

# AIDS Law Project of Pennsylvania Quality Assurance Review

## Public and Private Benefits

July 1 – September 30, 2016

We are always concerned with the quality of our services, so we proactively created a quality assurance team to internally monitor our performance. Given the attorney's duty of confidentiality to clients and the sensitive nature of the attorney-client privilege, all quality reviews are done in-house.

To assess the quality of our work, we conduct an annual in-house quality assurance review. We review the cases closed in the 3rd quarter of the preceding year (July 1 – September 30) alternating between our busiest practice areas: housing (23% of our annual workload) and public benefits (33%). This year we reviewed public benefits cases.

Public benefits cases include those involving: Pennsylvania Department of Human Services (DHS), formerly known as the Department of Public Welfare, and the benefits it oversees (food stamps, cash assistance, medical assistance – also known as Medicaid); the Social Security Administration (SSA) and its disability programs (Supplemental Security Insurance, commonly known as SSI, Social Security Disability Insurance, commonly known as SSDI); and other public benefits programs. **Between July 1 and September 30, we closed 86 files of people who contacted the AIDS Law Project requesting legal assistance with public benefits. We successfully provided direct representation, legal advice and/or referrals to 85% (73) of them.**

Each individual who calls with a legal question does a thorough intake interview with an attorney, trained paralegal or certified legal intern, who provides triage for persons in crisis. Each case is then reviewed by the Intake Team (comprised of attorneys, paralegals and legal interns), which determines an appropriate course of action. Sometimes staff will represent clients in administrative law judge hearings. Other times, staff will help by informally negotiating an agreement with another party, such as the SSA. Clients needing assistance in a practice area outside our scope of expertise (such as Veterans Affairs (VA) benefits) are referred to a volunteer attorney. Callers seeking information on their legal rights receive follow-up phone calls, meetings or written information.

This Quality Assurance Review examines the outcome of all public benefits cases closed between July 1 and September 30, 2016. The review was performed by interns Diana Sioutis (American University '17) and Alex Grayson (Clark University '18), who pulled files for those cases and reviewed each individually. Using the outcome section of our closing form, along with detailed file notes, the interns determined the outcome of each of the cases, compiled the data, and created the following report.

In analyzing outcomes, the following categories are used:

Representation and/or Advocacy: This category covers any instance in which a staff member of the AIDS Law Project represented a person in a hearing or contacted any third party on behalf of a client.

Legal Advice/Information: This is the broadest outcome category and includes every time a staff member spoke with a client, whether it was to explain a person's rights regarding Medical Assistance or to advise a client to appeal an SSI denial.

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Referral: To best utilize our limited resources, we occasionally refer clients to the private bar, other public-interest law firms, and social service organizations.

Unreachable Clients: We attempt to assist all clients who contact us. Even those clients with whom we are unable to maintain contact, we attempt to provide referrals and/or legal advice.

### **Social Security and Medicare Benefits**

#### **43 Intakes**

##### **SSI/SSD Eligibility, Appeals, and Applications**

##### **31 Intakes**

The AIDS Law Project of Pennsylvania assisted 31 clients with questions or issues regarding benefits eligibility, the application process, and/or appealing denials.

##### Representation and/or Advocacy (7/9)

We represented and/or advocated on behalf of 9 clients. Of those 9, we successfully represented 5 clients in obtaining or maintaining public benefits and 4 in appealing a denial of benefits. We successfully appealed the denial for 2 of the 4. We began the appeal process for 1, who became unreachable. We represented 1 client at an SSI hearing, which resulted in an unfavorable decision. We provided that client with referrals to private attorneys to consider a further appeal.

##### Legal Advice/Information (11/11)

We provided accurate legal advice to 11 clients. 4 had questions regarding eligibility for benefits, 4 had questions about appeals, and 3 had questions regarding the application process.

##### Referrals (6/6)

We referred 6 clients to private attorneys or other public interest law firms.

##### Unreachable Clients (0/5)

5 clients became unreachable either after the initial intake process or after a brief service was provided. We requested documentation from 1 client to proceed in an SSDI appeal, but the client became unreachable. A 2<sup>nd</sup> client became unreachable, although we attempted a referral to a private attorney. A 3<sup>rd</sup> client became unreachable after our attorney conducted research for an SSDI appeal. A 4<sup>th</sup> client was homeless and called seeking assistance to apply for SSDI, but without a stable address and phone number, they became unreachable. A 5<sup>th</sup> client became unreachable after they called about SSI eligibility. We left a voicemail for the client with the requested eligibility information.

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### **Overpayments 8 Intakes**

An individual's monthly Social Security disability benefits may be reduced if the SSA believes the recipient received more than the amount to which they are entitled.

#### Representation and/or Advocacy (6/6)

We successfully represented 6 clients; 5 of whom sought to appeal an overpayment and 1 who sought to report work-related income to the SSA to avoid overpayment.

#### Legal Advice/Information (0/1)

We provided brief service to 1 client, with an overpayment issue, but the individual became unreachable.

#### Unreachable Clients (0/1)

1 client became unreachable after completing an intake on an overpayment issue.

### **Medicare 4 Intakes**

We assisted 4 clients with Medicare-related issues.

#### Representation and/or Advocacy (2/2)

We successfully assisted 1 client obtain medication for travel abroad. For a 2<sup>nd</sup> client, appealed a Medicare billing error, which caused an overpayment debt. Our successful challenge resulted in a \$430 reduction of the overpayment debt.

#### Legal Advice/Information (2/2)

We gave 1 client information on dual eligibility, which occurs when a person is eligible for both SSI and SSD. SSI provides automatic Medical Assistance eligibility and SSD provides eligibility for Medicare after 24 months. We gave 1 client advice on eligibility for Medicare Buy-In, a program in which DHS pays the Medicare premiums for low-income individuals.

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**Medical Assistance (also known as Medicaid or MA),  
Medical Assistance for Workers with Disabilities (MAWD),  
Special Pharmaceutical Benefits Program (SPBP), and  
Supplemental Nutrition Assistance Program (SNAP)  
25 Intakes**

**Medical Assistance  
15 Intakes**

15 clients called with questions and/or issues regarding Medical Assistance eligibility.

Representation and/or Advocacy (7/8)

We successfully represented 7 clients, 3 of which appealed an MA denial or termination, 1 needed help in transitioning from Medicaid/SSI to Medicare/SSD, 1 required help to obtain authorization for a surgery, 1 needed MA to pay outstanding medical bills, and 1 sought to increase home health aid from 4 hours a day to 8. We began to represent 1 client with a MA problem, but the client did not have the documentation necessary to support the claim.

Legal Advice/Information (5/6)

We provided legal advice to 5 clients with eligibility questions. We directed 1 client to seek a case manager for a non-legal matter.

Referrals (1/1)

We referred 1 client to a public-interest law firm partner.

**Medical Assistance for Workers with Disabilities (MAWD)  
7 Intakes**

7 clients called with issues regarding MAWD eligibility.

Representation and/or Advocacy (4/4)

We successfully represented 4 clients, of which 3 appealed a termination of benefits and 1 sought coverage for nutritional supplements.

Legal Advice/Information (3/3)

We provided legal advice on MAWD eligibility to 3 clients, of which 1 was a newlywed and 1 had a new roommate. We explained how additional household income can affect eligibility. The 3<sup>rd</sup> client had basic eligibility questions.

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### **Special Pharmaceutical Benefits Program (SPBP)**

#### **2 Intakes**

We assisted 2 clients seeking assistance with the state-run AIDS drug assistance program.

#### Representation and/or Advocacy (1/1)

We successfully re-enrolled 1 client in in SPBP.

#### Legal Advice/Information (1/1)

We provided 1 client legal advice on the effect marriage has on SPBP eligibility.

### **Supplemental Nutrition Assistance Program (SNAP)**

#### **1 Intake**

1 client contacted us for assistance with SNAP.

#### Representation and/or Advocacy (1/1)

We successfully represented 1 client in the appeal of a SNAP benefits denial.

## **Back to Work**

### **2 Intakes**

We successfully represented 2 clients who returned to the work force despite disability.

#### Representation and/or Advocacy (2/2)

We assisted 1 client in contacting the SSA to suspend his disability benefits, as he had returned to work and was no longer income eligible. We represented 1 client in reinstating his disability benefits, which had been terminated during a brief return to work.

## **Marriage**

### **5 Intakes**

Marriage equality is still relatively new in Pennsylvania (May 2014). 5 clients who either married before it was legal in Pennsylvania or hoped to marry in the future called to ask about the effect of marriage on their benefits.

#### Legal Advice/Information (4/5)

We advised 4 clients on the effect marriage would have on their benefits. 1 client became unreachable after a brief service.

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### **Private Insurance**

#### **9 Intakes**

We provided legal advice to 9 clients regarding private insurance.

##### Legal Advice/Information (9/9)

6 clients were given advice on purchasing private health insurance. We explained to 1 client that their employer's policy does not cover the HPV vaccination. We advised 1 client to file a complaint with the Pennsylvania Insurance Department. We researched the claim of 1 client regarding an increased universal life insurance premium. We found that the increased amount was permissible under the policy terms and consistent with the range of increases for premiums nationally.

### **Other Public Disability Benefits**

#### **2 Intakes**

We provided assistance on 2 miscellaneous benefits questions.

##### Legal Advice/Information (1/2)

At a client's request, we researched the relevant sections of federal rules that govern Ryan White-funded organizations. With this information, the client was able to successfully campaign to prevent the closure of an AIDS Service Organization, which provided HIV-related health care. We declined to provide assistance to 1 client who sought to prevent their son's widow from collecting benefits.