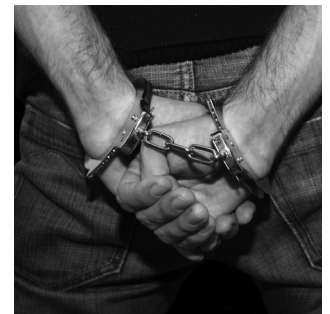
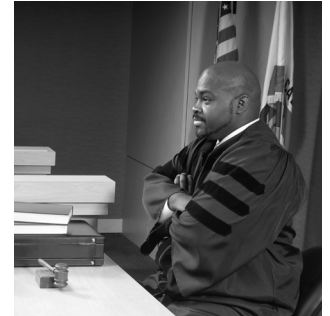


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LEGAL ASSISTANCE SERVICES

EXECUTIVE SUMMARY

SERVICE INTRODUCTION

HIV legal assistance services include centralized bilingual intake; outreach services; legal checkups; public benefits assistance services; HIV discrimination services; immigration services; and testamentary services.

The goals of HIV legal assistance for people living with HIV include:

- ◆ Reducing the effects of HIV discrimination in home, work and other environments
- ◆ Assisting immigrants to access and maintain medical care and other support services
- ◆ Providing advanced directives, do not resuscitate orders and other end-of-life testamentary documentation
- ◆ Securing benefits for clients
- ◆ Removing barriers related to individual and institutional stigma

SERVICE/ORGANIZATIONAL LICENSURE CATEGORY

Legal assistance will be provided in accordance with procedures formulated and adopted by the American Bar Association and the State Bar of California and consistent with laws and regulations governing the provision of legal assistance as they currently exist or shall exist at any future time. Staff and volunteer attorneys will be licensed in the state of California and members in good standing of the State Bar of California. Law students, law school graduates and other legal professionals will be supervised by a qualified licensed attorney. Law students who make court appearances must have a current certification from the State Bar of California.

SERVICE CONSIDERATIONS

General Considerations: Legal assistance will respect the inherent dignity of each person living with HIV they serve. Legal assistance is designed to help mitigate the impact of restrictive economic conditions by providing relevant legal advice, support, and intervention directly necessitated by an individual's HIV status. Programs will comply with all applicable federal, State, County, and local laws and regulations governing the provision of legal service.

Outreach: Programs providing HIV legal assistance will conduct outreach to educate potential patients, HIV services providers and other supportive service organizations about the availability and benefits of legal assistance for people living with HIV within Los Angeles County.

Intake: Client intake determines eligibility and includes demographic data, emergency contact information, next of kin and eligibility documentation.

Legal Checkup: As resources permit, all newly diagnosed or newly identified people living with HIV shall be offered an HIV legal checkup which includes: counseling about privacy protection; comprehensive one-on-one legal evaluation; education on accessing legal assistance.

Service Provision: Programs will conduct appropriate action on behalf of clients to meet their legal needs including providing legal representation, assistance and education on the following matters: HIV discrimination; immigration and access to health care and support services; access to public benefits and entitlements; powers of attorney, do not resuscitate (DNR) orders and other end-of-life testamentary documentation; and other actions including legal advice and counseling and referrals.

Presentations: Programs providing HIV legal assistance will develop, revise and maintain an HIV preventive legal education curriculum to be conducted in forums for clients and informational sessions related to HIV legal and permanency planning issues for staff of community-based organizations.

Referral and Linkage: Programs providing HIV legal assistance will provide referrals and information about available resources and services to clients.

Broken Appointment Policy: Programs will develop a broken appointment policy consistent with applicable ethical and legal standards of the State Bar of California and local rules of court.

Program Records: Programs will document all HIV legal assistance provided to clients and presentations in sufficient detail to ensure quality services to clients and permit evaluation of services.

Case Closure: Case closure is a systematic process for disenrolling clients from legal assistance. The process includes formally notifying patients of pending case closure and completing a case closure summary to be kept on file in the patient record.



*Services
strive to
combat HIV
discrimina-
tion.*

STAFFING REQUIREMENTS AND QUALIFICATIONS

HIV legal assistance staff and attorneys will have the skills and ability to specialize in the areas of most critical need to people living with HIV. Staff attorneys, licensed by the state of California and members in good standing with the State Bar of California, will coordinate, supervise and/or provide all services. Licensed volunteer attorneys, law students, law school graduates and other legal professionals (all under the supervision of a qualified staff attorney) may be used to expand program capacity. All legal assistance staff and volunteers on site will complete an agency-based orientation before providing services.

STANDARDS OF CARE

Los Angeles County Commission on

HIV



LEGAL ASSISTANCE SERVICES

SERVICE INTRODUCTION

From a public health perspective, HIV legal assistance services helps slow the spread of HIV by combating discrimination and, thus, encouraging more people to come forward to be tested. From an individual rights perspective, HIV legal assistance helps ensure a client's sense of dignity and self-worth by providing legal assistance to people living with HIV and AIDS on a range of issues. From an individual wellness perspective, they help ensure that a client has access to the care, services and benefits to which he or she is entitled.

HIV legal assistance services include:

- ◆ Centralized bilingual (Spanish/English) intake
- ◆ Outreach services
- ◆ Legal checkups
- ◆ Public benefits assistance services that ensure a client's access to and maintenance of primary health care, benefits and other services
- ◆ HIV discrimination services that also address such issues as breaches of privacy and confidentiality, testing and reasonable accommodations
- ◆ Immigration services that include assistance with accessing and maintaining medical care and other supportive services
- ◆ Testamentary services that are placed with the Pro Bono Bar because of Ryan White funding

All programs will use available standards of care to inform clients of their services and provide services in accordance with legal and ethical standards. Maintaining confidentiality is critical and its importance cannot be overstated. All programs must comply with the the Health Insurance Portability and Accountability Act (HIPAA).

The goals of HIV legal assistance services for people living with HIV include:

- ◆ Reducing the effects of HIV discrimination in home, work and other environments
- ◆ Assisting immigrants to access and maintain medical care and other support services
- ◆ Providing advanced directives, Do Not Resuscitates (DNRs) and other end-of-life testamentary documentation
- ◆ Securing benefits for clients
- ◆ Removing barriers related to individual and institutional stigma including:
 - Health-related discrimination by health care providers (i.e., refusing treatment or segregation)

- Breaches of confidentiality and testing rights
- Problems with accessing and using public medical benefits
- Problems with accessing and using private health insurance
- Barriers to employment-based health coverage, including return to work (e.g., fear of contagions) and employer screening (e.g., American Disability Act (ADA) reasonable accommodations)
- Barriers created by AIDS-related incapacitation
- Other health care barriers (informed consent, etc.)
- Barriers to health care faced by HIV affected families
- Barriers to health care to foreign born individuals
- Reduced stigma and discrimination, resulting in more people coming forward to be tested and reducing the spread of HIV

Recurring themes in this standard include:

- ◆ The dignity and worth of each client is fundamental.
- ◆ Proactive efforts to deliver services, such as outreach, is essential.
- ◆ Education of individual clients, client groups and service providers is a vital component of HIV legal assistance.
- ◆ Effective referral and linkage to other legal assistance, as well as other social services, when appropriate, is essential.

The Los Angeles County Commission on HIV and the Division of HIV and STD Programs (DHSP)—formerly referred to as the Office of AIDS Programs and Policy (OAPP)—have developed this standard of care to set minimum quality expectations for service provision and to guarantee clients consistent care, regardless of where they receive services in the County.



*Services
offer legal
checkups.*

This document represents a synthesis of published standards and research. In particular, it draws on the work of the HIV Legal Services Delivery Project for Los Angeles County, which from 1993-1997 conducted the nation's only systematic look at regional HIV legal service delivery. Key reference documents include:

- ◆ *Ensuring Access to Health Care for People with HIV/AIDS: The Role of Legal Services* (Andriote & Sears), Directions in HIV Service Delivery & Care – A Policy Brief, HRSA, 2000
- ◆ *The Legal Service Delivery System for People Affected by AIDS in Los Angeles County: Problems and Opportunities for Leadership* (Blasi), HIV Legal Services Delivery Project for Los Angeles County Report, 1994
- ◆ *Proposal for Developing a Plan to Improve and Coordinate HIV Legal Services in Los Angeles County* (Krause), HIV Legal Services Delivery Project for Los Angeles County, 1994
- ◆ *Assessment of the Legal Needs of People Living with HIV and AIDS in Los Angeles County* (Krause), HIV Legal Services Delivery Project for Los Angeles County Report, 1995
- ◆ *Report, Recommendation and Action Plan for the Improvement of HIV Legal Services Delivery in Los Angeles County* (Lee & Vanaman), HIV Legal Services Delivery Project for Los Angeles County, 1995
- ◆ *Legal Needs Presentation* (Lee & Schulman), HIV Legal Services Delivery Project for Los Angeles County, Memo to the Priorities and Planning Committee – Los Angeles County Commission on HIV, 1996
- ◆ *Legal Services Funding Needs* (Schulman), HIV Legal Services Delivery Project for Los Angeles County, Memo to the Los Angeles County Commission on HIV, 1996
- ◆ *Making a Difference with HIV Legal Check-ups* (Schulman), [American Bar Association] Human Rights Magazine, 2004, <http://www.abanet.org/irr/hr/fall04/check-ups.htm>
- ◆ *HIV/AIDS Legal Services Contract Exhibit*, Office of AIDS Programs and Policy
- ◆ Standards of care developed by several other Ryan White Title 1 Planning Councils. Most valuable in the drafting of this standard were Baltimore, 2004; Chicago, 2004; and Las Vegas

SERVICE/ORGANIZATIONAL LICENSURE CATEGORY

Legal assistance services will be provided in accordance with procedures formulated and adopted by the American Bar Association and the State Bar of California and consistent with laws and regulations governing the provision of legal assistance as they currently exist or shall exist at any future time.

Staff and volunteer attorneys will be licensed in the state of California and members in good standing of the State Bar of California. Law students, law school graduates and other legal professionals will be supervised by a qualified licensed attorney. Law students who make court appearances must have a current certification from the State Bar of California (see http://www.calsb.org/state/calbar/calbar_generic.jsp?cid=10169&id=1347).

DEFINITIONS AND DESCRIPTIONS

Client intake is a process that determines a person's eligibility for HIV legal services.

Legal checkups provide timely counseling about protecting privacy to prevent discrimination, and a comprehensive review of clients' legal needs.

Legal assistance performs three essential functions: (1) It slows the epidemic by preventing discrimination, thus fostering a social climate that encourages more people to come forward to be tested; (2) It ensures clients' dignity and sense of membership in the community by protecting individual rights; and (3) It improves clients' wellness by ensuring access to care.

Outreach promotes the availability of and access to HIV legal assistance to potential clients and service providers.

HOW SERVICE RELATES TO HIV

INTRODUCTION

At the end of 2013, approximately 60,050 people were estimated to be living with HIV infection in Los Angeles County. Los Angeles County comprises 40% of the total AIDS cases in the State of California (Epidemiologic Profile of HIV in Los Angeles County, 2013).

A 1996 needs assessment for the Priorities and Planning Committee of the Los Angeles County Commission on HIV estimated that more than half of the people living with HIV in the County need legal help or advice and the people living with HIV in Los Angeles County are in need of legal assistance 15,000 to 20,000 times per year. It also pointed out that legal assistance is a particularly cost-effective element along the continuum of HIV care because it is the means by which other elements can be secured (Lee and Schulman, 1996).

In its 2003 strategic plan which surveyed persons living with HIV regarding their need for services, Shelter Partnership, Inc. reported that 36.6% of individuals surveyed expressed a need for legal assistance, ranking these services in the top 20 in service needs and fifth in unmet demand for services (Shelter Partnership, 2003).

SLOWING THE EPIDEMIC

The U.S. Centers for Disease Control and Prevention (CDC) has documented the role of stigma and discrimination in discouraging people from coming forward to be tested (CDC, 2000). To reverse this, the CDC has recommended that all newly tested HIV-positive persons be referred promptly to legal assistance for counseling on how to protect privacy to prevent discrimination (CDC, 2001).

ENSURING DIGNITY

HIV is a highly stigmatizing illness. In addition, many of the clients seen in Ryan White-funded programs face multiple psychosocial challenges in addition to HIV: poverty, substance abuse, unstable housing, and barriers in accessing health care and other supportive services. As a result, the legal needs of people living with HIV include the complex effects of stigma and living with the complications of serious illness, as well as the typical legal needs traditionally addressed in poverty law practices, including advocacy for public entitlement programs; landlord/tenant law; family law; and consumer law, particularly for debt relief (Mayor's AIDS Leadership Council, 2003; Rivera, 1989). Additionally, the needs of the growing number of AIDS orphans—surviving children whose parents have died of HIV—requires permanency and custodial care planning (Lazzarini, et al., 1995).

IMPROVING WELLNESS

Improved health outcomes resulting from new and more effective treatments actually result in an increased need for legal assistance because, while living longer, people face the increased likelihood of such legal problems as the need for debt relief or the need for reasonable accommodation at work. The importance of legal advocacy has been clear throughout the history of the AIDS epidemic. Legal advocacy services can help improve access to health care and supportive services for people living with HIV by helping them overcome barriers that prevent access to health care, and helping them meet subsistence needs that compete with their receiving the medical care they may need (Andriote & Sears, 2000).

Surveys have indicated that as many as 36% of people living with HIV have reported some kind of health care or insurance discrimination (National Association of People with AIDS, 1992). In addition to facing discrimination due to their HIV status, many of the populations hardest hit by HIV face racial discrimination (Gostin & Lazzarini, 1997). While discrimination among health care providers appears to be decreasing, it is still a significant problem. A 1995 national study reported that 84% of dentists maintained their right to decide whether or not to accept HIV-positive patients for treatment (Burris, 1996).

Undocumented people living with HIV remain ineligible for SSI, welfare, food stamps, or Medicaid (Body Positive, 1998). Legal service providers can help non-citizens apply for temporary visas, permanent resident status, and naturalization to work legally, obtain health insurance and become eligible for public benefits (Andriote & Sears, 2000).

SERVICE COMPONENTS

In 1996, the HIV Legal Services Delivery Project identified four core elements for effective legal assistance in Los Angeles County:

- ◆ Services must be consolidated to prevent duplication and gaps in service;
- ◆ Services must be geographically and culturally accessible throughout this large and diverse county;
- ◆ Services must adopt a preventive approach whenever possible; and
- ◆ Services must make the best use of resources by focusing on the most urgent and pressing legal needs of people living with HIV (Schulman, 1996).



Legal advocacy services improve access to health care.

Three principles will define the delivery of legal assistance:

- ◆ A preventive, educative approach will be used whenever possible to prevent problems altogether or identify problems before they become acute, so that program resources are used efficiently either to resolve the problem or assist the client to do so;
- ◆ An acute interventionist approach will be used whenever necessary to address client needs that have reached crisis proportion (e.g., an imminent eviction) or are inherently more complex (e.g., filing a legal form or claim); and
- ◆ There will be a regular reassessment of community needs based on the aggregation of client intake and service data to ensure that the most urgent and pressing needs are addressed.

HIV legal assistance services will respect the inherent dignity of each person living with HIV it serves. HIV legal assistance is designed to help mitigate the impact of restrictive economic conditions by providing relevant legal advice, support, and intervention directly necessitated by an individual's HIV status. Services will be provided in accordance with procedures formulated and adopted by the American Bar Association and the State Bar of California and consistent with local laws and regulations. Providers are directed to the American Bar Association's Standards for Providers of Civil Legal Services to the Poor, 2002 (<http://www.abanet.org/legalservices/downloads/sclaid/civilstandards.pdf>) for a comprehensive set of services standards on which to model their practice. Programs will comply with all applicable federal, State, County and local laws and regulations governing the provision of legal service.

Legal assistance services will include:

- ◆ Centralized bilingual (Spanish/English) intake
- ◆ Outreach services
- ◆ Legal checkups
- ◆ Public benefits assistance that ensures a client's access to and maintenance of primary health care, benefits and other services
- ◆ HIV discrimination services that also address such issues as breaches of privacy and confidentiality, testing and reasonable accommodations
- ◆ Immigration services that include assistance with accessing and maintaining medical care and other supportive services
- ◆ Testamentary services that are placed with the Pro Bono Bar because of Ryan White funding

HIV legal assistance services do not include guardianship or adoption of children after the death of their legal caregiver, criminal defense, discrimination or class action litigation unrelated to Ryan White Program services.

Services will be offered to medically indigent (uninsured or unable to get insurance)

persons living in Los Angeles County. All HIV legal assistance services will be culturally and linguistically appropriate to the target population (see Program Requirements and Guidelines in the Standards of Care Introduction).

STANDARD	MEASURE
HIV legal assistance services will respect inherent dignity of clients.	Program review to confirm.
Services will comply with American Bar Association and the State Bar of California procedures and consistent with local laws and regulations. Programs will comply with all applicable federal, State, County and local laws and regulations governing the provision of permanency planning services.	Program review to confirm.

OUTREACH

Programs providing HIV legal assistance services will promote and conduct outreach and education to potential clients and HIV service providers regarding the availability of legal assistance for people living with HIV. Promotion will include facilitating access to legal assistance throughout the eight Service Planning Areas (SPAs) of Los Angeles County through ongoing collaboration and work with HIV primary health care and support service providers.

Additionally, programs will develop an outreach plan that demonstrates collaboration with HIV medical outpatient providers and other HIV service providers within each of the eight SPAs of Los Angeles County.

The outreach plan will include (at minimum):

- ◆ A written strategy for the provision of legal assistance that links with HIV medical outpatient services and other HIV support services
- ◆ An assessment of other available resources and services
- ◆ A timeline for implementing services
- ◆ Memoranda of Understanding (MOUs) to demonstrate formalized linkages
- ◆ An evaluation plan

STANDARD	MEASURE
HIV legal assistance providers will promote services and conduct outreach.	Outreach plan on file at provider agency. Site visit to monitor activities.
HIV legal assistance will develop an outreach plan to include (at minimum): <ul style="list-style-type: none"> • Strategy for providing services that link with HIV medical and support services • Assessment of resources and services • Timeline • MOU • Evaluation plan 	Outreach plan on file at provider agency.
Programs will collaborate with primary health care and supportive service providers.	MOU on file at the provider agency.

INTAKE

Client intake is required for all clients who request or are referred to HIV legal assistance

services. Client intake determines eligibility and includes demographic data, emergency contact information, next of kin and eligibility documentation. When possible, client intake will be completed in the first contact with the potential client.

In the intake process and throughout HIV legal assistance service delivery, client confidentiality will be strictly maintained and enforced. All programs will comply with all relevant State legal practice standards as well as those of the American Bar Association and the State Bar of California.

As appropriate and to the extent necessary, Release of Information forms will be gathered. These forms detail the specific person/s or agencies to or from whom information will be released as well as the specific kind of information to be released. New forms must be added for individuals not listed on the most current Release of Information (specification should indicate the type of information that can be released).

As part of the intake process, the client file will include the following information (at minimum):

- ◆ Written documentation of HIV status
- ◆ Proof of Los Angeles County residency
- ◆ Verification of financial eligibility for services
- ◆ Date of intake
- ◆ Client name, home address, mailing address and telephone number
- ◆ Emergency and/or next of kin contact name, home address and telephone number

Required Forms: Programs must develop the following forms in accordance with State and local guidelines.

Completed forms are required for each client:

- ◆ Release of Information (must be updated annually). New forms must be added for those individuals not listed on the existing Release of Information (specification should be made about what type of information can be released).
- ◆ Limits of Confidentiality (confidentiality policy)
- ◆ Client Rights and Responsibilities
- ◆ Client Grievance Procedures

STANDARD	MEASURE
Intake process will begin during first contact with client.	Intake tool, completed and in client file, to include (at minimum): <ul style="list-style-type: none"> • Written documentation of HIV status • Proof of Los Angeles County residency • Verification of financial eligibility for services • Date of intake • Client name, home address, mailing address and telephone number • Emergency and/or next of kin contact name, home address and telephone number
Release of Information is discussed and completed as appropriate and to the extent necessary.	Release of Information signed and dated as appropriate to their legal needs by client on file and updated annually.
Client is informed of Rights and Responsibility and Grievance Procedures.	Signed and dated forms in client file.

LEGAL CHECKUP – PREVENTIVE SERVICES

prompt, comprehensive review of clients' legal needs. They are based on the preventive, educative principle of legal services delivery, but must be closely linked to acute services.

The CDC's Revised Guidelines for HIV Counseling, Testing, and Referral state:

"Clients who test positive should be referred to legal services as soon as possible after learning their test result for counseling on how to prevent discrimination in employment, housing and public accommodation by only disclosing their status to those who have a legal need to know." (CDC, 2001, p. 37)

As resources permit, all newly diagnosed or newly identified people living with HIV shall be offered an HIV legal checkup.

Legal checkups will:

- ◆ Include counseling about protecting privacy to prevent discrimination as recommended by the CDC. (CDC, 2001; Gostin, 2004)
- ◆ Include a comprehensive one-on-one legal evaluation and counseling session with a trained legal advocate covering the most 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 assistance in their communities
- ◆ Be performed by staff attorneys, volunteer attorneys or law students (Schulman, 2004). (Schulman & Sears, 2001)
- ◆ Be sited whenever possible at HIV test clinics, medical clinics and AIDS service organizations to reach people as soon after testing positive as possible
- ◆ Deliver services in a culturally and linguistically sensitive manner
- ◆ Have an aggressive outreach component that emphasizes service to underserved communities

Providers are directed to the *HIV Legal Check-up Project Volunteer Advocate Training Manual (2000)* for an example of a comprehensive legal checkup and training instructions.

STANDARD	MEASURE
Programs will develop a comprehensive legal checkup to help staff identify upcoming legal problems including: <ul style="list-style-type: none"> • Discrimination • Denial of benefits • Tenant rights • Immigration, family law • Debtor-creditor conflicts 	Comprehensive legal checkup form on file at provider agency.
All newly diagnosed or newly identified people living with HIV will be offered a referral to an HIV legal assistance services provider for a legal checkup, especially to help clients prevent discrimination in employment, housing, and public accommodation by only disclosing their status to those who have a legal need to know.	MOU outlining referral processes on file at provider agency. Individual legal checkups on file in client record.

SERVICE PROVISION – ACUTE SERVICES

Acute services address client needs that cannot be met by preventive or educational services. They often have reached crisis proportion, such as an imminent eviction, or are

inherently more complex, such as the filing of a legal form or claim.

HIV legal assistance services staff, with the active participation of the client, will determine the course of action for each of the client's legal issues. Services are individualized and tailored to the needs expressed by the client.

To maximize client participation, HIV legal assistance staff will keep the client informed and work together with him or her to:

- ◆ Determine the objective of the representation;
- ◆ Make decisions regarding the case; and
- ◆ Achieve goals in a timely fashion.

HIV legal assistance services staff will also undertake reasonable efforts to identify needs in addition to those specifically expressed by the client throughout the course of counseling and/or representation.

Programs will conduct appropriate action on behalf of clients to meet their legal needs. Such action includes offering relevant legal advice and counseling, providing referrals to other providers/programs, as well as to pro bono attorneys, and representing clients in court and administrative proceedings where appropriate. Services will also assist clients with accessing, maintaining and adhering to primary health care and other support services. Documentation of these efforts shall be maintained in the client record.

The client is responsible for keeping the pertinent legal staff member informed of any communications with other agencies and adverse parties relevant to the client's case. The client's legal representative (by use of letters, phone calls, court and agency visits) will represent, advocate and negotiate on the client's behalf.

HIV legal assistance services providers will inform clients fully about the nature of service offered, including their rights to engage in the generation and review of any legal goals and/or strategies, confidentiality and their ability to terminate services at any time.

Programs will provide the following services:

- ◆ Legal representation, assistance and education to address HIV discrimination in insurance, housing, employment and other environments
- ◆ Legal representation, assistance and education to assist immigrants with accessing and maintaining primary health care and other support services
- ◆ Legal representation, assistance and education to ensure access to and maintenance of public benefits and entitlement programs. Services shall include the provision of legal assistance in obtaining health insurance coverage and challenging unlawful termination or denial of health insurance benefits.
- ◆ Direct legal assistance to prepare powers of attorney, do not resuscitate orders and other end-of-life testamentary documentation
- ◆ Conduct other appropriate action on behalf of clients to meet their legal needs, including:
 - Provision of relevant legal advice and counseling
 - Referrals to other providers/programs
 - Referrals to pro bono attorneys
 - Representation of clients in court and administrative proceedings where appropriate

If a client is homebound or hospitalized, an HIV legal services staff member or volunteer will respond within 24 hours (when possible) and will visit the client at bedside. Work on hospitalized or bedridden clients' cases may begin prior to the completion of intake when indicated.

STANDARD	MEASURE
Programs will provide the following types of legal representation, assistance and education: <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, do not resuscitate orders, etc. • Other advice and referrals 	Program policy and procedures to detail. Program review to confirm.
Service provision will be documented.	Client record to contain documentation of services.

PRESENTATIONS

Programs providing HIV legal assistance services will develop, revise and maintain an HIV preventive legal education curriculum to be conducted in forums for clients. In addition to holding legal forums, programs will conduct informational sessions related to HIV legal and permanency planning issues for staff of community-based organizations and health care. Educational forums for clients and informational sessions for staff and providers will be conducted in accordance with American Bar Association Standards and evaluated for their effectiveness.

STANDARD	MEASURE
Programs will conduct preventive legal forums for clients in accordance with American Bar Association Standards.	Documentation on file at provider agency.
Programs will conduct informational sessions for staff and providers in accordance with American Bar Association Standards.	Documentation on file at provider agency.
Forums and informational sessions will be evaluated for effectiveness.	Evaluations on file at provider agency.

REFERRAL AND LINKAGE

Programs providing HIV legal assistance services will provide referrals and information about available resources and services to clients. The DHSP's service utilization data management systems will be used to facilitate, connect and access referrals and services to and from other providers. This data management system will also be used to track and document referrals to and from organizations. When appropriate, referrals should be linked, demonstrating that staff has taken the necessary steps to ensure that clients have accessed the services to which they have been referred. Documentation of referrals and linkages will be made in the client record.

STANDARD	MEASURE
Programs will provide referrals and information about available resources, employing DHSP's service utilization data management system.	Referral list on file at provider agency. Program review to confirm use of data management system.
When appropriate, staff will link referrals.	Documentation of referrals and linkages in client record.

BROKEN APPOINTMENT POLICY

Programs will develop a broken appointment policy consistent with applicable ethical and legal standards of the State Bar of California and local rules of court.

STANDARD	MEASURE
Programs will develop a broken appointment policy to ensure continuity of service.	Written policy on file at provider agency

PROGRAM RECORDS

Programs will document all HIV legal assistance services provided to clients in sufficient detail to ensure quality services to clients and permit evaluation of services.

Each client record will include (at minimum):

- ◆ Written documentation of HIV diagnosis
- ◆ Proof of Los Angeles County residency
- ◆ Verification of financial eligibility for services
- ◆ Client demographics
- ◆ Intake and assessment information
- ◆ Referrals provided and interventions made on behalf of the client and the results of these referrals and interventions
- ◆ Documentation of all legal assistance provided to the client and the results of these services

Along with a written schedule of forums and informational sessions, presentations performed by HIV legal services staff require the following documentation (at minimum):

- ◆ Name and professional title of presenter(s)
- ◆ Date, time and location of presentation (including SPA)
- ◆ Dated attendance log signed by each participant
- ◆ Outline of topic and objectives for each presentation
- ◆ Completed participant evaluation instruments and results

STANDARD	MEASURE
Programs will document legal assistance services provided to clients	Client record to include the following (at minimum): <ul style="list-style-type: none"> • Documentation of HIV diagnosis • Proof of residency • Verification of financial eligibility • Client demographics • Intake and assessment information • Referrals, interventions and results • Documentation of all legal assistance and results
Programs will document forums and informational sessions provided.	Presentation record on file at provider agency to include (at minimum): <ul style="list-style-type: none"> • Written schedule of presentations • Name and title of presenter(s) • Date, time and location (including Service Planning Area) • Dated attendance log • Outline and objectives • Completed evaluations results

STANDARD	MEASURE
Case conferences held by RN and social worker (at minimum) will review and revise service plans at least every 60 days. Client or representative feedback will be sought.	Documentation of case conferences on file in client record to include names and titles of those participating in the review and client or representative input.

CASE CLOSURE

HIV legal assistance programs will develop criteria and procedures for case closure. All attempts to contact the client and notifications about case closure will be documented in the client file, along with the reason for case closure. Cases will be closed when the client's legal or benefit issue has been resolved.

Cases may also be closed when the client:

- ◆ Successfully completes benefit and entitlement applications
- ◆ Seeks legal representation for benefits
- ◆ Relocates out of the service area
- ◆ Has had no direct program contact in the past six months
- ◆ Is ineligible for the service
- ◆ No longer needs the service
- ◆ Discontinues the service
- ◆ Is incarcerated long term
- ◆ Uses the service improperly or has not complied with the client services agreement
- ◆ Has died

STANDARD	MEASURE
HIV legal assistance programs will develop case closure criteria and procedures.	Case closure criteria and procedures on file at provider agency. Cases may be closed when the client's legal or benefit issue has been resolved, or when the client: <ul style="list-style-type: none"> • Successfully completes benefit and entitlement applications • Seeks legal representation for benefits • Relocates out of the service area • Has had no direct program contact in the past six months • Is ineligible for the service • No longer needs the service • Discontinues the service • Is incarcerated long term • Uses the service improperly or has not complied with the client services agreement • Has died
Programs will attempt to notify clients about case closure.	Client chart will include attempts at notification and reason for case closure.

STAFFING REQUIREMENTS AND QUALIFICATIONS

HIV legal assistance staff and attorneys will have the skills and ability to specialize in the areas of most critical need to people living with HIV. Staff, attorneys and volunteers will be trained and remain knowledgeable of relevant legal and non-legal HIV/AIDS issues. Staff attorneys, licensed by the state of California and members in good standing with the State Bar of California, will coordinate, supervise and/or provide all services. Licensed volunteer attorneys, law students, law school graduates and other legal professionals (all under the supervision of a qualified staff attorney) may be used to expand program capacity. All legal

assistance staff and volunteers onsite will complete an agency-based orientation before providing services.

All HIV legal services attorneys and volunteer attorneys will practice according to the American Bar Association's Model Rules for Professional Conduct (http://www.abanet.org/cpr/mrpc/mrpc_home.html) and the State Bar of California's Rules of Professional Conduct (http://www.calbar.ca.gov/state/calbar/calbar_extend.jsp?cid=10158)

STANDARD	MEASURE
HIV legal assistance staff and attorneys will have relevant skills and abilities.	Resumes on file at provider agency to confirm.
Staff and volunteer attorneys will be licensed by the state of California and members in good standing of the State Bar of California.	Resumes on file at provider agency to confirm.
Staff attorneys will coordinate, supervise and/or provide all services.	Policy and procedures manual and chart review to confirm.
Volunteers must be supervised by a qualified staff attorney and may include: <ul style="list-style-type: none"> • Licensed volunteer attorneys • Law students • Law school graduates • Other legal professionals 	Documentation of supervision on file at provider agency.
All HIV legal assistance staff and volunteers onsite must complete an agency orientation before providing services.	Documentation of orientation maintained in employee or volunteer files.

UNITS OF SERVICE

Unit of service: Units of service defined as reimbursement for HIV legal assistance are based on service provided to eligible clients.

- ◆ **Discrimination representation and services:** calculated in number of hours provided
- ◆ **Immigrant representation, assistance and education:** calculated in number of hours provided
- ◆ **Advanced directives and end-of-life testamentary documentation:** calculated in number of hours provided
- ◆ **Benefit representation, services and education:** calculated in number of hours provided

Number of clients: Client numbers are documented using the figures for unduplicated clients within a given contract period.

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ACRONYMS

ADA	American Disability Act
AIDS	Acquired Immune Deficiency Syndrome
CDC	Centers for Disease Control and Prevention
DHSP	Division of HIV and STD Programs
DNR	Do Not Resuscitate
HIPAA	Health Insurance Portability and Accountability Act
HIV	Human Immunodeficiency Virus
MOUs	Memoranda of Understanding
SPA	Service Planning Area
STD	Sexually Transmitted Disease