the quality management committee who gave generously of their time to provide valuable input to the development of these quality management standards and measures.

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<b>I. Policies and Procedures</b>	
<b>Standard</b>	<b>Measure</b>
A. Agency must have policies and procedures in place that address confidentiality (HIPAA), grievance procedures and supervision requirements per federal and state law.	<ul style="list-style-type: none"> <li>• Policy and procedure manual</li> <li>• Grievance procedure posted in visible location</li> </ul>
B. Agency has eligibility requirements for services in written form. This is inclusive of: <ul style="list-style-type: none"> <li>✓ Clients rights and responsibilities</li> <li>✓ Release of information/confidentiality</li> <li>✓ Eligibility for services</li> </ul>	<ul style="list-style-type: none"> <li>• Policy on file</li> </ul>
C. Agency is licensed and/or accredited by the appropriate city/county/state/federal agency.	<ul style="list-style-type: none"> <li>• Current licensure on file from appropriate city/county/state/federal agency</li> </ul>
D. Agency has written policies and procedures in place that protect the physical safety and well-being of staff and clients. This is inclusive of: <ul style="list-style-type: none"> <li>✓ Physical agency safety               <ul style="list-style-type: none"> <li>• Meets fire safety requirements</li> <li>• Complies with Americans with Disabilities Act (ADA)</li> <li>• Is clean, comfortable and free from hazards</li> <li>• Complies with Occupational Safety and Health Administration (OSHA) infection control practices</li> </ul> </li> <li>✓ Crisis management and psychiatric emergencies               <ul style="list-style-type: none"> <li>• How to assess emergent/urgent vs. routine need</li> <li>• Verbal intervention</li> <li>• Non-violent physical intervention</li> <li>• Emergency medical contact information</li> <li>• Incident reporting</li> <li>• Voluntary and involuntary inpatient admission</li> </ul> </li> <li>✓ Refusal of services</li> <li>✓ Personnel               <ul style="list-style-type: none"> <li>• Roles and responsibilities of staff, including supervision responsibilities</li> </ul> </li> <li>✓ Client/Parent/Guardian Rights and Responsibilities (see Standard IV)</li> </ul>	<ul style="list-style-type: none"> <li>• Policy on file</li> <li>• Site visit</li> </ul>

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E. Agency has a formal relationship with a mental health/substance abuse professional for consultation as needed if a mental health/substance abuse professional is not on staff.	<ul style="list-style-type: none"> <li>• Letter of Agreement on file</li> </ul>
F. Agency has private, confidential office space for seeing clients (e.g. no half-walls or cubicles, all rooms must have doors).	<ul style="list-style-type: none"> <li>• Site visit</li> </ul>
<b>II. Program Staff</b>	
<b>Standard</b>	<b>Measure</b>
A. Staff are trained and knowledgeable about HIV/AIDS and available resources.	<ul style="list-style-type: none"> <li>• Personnel file</li> </ul>
B. Staff have appropriate skills, relevant experience, cultural and linguistic competency and relevant licensure to provide services to persons living with HIV/AIDS.	<ul style="list-style-type: none"> <li>• Personnel file</li> </ul>
C. Staff have a clear understanding of their job description and responsibilities, and agency policies and procedures.	<ul style="list-style-type: none"> <li>• Job description on file</li> <li>• Statement on file, signed by staff and supervisor</li> </ul>
D. Attorneys are licensed to practice law in the state of Georgia.	<ul style="list-style-type: none"> <li>• Personnel file</li> </ul>
E. Attorneys will participate in job-related education and training as required by the State Bar of Georgia.	<ul style="list-style-type: none"> <li>• Personnel file</li> </ul>
F. Non-licensed staff are supervised by licensed attorneys.	<ul style="list-style-type: none"> <li>• Personnel file</li> </ul>
<b>III. Access to Services</b>	
A. Agency is accessible to desired target populations. Accessibility includes: <ul style="list-style-type: none"> <li>✓ proximity to community</li> <li>✓ proximity to mass transit</li> <li>✓ proximity to low-income individuals</li> <li>✓ proximity to underinsured or uninsured individuals</li> <li>✓ proximity to persons living with HIV/AIDS</li> </ul>	<ul style="list-style-type: none"> <li>• Site visit</li> <li>• Agency client data report consistent with funding requirements</li> </ul>
B. Agency demonstrates the ability to provide culturally and linguistically competent services according to Atlanta EMA standards for desired target population.	<ul style="list-style-type: none"> <li>• Personnel and training records</li> <li>• Site visit</li> <li>• Client satisfaction survey</li> <li>• Agency client data report consistent with funding requirements</li> </ul>
C. Agency demonstrates input from clients in the design and delivery of services.	<ul style="list-style-type: none"> <li>• Existence of Consumer Advisory Board (CAB); if agency does not have a CAB, it may ask for client input from the Consumer Caucus or other agencies' CABs</li> <li>• Client satisfaction survey</li> </ul>

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<p>D. Agency is compliant with ADA requirements for non-discriminatory policies and practices and for the provision of reasonable accommodations to address communication (i.e. sign language interpreter).</p>	<ul style="list-style-type: none"> <li>• Policy on file</li> </ul>
<p>E. Agency will promote services through meetings with persons living with HIV/AIDS, meetings with service providers, flyers and brochures, and other methods.</p>	<ul style="list-style-type: none"> <li>• Copies of flyers, brochures, etc. that are distributed.</li> <li>• Letters of Agreement</li> </ul>
<b>IV. Eligibility Determination/Screening</b>	
<p>A. Provider determines client eligibility for services. Client eligibility will be reassessed every six months. The process to determine client eligibility must be completed in a time frame so that screening is not delayed. Eligibility assessment must include at a minimum:</p> <ul style="list-style-type: none"> <li>✓ Proof of HIV+ status</li> <li>✓ Proof of income</li> <li>✓ Proof of residency</li> <li>✓ Proof of active participation in primary care or documentation of the client's plan to access primary care                             <ul style="list-style-type: none"> <li>• At least one visit with a primary care provider every six months</li> <li>• For affected children younger than four years old, at least one visit with a primary care provider within 12 months</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Client record</li> <li>• Policy on file</li> <li>• Agency client data report consistent with funding requirements</li> </ul>
<p>B. Agency will develop a legal checkup to help staff, volunteers, service providers, and others identify potential legal problems.</p>	<ul style="list-style-type: none"> <li>• Legal checkup form</li> </ul>
<p>C. Agency will use legal checkup form and other screening questionnaires.</p>	<ul style="list-style-type: none"> <li>• Client record</li> <li>• Legal checkup form and questionnaires</li> </ul>
<b>V. Service Coordination/Referral</b>	
<p>A. Agency staff act as a liaison between the client and other service providers to support coordination and delivery of high quality care. For those clients not in primary medical care, agency staff must note progress toward linking the client into primary medical care.</p>	<ul style="list-style-type: none"> <li>• Client record – documentation of with whom staff are communicating and progress to linking client to primary care</li> </ul>
<p>B. Agency receives referrals from service providers</p>	<ul style="list-style-type: none"> <li>• Documentation of referrals</li> </ul>
<p>C. Agency will participate in seminars, forums, and other meetings to ensure that persons living with HIV/AIDS, service providers, peer counselors, volunteers, and others understand the legal issues faced by persons living with HIV/AIDS so they may identify potential legal issues related to a problem or issue and contact the agency or make a referral to the agency.</p>	<ul style="list-style-type: none"> <li>• Letters of agreement</li> <li>• Copies of agendas/schedules/brochures</li> </ul>

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D. Agency will conduct outreach at other agencies	<ul style="list-style-type: none"> <li>• Letters of agreement</li> <li>• Outreach schedule</li> </ul>
E. If a client answers “yes” to a legal issues question on the Atlanta EMA Case Management, Substance Abuse and Mental Health Screen form, the client will be offered a direct referral to the agency for a legal checkup.	<ul style="list-style-type: none"> <li>• Letters of agreement</li> <li>• Documentation of referral</li> <li>• Client record</li> </ul>
<b>VI. Clients’ Rights and Responsibilities</b>	
A. Client confidentiality policy exists for all service settings.	<ul style="list-style-type: none"> <li>• Policy on file</li> </ul>
B. Agency grievance policy exists.	<ul style="list-style-type: none"> <li>• Policy on file</li> </ul>
C. A current release of information form exists for each specific request for information and each request is signed by client.	<ul style="list-style-type: none"> <li>• Client record</li> <li>• Policy on file</li> </ul>
D. Client will be informed of the client confidentiality policy, grievance policy, his or her rights and responsibilities and eligibility for services at first face to face contact.	<ul style="list-style-type: none"> <li>• Documentation in client file initialed or signed by client</li> </ul>
E. The agency and the client will sign a retainer agreement, for extended service cases, in which the rights and responsibilities of the agency and the client are explained (note: the use of the word “retainer” does not imply that the client will be charged for services – services are provided free of charge to eligible clients.)	<ul style="list-style-type: none"> <li>• Client record</li> </ul>
F. Clients may sign a retainer addendum that permits the client to select to whom and under what circumstances his or her HIV information may be disclosed by the agency.	<ul style="list-style-type: none"> <li>• Client record</li> </ul>
G. Clients will be informed whether their case is accepted for representation, accepted for brief service and advice, accepted for self-help information, referred, or rejected.	<ul style="list-style-type: none"> <li>• Client record</li> </ul>