

AIDS Law Project of Pennsylvania Quality Assurance Review  
Public and Private Benefits

July 1 – September 30, 2019

The quality of our services is of paramount importance. 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 calendar year (July 1 – September 30) alternating between our busiest practice areas public benefits (26% of annual workload) and housing (22% of our Pennsylvania's office work and 29% of our New Jersey office).

This Quality Assurance Review examines the outcome of all public and private benefits cases closed between July 1 and September 30, 2019.

We reviewed the public benefit programs administered by the Pennsylvania Department of Human Services (DHS) and the Social Security Administration (SSA). DHS administers food stamps, also known as SNAP, cash assistance, Medical Assistance – also known as Medicaid, including the Medical Assistance for Workers with Disabilities (MAWD) program, and the Special Pharmaceutical Special Prescription Benefit Program (SPBP). SSA's disability programs include Social Security Insurance (SSI) and Social Security Disability Insurance (SSDI).

Between July 1 and September 30 of 2019, we closed 96 files of people who contacted the AIDS Law Project requesting legal assistance with public or private benefits. We successfully provided direct representation, legal advice, and/or referrals to 96% (92) of them.

Each individual who calls with a legal question does a thorough intake interview with an attorney, trained paralegal or legal intern, who provides triage for persons in crisis.

The request for assistance 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.

In analyzing outcomes, we qualified an interaction as successful if we addressed the issue for which the client sought assistance. We address clients' concerns in a variety of ways. In this report, we use the following categories:

**Representation and/or Advocacy:** This category covers all instances in which an AIDS Law Project staff member 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 information provided to a client post-intake -- whether it's an explanation of the rules regarding Medical Assistance or advice on appealing an SSI denial.

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

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

### **State Funded Benefits**

33 intakes

### **Medical Assistance (MA)**

22 Intakes

#### Representation and/or Advocacy (13)

We represented nine clients in maintaining public benefits, despite an application denial or a termination notice. Of these nine clients, we successfully appealed the termination of one client's MAWD benefits due to his IRA which exceeded the resource limit, and we assisted another client who had received a settlement and was concerned about the settlement's impact on her MA. We were able to successfully help this client waive her overpayment and maintain her MA. Two clients were sent termination notices because their income was too high, and we successfully argued that they were eligible for MAWD, as it has higher income levels. One client had her benefits terminated because she moved to another state. We assisted her in getting Medicaid in her new home state without a gap in coverage. One client's MA was terminated because he was over the resource limit, and we advised him on the program rules to maintain eligibility.

#### Legal Advice/Information (9)

Three clients requested advice after their MA was terminated. One client sought assistance to maintain MA. One client was seeking information on other Medicaid programs after his MA was terminated and we assisted him in applying for MAWD. Three clients were no longer eligible for MA, but we assisted in applying for SPBP. One client sought assistance when her waiver application was denied, and we advised the client on waiver services, but she did not pursue the appeal.

## **Medical Assistance for Workers with Disabilities (MAWD)**

6 Intakes

### Representation and/or Advocacy (4)

We represented one client in maintaining his MAWD by verifying income and residency during a recertification, following a retroactive SSA payment. For two clients, we successfully advocated for them to maintain their MAWD after receiving termination letters. One of these clients received a termination letter because his IRA exceeded the resource limit. The second client's MAWD was terminated because SSA believed he was over the income limit, but, after we intervened, they realized they made an error. We began an appeal of a MAWD denial for a fourth client, but withdrew the appeal once it was clear that he was income ineligible, and he obtained SPBP coverage with our assistance.

### Legal Advice/Information (2)

One client needed information on MAWD eligibility and resource requirements. The other client sought advice on whether MAWD would cover her husband. We also provided advice on Medicare supplement plans.

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

5 Intakes

### Representation and/or Advocacy (4)

One client contacted us after the County Assistance Office's Quality Assurance audit discovered that she failed to update them on changes in her household composition. We communicated with the auditor and negotiated a repayment plan. We successfully assisted a second client in recalculating a SNAP calculation. We successfully appealed the termination of SNAP benefits for two clients. One of these client's benefits were terminated after she used them in another state. We were able to speak with DHS and get the client a new application, and her

benefits were approved without a gap in coverage. The other client's SNAP was originally terminated because the County Assistance Office stated her income was above limit.

#### Unreachable Clients (1)

One client contacted us to ask if he was eligible for SNAP, but he became unreachable after the intake process.

### **General Assistance**

1 Intake

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

We successfully represented one client in appealing his GA denial after the County Assistance Office refused to process his application three times due to an outstanding court fee.

### **Federally funded Benefits**

58 Intakes

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

47 Intakes

#### Representation and/or Advocacy (18)

We represented four clients at Administrative Law Judge (ALJ) hearings. Three received fully favorable decisions, one was found to not be disabled. We attended an ALJ hearing for one client, but she did not appear and her claim was denied.

Two clients sought assistance, after their disability benefits were terminated. We successfully appealed the termination for one client, and the second client's benefits were restored during the pendency of an appeal.

Seven clients sought assistance related to a Continuing Disability Review (CDR). We assisted five in completing the forms and all

maintained their benefits. One client's benefits were restored after we submitted the CDR paperwork and advocated at the field office. We evaluated one client's request to appeal an unfavorable CDR determination, but found no basis to appeal.

Two clients sought assistance with mistakes on their SS records. One was marked deceased and the other was misidentified as married. We corrected the mistakes and both received their accurate amount of disability benefits.

We successfully represented one client in a reinstatement of benefits and negotiated an overpayment repayment plan that included a credit for one month of Medicare premiums. We represented one client in reporting a settlement to SSA and we successfully requested a waiver of an overpayment.

One client requested help with reapplying for SSI after he unsuccessfully appealed his loss at an ALJ hearing. Instead, we advised him that he file a new application with a later onset date.

#### Legal Advice/Information (26)

Four clients sought assistance on applying for SS disability benefits. Two asked about eligibility. A third asked about the SSI application process. The fourth client requested assistance with filing an SSI application, but we informed him that doing so was not among our provided services. We advised the client that if he sought legal assistance in the future, to contact ALPP.

Five clients sought assistance with SSDI or SSI denials. We advised one client to appeal an SSI denial, but she did not follow up with the requested necessary documentation. We agreed to represent another client for his SSD denial, but he retained an attorney in Bucks County. We explained the Appeals Council process to a client who was denied benefits at an ALJ hearing. We advised one client that he incorrectly

thought his application was denied, but that the medical determination component of his case was still pending. We advised one client to apply for SSI instead of SSDI.

Three clients sought advice about the impact of resources on their benefits. We advised on reporting resources to SSA and whether a gift in trust or an inheritance would affect benefits.

We successfully represented one client in reinstating benefits after incarceration. We advised one client on applying for Expedited Reinstatement. One client sought information about SSA retirement benefits.

Two clients sought information about medical and financial eligibility for disability benefits. We determined that one was not medically eligible and the other was not financially eligible.

We advised one client that, without medical records of ongoing treatment for his disability, it was unlikely that a judge would rule in his favor. We advised another client of the right to appeal an SSI denial, but that we didn't think the records supported medical eligibility.

One client received a partially favorable decision from SSA, but didn't understand what it meant. We explained the waiting period and that he would be receiving SSDI and SSI. We advised one client she was ineligible for a lump sum retroactive SSI payment.

We advised one client to appeal his SSD termination.

Two clients contacted us for help with terminations of their disability benefits. We began to review their cases, but each resolved it on their own.

We contacted a client's case manager to discuss the loss of SSI benefits, but neither the client nor the case manager followed up. We advised one

client that we could not represent him in Wayne County, and he did not want a referral.

#### Referral (1)

We referred one client to a private disability benefits lawyer.

#### Unreachable Clients (2)

One client became unreachable after completing an intake on SS disability benefits.

We attempted to advise one client on a scheduled appointment with SSA, but his phone was disconnected.

### **Back to Work**

#### 5 Intakes

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

One client requested information on whether he was in a Trial Work Period (TWP). We confirmed with SSA that he had not yet used any TWP months.

#### Legal Advice/Information (4)

Four clients sought information about the impact of work on their disability benefits. We reviewed one clients' pay stubs and provided Back to Work information. We sent a second client a letter with detailed information on working while collecting SSD. One client sought legal advice about how returning to work part-time would affect his LTD benefits. We provided information about working while on SSDI-SGA. We reviewed a fourth client's income and advised that we could not appeal the termination of his benefits, as he was earning above the SSD eligibility limit.

## **Overpayments**

1 Intake

### Representation and/or Advocacy (1)

We successfully requested a waiver of an overpayment for one client.

## **Medicare**

5 Intakes

### Representation and/or Advocacy (2)

We successfully resolved the termination of one client's Medicare Advantage. Another client sought help after he was billed by his Infectious Disease doctor. We advocated to have the bill waived, but the doctor demanded payment.

Legal Advice/Information (3). One client sought assistance with the buy-in program to pay her Medicare Part B premium, but we advised she was ineligible for the program due to income limits. One client received a letter stating he needed to start paying a premium to continue receiving Medicare coverage, this client feared his Medicare would be terminated. We assessed his eligibility for other programs and the client ultimately enrolled in an employer-provided insurance plan with SPBP. One client requested help with insurance, but we did not hear from the client after following up

## **Private Insurance**

5 Intakes

### Representation and/or Advocacy (2)

We helped one client apply for short-term disability and resolved his FMLA issues with his employer. One client sought assistance after he was denied an application for short-term disability insurance due to his use of PrEP. We advised the client to reapply because as of June 2019, State Farm no longer automatically screens STD applications for PrEP. We also advised the client that if he were denied, to file a timely request

for the consumer report or to file a consumer complaint with the Pennsylvania State Insurance Commission.

#### Legal Advice/Information (2)

One client sought advice when her long-term disability insurance provider transferred her medical documents to another provider. We explained that she needed to complete an authorization to release medical records so that they could be transferred. One client sought legal advice about how returning to work part-time would affect his LTD benefits.

#### Unreachable Clients (1)

One caller requested help with insurance, but we were unable to reach them to follow up.