



HIV Planning and Coordination

Health Care Agency

LEGAL SERVICES STANDARDS OF CARE

FOR

RYAN WHITE ACT-FUNDED SERVICES IN ORANGE COUNTY

Effective February 10, 2016

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SECTION 1: INTRODUCTION

Legal services are an important aspect for people living with HIV and can be integral to the continuum of HIV care because they are the means by which other elements can be secured. Services ensure individuals have access to the care, services, treatment and benefits to which he or she is entitled.

GOALS OF THE STANDARDS

These standards of care are provided to ensure that Orange County's Ryan White-funded legal services:

- Are accessible to all persons living with HIV who meet eligibility requirements
- Are provided by licensed or otherwise qualified individuals
- Are accessible both culturally and geographically to clients
- Provide individualized services for each client
- Focus on the most urgent and pressing needs of clients
- Reduce the effects of HIV discrimination and barriers in all environments
- Allow documentation of clients wishes such as wills and do not resuscitate orders
- Secure benefits for clients
- Provide linkages for additional services if the agency is unable to provide them
- Coordinates client care with primary care medical clinics to ensure integration of services and the best care for each individual client.

SECTION 2: DEFINITION OF LEGAL SERVICES

Legal services include services directly necessitated by a client's HIV status. The service provider must clearly document how the need of a specific legal service is due to the client's HIV status. Services provided may include the following:

- Eviction prevention
- Employment rights counseling
- Bankruptcy proceedings
- Interventions necessary to access benefits
- Discrimination or breach of confidentiality litigation
- Preparation of powers of attorney
- Permanency Planning

- Wills
- Income tax preparation services to assist clients in filing Federal tax returns that are required by the Affordable Care Act for all individuals receiving premium tax credits

Criminal matters, divorce proceedings and adoption services are not eligible for funded legal assistance. The clients' legal representative and/or affected significant other is no longer eligible for Ryan White legal services once the HIV-positive individual is deceased. Clients will be provided with the highest quality services through trained, experienced, and appropriately licensed and credentialed staff and volunteers. A preventive, educative approach will be used to prevent problems and identify problems before they become acute, so that resources are used efficiently to resolve problems, or give clients the ability to resolve problems. There shall be a regular reassessment of the community's needs based on client intake and service date to ensure that legal needs are being addressed.

SECTION 3: STAFFING REQUIREMENTS AND QUALIFICATIONS

Quality legal services start with well-prepared and qualified staff. To ensure this:

- **HIV Knowledge.** Legal staff should have training and experience with HIV related issues and concerns. At a minimum, individuals providing legal services to people with HIV should possess knowledge about the following:
 - HIV disease process and current medical treatments
 - Psychosocial issues related to HIV
 - Cultural issues related to communities affected by HIV
- **Licensure.** All staff must hold the appropriate degrees, certifications, licenses, permits, or other appropriate qualifying documentation as required by Federal, State, County or municipal authorities
 - Attorneys are licensed to practice law in the state of California and have a minimum educational level of a doctorate in Jurisprudence
 - Non-licensed staff, such as law students and other legal professionals, are supervised by attorneys
- **Legal and Ethical Obligations.** Legal staff must be aware of and able to practice under the legal and ethical obligations as set forth by California state law and their respective professional organizations. Legal staff must be current with their continuing education requirements.
- **Culturally Appropriate.** Practitioners shall possess the ability to provide developmentally and culturally appropriate care to clients living with HIV.
- **Training.** Staff shall remain trained and knowledgeable in current legal issues in accordance with the rules of the State Bar of California. Staff will have knowledge of legal issues that may impact the legal assistance of people living with HIV. They will have the skills and ability to specialize in areas relevant to individuals living with HIV.
 - Agency paid staff and contractors must complete a minimum of two hours of HIV specific training annually
 - New staff and volunteers must complete two hours of HIV specific training within 90 days of start date

Standard	Measure
Staff agree to maintain standards set forth in Code of Conduct	Documentation of staff signature on file
Staff will have a clear understanding of job responsibilities	Written job description on file
Appropriate staff receive initial education regarding HIV	Training/education documentation on file including: <ul style="list-style-type: none"> • Date, time, location, and provider of education • Education type • Name of staff receiving education • Certificate of training completion or education outline, meeting agenda, and/or minutes
Provider shall ensure that staff will have appropriate degrees, certifications, licenses, permits, or other appropriate qualifying documentation, as required by Federal, State, County, or municipal authorities	Documentation of degrees, certifications, licenses, permits, or other documentation on file
Provider and staff shall take steps to build cultural and linguistic competence and maintain an environment that is accessible and welcoming to the community served regardless of race, gender, or sexual identity, gender identity, and gender expression	Written strategy as well as site visit
Continuing education and training in HIV and clinically related issues <ul style="list-style-type: none"> • two hours required annually for licensed staff • two hours required within 90 days of start date for newly hired staff 	<ul style="list-style-type: none"> • Materials for staff training and continuing education are on file • Documentation of continuing education in personal file (See list above)

SECTION 4: CLIENT INTAKE

Whenever possible, client intake will be completed in the first, in person, contact with the potential client. Intake is a time to gather registration information and provide basic information about legal history, legal services and other HIV services, as appropriate. It is also a pivotal moment for establishment of trust and confidence in the system. Providers should be careful to provide an appropriate level of information that is helpful and responsive to client need, but not overwhelming.

The following describe components of intake:

- Intake shall take place as soon as possible.
- The provider shall clearly explain what legal services entail including how the service meets Ryan White legal services definitions and is linked to the client’s HIV status. The

provider shall provide adequate information about the availability of various services or resources within the agency and in the community, especially for services not covered under Ryan White.

- The provider shall provide mandated information to the client described below:
 - Written information about resources available in Orange County.
 - A copy of the client's **Rights and Responsibilities** (included in the HIV Client Handbook).
 - Information about filing a **Grievance** if he/she feels his/her rights has been violated.
 - Clients shall also be given the **Notice of Privacy Practices (NPP)** form. Clients shall be informed of their right to **confidentiality**. It is important not to assume that the client's family or partner knows the HIV-positive status of the client. Part of the discussion about client confidentiality should include inquiry about how the client wants to be contacted (at home, at work, by mail, by phone, etc.). Files (paper or electronic) requiring special handling shall be clearly marked. All programs will comply with all relevant state legal practice standards including all rules promulgated by the State Bar of California.
- The provider should also obtain the following required documents:
 - A signed document indicating receipt of **Rights and Responsibilities**. Client rights and responsibilities incorporate a client's input into the legal plan; and provide a fair process for review if a client believes s(he) has been mistreated, poorly served, or wrongly discharged from services.
 - If there is a need to disclose information about a client to a third party, including family members, clients shall be asked to sign a **Release of Information (ROI)** form, authorizing such disclosure. This form may be signed at intake prior to the actual need for disclosure. Releases of information may be cancelled or modified by the client at any time.
- Clients will be aware of their ability to terminate services at any time.
- The provider shall conduct the intake session with cultural sensitivity and, when possible, in the native language of the client. When language is a barrier, providers shall utilize appropriate interpretation resources. If the client consents, adult family members or caregivers may provide limited demographic interpretation. Providers shall not rely on minor children to interpret for family members.
 - The provider will have education and be able to deliver appropriate services regardless of gender and sexual identity including: Lesbian, Gay, Transgender, Bisexual, Intersexed, or Queer-identified individuals and respect, understand, and be sensitive to the barriers such clients face in home and work environments.

Standard	Measure
Client is informed of Rights and Responsibilities	One of the following: 1) Signed and dated by client and in client service record; or 2) Client’s service record includes signed referral form indicating provision of information
Client is informed of Grievance Procedures	One of the following: 1) Signed and dated by client and in client service record; or 2) Client’s service record includes signed referral form indicating provision of information
Client is informed of Notice of Privacy Practices	One of the following: 1) Signed and dated by client and in client service record; or 2) Client’s service record includes signed referral form indicating provision of information
Release of Information is discussed and completed as needed	Signed and dated by client and in client service record as needed
Client acknowledges that services received are related to their HIV status in accordance with the Ryan White service definition	Signed and dated documentation in client file
Client will be aware of their ability to terminate service at anytime	Signed and dated documentation in client file
Provider shall conduct intake session with cultural sensitivity and when possible in the native language of the client	Documentation in client file

SECTION 5: PREVENTIVE SERVICES

Legal check-ups are a prompt, comprehensive review of clients’ legal needs. These services will counsel clients on how to prevent discrimination in employment, housing and public accommodations. Documentation of these services will be maintained in the client record.

Legal check-ups will include:

- Counseling about protecting privacy to prevent discrimination
- Include one-on-one legal evaluation and counseling session with a trained legal advocate covering important legal questions faced by people living with HIV, including (but not limited to):
 - Discrimination
 - Denial of benefits
 - Tenant rights
 - Immigration

- Family law
- Debtor- creditor conflicts
- Educate clients about how to access legal services in their communities

Standard	Measure
Legal check-ups will include: <ul style="list-style-type: none"> ● Legal counseling ● One-on-one evaluation and counseling session ● Education about how to access legal services 	Documentation in client file

SECTION 6: SERVICE PROVISIONS

Legal services must meet Ryan White criteria. In cases where the service does not meet Ryan White criteria, legal services staff and the client will work together to determine the course of action needed which will also be most beneficial to the individual. Providers will inform clients about the nature of services offered, including their rights to engage in and be informed of any legal goals and/or strategies. Each of these services provided to a client will be documented.

Programs will conduct appropriate action to meet the legal needs of the client. These include providing relevant legal advice and counseling, referrals to other providers or programs, referrals to pro bono attorneys, and representing clients in court and administrative proceedings where appropriate. A client’s representative will represent, advocate, and negotiate on the client’s behalf.

The following services will be provided:

- Legal representation, assistance and education to:
 - Address HIV discrimination in insurance, housing, employment and other environments
 - Assist clients with accessing and maintaining health care and support services
 - Ensure access to and maintenance of public benefits and entitlement programs
- Direct legal assistance to prepare powers of attorney, Do Not Resuscitate Orders, and other end-of-life testamentary documentation.
- Conduct other appropriate action on a client’s behalf to meet legal needs including (but not limited to):
 - Provision of relevant legal advice and counseling
 - Referrals to other providers/programs and other pro bono attorneys, with results of these referrals noted

Standard	Measure
Documentation of services provided to clients and the results of these services	Documentation in client file

SECTION 7: LEGAL SERVICE CLOSURE

Legal services can be critical to maintaining a client's health and overall wellbeing. Discharge from legal services may impact the client's overall health. As such, discharge or termination of services must be carefully considered and reasonable steps must be taken to assure that clients who need legal services are maintained in services.

A client may be suspended or terminated from legal services due to the following conditions:

- The client has died.
- The client has become ineligible for services (e.g., due to relocation outside Orange County or other eligibility requirements).
- The client chooses to terminate services.
- The client's needs would be better served by another agency.
- The client demonstrates pervasive unacceptable behavior that violates client rights and responsibilities.
- The client has had no direct program contact in the past six months.

The following describe components of discharge planning:

- If the client has missed appointments and is at risk of suspension or termination of services, the legal provider will provide follow-up including telephone calls, written correspondence and/or direct contact, to strive to maintain a client's participation in care. Provider, within the constraints of previously signed releases of information, may work with the case manager to locate the client.
- The provider shall contact the client or the caregiver, in person, by phone, or with a formal letter, to explain why he/she is being discharged. If the client does not agree with the reason for discharge, he/she should be informed of the provider's grievance procedure.
- A discharge summary should be documented in the client's record. The discharge summary shall include the following:
 - Circumstances and reasons for discharge
 - Summary of service provided
 - Goals completed during services
 - Referrals and linkages provided at discharge as appropriate
- The provider shall close out the client in data collection system as soon as possible within thirty (30) days of case termination.
- A client may be discharged if his/her needs would be better served by another agency and is transferred to that agency. If the client is transferring to another provider, and the other provider will participate in the process, case closure should be preceded by a transition plan. To ensure a smooth transition, relevant intake documents may be forwarded to the new service provider. Providers from the two agencies should work

together to provide a smooth transition for the client and ensure that all critical services are maintained, with appropriate Release of Information.

Standard	Measure
Follow up will be provided to clients who have dropped out of service without notice	Signed and dated note to document attempt to contact in client service record
Notify client regarding closure if due to pervasive unacceptable behavior violating client rights and responsibilities	Copy of notification in client service record. If client has no known address or is unable to receive mail, documentation of other types of notification or attempt at notification in client service record
A legal service closure summary shall be completed for each client who has terminated service	Client service record will include signed and dated legal service closure summary to include: <ul style="list-style-type: none">• Circumstances and reasons for discharge• Summary of service provided• Goals completed during service• Referrals and linkages provided at discharge as appropriate
Transition plans created for clients who transfer to other providers which shall be forwarded to the new service provider	Signed and dated note documented in client service record