

## OTHER PROFESSIONAL SERVICES: LEGAL

Bergen-Passaic Transitional Grant Area

Grant Year: 2020/21



PATERSON-PASSAIC COUNTY-BERGEN COUNTY  
HIV HEALTH SERVICES PLANNING COUNCIL

### Service Category Definition – Legal Services

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(HIV/AIDS Bureau Policy Clarification Notice #16-02, Revised 10/22/2018)

Other Professional Services allow for the provision of professional and consultant services rendered by members of particular professions licensed and/or qualified to offer such services by local governing authorities.

Legal services are provided to and/or on behalf of the HRSA RWHAP-eligible PLWH and involve legal matters related to or arising from their HIV disease



These services include:

- Assistance with public benefits such as Social Security Disability Insurance (SSDI)
- 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 HRSA RWHAP
- Preparation of:
  - Healthcare power of attorney
  - Durable powers of attorney
  - Living wills

### Program Guidance

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(HIV/AIDS Bureau Policy Clarification Notice #16-02, Revised 10/22/2018)

Legal services exclude criminal defense and class-action suits unless related to access to services eligible for funding under the RWHAP.



## Ryan White HIV/AIDS Program Eligibility Requirements

(HIV/AIDS Bureau Policy Clarification Notice #13-02, Revised 5/1/2019)



Person(s) seeking services in the Ryan White HIV/AIDS Program (RWHAP) must meet the following requirements for eligibility:

- Any person(s) with an HIV diagnosis or their legal guardian who lives in the City of Paterson, Passaic County, and/or Bergen County, New Jersey; **OR**
- A person designated as the individual's medical power of attorney (i.e., their court appointed representative or legal representative). *Proper documentation must be collected at initial determination and redetermination to verify guardianship or medical power of attorney. AND*
- Any individual with a household income that is at or below 500% of the federal poverty level; **AND**
- Any individual who is uninsured or underinsured.



Client eligibility must be certified annually and recertified at least every six months. The primary purpose of the RWHAP eligibility certification process is to ensure that an individual's residency, income, and insurance status continues to meet the Bergen-Passaic transitional grant area (TGA) eligibility requirements and to verify that the RWHAP is the payer of last resort. The eligibility recertification process includes checking for the availability of all other third-party payers. Subrecipients are also required to obtain documentation of CD4 and viral load laboratory results at each eligibility certification and recertification for all clients. Laboratory results must be recent and within 6-months of the eligibility determination date. Subrecipients are required to obtain documentation and maintain the results of the laboratory results in client chart and documented in eCOMPAS.



## Ryan White HIV/AIDS Program Eligibility Requirements

(HIV/AIDS Bureau Policy Clarification Notice #13-02, Revised 5/1/2019)

<b>RWHAP Required Documentation Table and Frequency</b>		
<b>Eligibility Requirement</b>	<b>Initial Eligibility Determination &amp; Once a Year/12 Month Period Recertification</b>	<b>Recertification (minimum of every six months)</b>
<b>HIV STATUS</b>	<b>Documentation required at initial eligibility determination.</b>	<b>No documentation required</b> (Proof of HIV status must remain in the client file for the entire time the client is enrolled in RWHAP services.)
	<p>This may include, but is not limited to:</p> <ul style="list-style-type: none"> <li>• A positive HIV Immunoassay (IA) test result from an initial antibody or combination antigen/antibody (Ag/Ab) test followed by a positive (reactive) HIV-1/2 type-differentiating test (Supplemental IA), qualitative Nucleic Acid Test (NAT)/Nucleic Acid Amplification Test (NAAT), Western Blot or Immunofluorescence Assay (IFA).</li> <li>• A positive qualitative HIV NAT (DNA or RNA) or HIV-1 p24 antigen test.</li> <li>• A detectable (quantitative) HIV viral load (<b><i>undetectable viral load tests are NOT proof of HIV.</i></b>)</li> <li>• An HIV nucleotide sequence (genotype).</li> </ul>	
	<b>Documentation required for once a year/12-month recertification.</b>	
	<p><b>No documentation required</b> (Proof of HIV status must remain in the client file for the entire time the client is enrolled in RWHAP services.)</p>	



<h2>HOUSEHOLD INCOME</h2>	<p><b>Proof of household income:</b> This includes income for the client, client’s spouse if legally married, client’s minor child under the age of 18, any person claimed by the client as a dependent on a tax return, and any person that has legal custody or other legal arrangements or guardianship of the client).</p> <p><i>*** Income that is not counted includes grants, scholarships, fellowships, value of SNAP benefits, 401K if not accessed, and any other non-accessible income, such as trust funds.</i></p>	
	<p><b>Documentation required at initial eligibility determination and for once a year/12-month recertification.</b></p>	<p><b>Documentation required at eligibility recertification.</b></p>
	<p><b>For clients declaring no income.</b></p>	

This may include, but is not limited to:

- Pay stubs (at least two), **OR**
- A signed and dated employer statement on company letterhead may be used. It must state the name of client, rate and frequency of pay, a phone number, and whether the client is currently receiving or is eligible to receive health benefits from the employer, **OR**
- IRS 1040 form or IRS W-2 from most recent year; **OR**
- IRS W-4 form.

This may include, but is not limited to:

- Self-attestation of no change; **OR**
- One of the approved documents listed in the *Initial Eligibility Determination & Once a Year/12 Month Period Recertification (on the left)*.

At least one of the following is required:

- A statement provided as to how the client receives food, clothing, and shelter (also known as a letter of support).
- A recent Summary Earnings Query (SEQY) printout, or Work and Gain Economic Self Sufficiency (WAGES) printout or an income tax return from the previous year.
- Federal Insurance Contributions Act (FICA) to establish prior work year income.

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<b>RESIDENCY</b>	<b>Documentation required at initial eligibility determination and for once a year/12-month recertification.</b>	<b>Documentation required at eligibility recertification.</b>
	<p>This may include, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Current New Jersey or local photo identification (includes NJ driver’s license); <b>OR</b></li> <li>• Utility bill with client name and street address; <b>OR</b></li> <li>• Housing, rental, or mortgage agreement with client’s name and street address; <b>OR</b></li> <li>• Recent school records with client’s name and street address; <b>OR</b></li> <li>• Bank statement with client’s name and street address; <b>OR</b></li> <li>• Letter from person with whom the client resides; <b>OR</b></li> <li>• Property tax receipt or W-2 form for previous year with client’s name and street address; <b>OR</b></li> <li>• Unemployment document with client’s name and street address; <b>OR</b></li> <li>• Current voter registration card with client’s name and street address; <b>OR</b></li> <li>• Official correspondence (postmarked in last three months) with client’s name and street address; <b>OR</b></li> <li>• Prison records (if recently released) with client’s name and street address.</li> </ul>	<p>This may include, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Self-attestation of no change, <b>OR</b></li> <li>• If client has moved, proof of residency is required. One of the approved documents listed in the <i>Initial Eligibility Determination &amp; Once a Year/12 Month Period Recertification (on the left)</i>.</li> </ul>
	<b>For clients declaring homeless status or living in a shelter.</b>	
	<p>At least one of the following is required:</p> <ul style="list-style-type: none"> <li>• A statement from the shelter in which the client resides or visits; <b>OR</b></li> <li>• A written statement of the client describing living circumstances and a physical observation of location of residence by eligibility staff eligibility staff signed and dated by the client and eligibility staff; <b>OR</b></li> <li>• A statement from a social service agency attesting to the homeless status of the client.</li> </ul>	
<b>INSURANCE STATUS</b>	Subrecipient must verify if the client is eligible for or is enrolled in health care coverage programs. Obtain documentation of insurance status maintain status in client chart and documented in eCOMPAS. This includes Medicaid, Medicare, and employer-based health insurance programs.	
	<b>Documentation required at initial eligibility determination and for once a year/12-month recertification.</b>	<b>Documentation required at eligibility recertification.</b>

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	<p><b>Clients with Insurance:</b></p> <ul style="list-style-type: none"> <li>Obtain a copy of the insurance card (front and back) to be maintained in client chart and documented in eCOMPAS.</li> </ul> <p><b>Clients without Insurance:</b></p> <ul style="list-style-type: none"> <li>Document steps taken to ensure insurance is not available; <b>AND</b></li> <li>Document steps taken to screen client for Medicaid benefits; <b>OR</b></li> <li>Documentation of Medicaid denial; <b>OR</b></li> <li>If the client is employed but without insurance, the client will need to provide proof that they have no access to insurance from their employer (Letter from employer; or Personnel handbook that describes benefits).</li> </ul>	<p>This may include, but is not limited to:</p> <ul style="list-style-type: none"> <li>Self-attestation of no change; <b>OR</b></li> <li><b>If the client has lost insurance coverage:</b> <ul style="list-style-type: none"> <li>Document steps taken to ensure insurance is not available (e.g. Cobra); <b>AND</b></li> <li>Document steps taken to screen client for Medicaid benefits; <b>OR</b></li> <li>Documentation of Medicaid Denial.</li> </ul> </li> <li><b>If the client has gained insurance coverage</b>, obtain a copy of the insurance card (front and back) to be maintained in client chart and documented in eCOMPAS.</li> </ul>
<p><b>CD4 / VIRAL LOAD RESULTS</b></p>	<p>Subrecipient must obtain documentation of most recent CD4/Viral Load laboratory results at least every 6-months to be maintained in client chart and documented in eCOMPAS.</p>	
	<p><b>Documentation required at initial eligibility determination and for once a year/12-month recertification.</b></p>	<p><b>Documentation required at eligibility recertification.</b></p>
	<p>This may include, but is not limited to:</p> <ul style="list-style-type: none"> <li>Obtain documentation of most recent CD4/Viral Load laboratory results (within 6-months of eligibility certification date).</li> </ul>	<p>This may include, but is not limited to:</p> <ul style="list-style-type: none"> <li>Obtain documentation of most recent CD4/Viral Load laboratory results (within 6-months of eligibility recertification date).</li> </ul>
	<p><b>For clients who are newly diagnosed.</b></p> <p>Subrecipient is responsible for:</p> <ul style="list-style-type: none"> <li>Obtaining documentation of CD4/Viral Load laboratory test results within 90 days of initial eligibility determination. Documentation of most recent CD4/Viral Load laboratory results to be maintained in client chart and documented in eCOMPASS.</li> </ul>	

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**Quality Management Outcomes and Quality Assurance Measures**

(HIV/AIDS Bureau Policy Clarification Notice #15-02, Updated 11/30/2018)

In addition to the system-wide Service Standards applicable to all RWHAP Part A and Minority AIDS Initiative (MAI)-funded subrecipients, the following program specific Service Standards apply to Legal Services subrecipients. These Service Standards are an essential component of the Bergen-Passaic Quality Management program to inform the on-going monitoring and evaluation of RWHAP Part A and MAI-funded legal services subrecipients by the City of Paterson Ryan White Grants Division Office (Recipient). Full compliance with these Service Standard is expected for RWHAP Part A funded subrecipients that have contracts with the City of Paterson, Ryan White Grants Division.

HRSA/HAB Performance Measure: HIV Viral Load Suppression (NQF#: 2082)				
Performance Measure/ Description	Numerator	Data Element	Exclusions	Goal
Percentage of clients, regardless of age, with a diagnosis of HIV with a HIV viral load less than 200 copies/ml at last HIV viral load test during the measurement year.	Number of clients in the denominator with a HIV viral load less than 200 copies/ml at last HIV viral load test during the measurement year.	1. Does the client, regardless of age, have a diagnosis of HIV? (Y/N) <ul style="list-style-type: none"> <li>a. If yes, did the client access legal services at least once in the measurement year? (Y/N)</li> <li>i. If yes, did the client have a HIV viral load test with a result &lt;200 copies/mL at the last test? (Y/N)</li> </ul>	NONE	90%
	<b>Denominator</b>			

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HRSA/HAB Performance Measure: HIV Medical Visit Frequency (NQF#: 2079)				
Performance Measure/ Description	Numerator	Data Element	Exclusions	Goal
Percentage of clients, regardless of age, with a diagnosis of HIV who had at least one medical visit in each 6-month period of the 24-month measurement period with a minimum of 60 days between medical visits.	Number of clients who had at least one medical visit in each 6-month period of the 24-month measurement period with a minimum of 60 days between medical visits.	1. Does the client, regardless of age, have a diagnosis of HIV? (Y/N) <ul style="list-style-type: none"> <li>a. If yes, did the client access legal services at least once in the measurement year? (Y/N)</li> <li>i. If yes, did the client have at least one medical visit in each 6-month period of the 24-month measurement period with a minimum of 60 days between medical visits? (Y/N)</li> </ul>	Client(s) who were not enrolled in client services for a continuous 24-month measurement period.	90%
	<b>Denominator</b>			
HRSA/HAB Performance Measure: Gap in HIV Medical Visits (NQF#: 2079)				
Performance Measure/ Description	Numerator	Data Element	Exclusions	Goal
Percentage of clients, regardless of age, with a diagnosis of HIV who did not have a medical visit in the last 6 months of the measurement year.	Number of clients who did not have a medical visit in the last 6 months of the measurement year.	1. Does the client, regardless of age, have a diagnosis of HIV? (Y/N) <ul style="list-style-type: none"> <li>a. If yes, did the client access legal services at least once in the measurement year? (Y/N)</li> <li>i. If yes, did the client have at least one medical visit in the last 6 months of the measurement year? (Y/N)</li> </ul>	Client(s) who were not enrolled in client services for a continuous 12-month measurement period.	90%
	<b>Denominator</b>			



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HRSA/HAB National Program Monitoring Standards for RWHAP Part A: Section C: Support Services				
Performance Measure/ Description	Numerator	Data Element	Exclusions	Goal
Percentage of clients, regardless of age, with a diagnosis of HIV that are accessing legal services for pre-decease permanency planning have legal counsel or social service counseling available for drafting of wills or delegating powers of attorney during in the measurement year.	Number of clients in the denominator who accessed legal services with completed wills/power of attorney.	1. Does the client, regardless of age, have a diagnosis of HIV? (Y/N) a. If yes, did the client access legal services at least once in the measurement year? (Y/N) i. If yes, did the client have a completed wills/power of attorney? (Y/N)	NONE	90%
	<b>Denominator</b>			
	Number of clients, regardless of age, with a diagnosis of HIV who accessed legal services within the measurement year.			
Bergen-Passaic TGA RWHAP Part A Program Monitoring Standards for Legal Services.				
Performance Measure/ Description	Numerator	Data Element	Exclusions	Goal
Percentage of subrecipient non-medical case management staff who met the minimum requirements and qualifications listed in personnel qualification section of the medical case management service standard.	Number of subrecipient staff in the denominator who met the minimum requirements and qualifications listed in personnel qualification section of the non-medical case management service standard in the measurement year.	1. Is the NMCM staff listed on the Subrecipient budget or budget modification during the measurement year? (Y/N) a. If yes, did NMCM staff meet the minimum qualifications listed in personnel qualification section of the non-medical case management service standard? (Y/N)	NONE	100%
	<b>Denominator</b>			
	Number of subrecipient staff listed on the RWHAP Part A and MAI budget for the measurement year.			

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### **Clients Rights and Responsibilities**

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Services will be provided to all eligible RWHAP clients without discrimination on the basis of: HIV status, race, creed, age, sex, gender identity or expression, marital or parental status, sexual orientation, religion, physical or mental status, immigrant status, or any other basis prohibited by law. Subrecipient's providing services are required to have a statement of consumer rights and responsibilities posted and/or accessible to the client. Each Subrecipient 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 their rights and responsibilities.

### **Clients Charts, Privacy, and Confidentiality**

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Subrecipient's 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). Subrecipient's 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, Bergen-Passaic TGA managed, eCOMPAS database.

### **Cultural and Linguistic Competency**

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Subrecipient's providing services must adhere to the National Standards on Culturally and Linguistically Appropriate Services. (please see <https://minorityhealth.hhs.gov/omh/browse.aspx?lvl=2&lvlid=53> for more information)

### **Client Grievance Process**

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Each Subrecipient 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**

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