

AIDS Law Project of Pennsylvania Quality Assurance Review  
Public Benefits  
July 1 - September 30, 2020

We are always concerned with the quality of our services, so we proactively created a Quality Assurance Review 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 review annually the benefits cases we completed and closed in the third quarter of the year (July 1 – September 30). Benefits cases include those involving state funded benefits programs, federally funded benefits programs, and private insurance.

**In the third quarter of 2020, we closed 37 files for clients who contacted the AIDS Law Project requesting legal assistance with benefits issues. We provided direct representation and/or advocacy, legal information/advice, or referrals in all 37 cases.**

Each individual who calls with a legal concern receives a thorough intake review with an attorney, paralegal, or legal intern who handles calls immediately and provides triage for persons in crisis. The intake ends with an explanation of AIDS Law Project's intake process. Each case is then reviewed by the Intake Team to determine 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 (e.g, Veterans Affairs benefits) are referred to appropriate counsel. Callers seeking information on their legal rights receive follow-up phone calls, meetings, or written information.

This survey was performed by legal interns Paul Sindberg and Linnea Kelley, who reviewed the benefits cases closed in 2020. Our team pulled the files for the cases and reviewed each one individually. Using the outcome section of our closing form as a guide along with the file notes, we determined the outcome of each of these cases, compiled data, and completed the report.

In this report, the word "cases" refers to the number of case files our team opened regarding a client's legal matters. The word "issues" refers to the number of individual legal issues raised in our case files, and the word "clients" refers to the number of clients with at least one open case file. Some cases involve multiple issues, and some clients opened multiple cases; these are not exclusive categories but merely a tool to help us understand the areas in which we are impacting our community. Accordingly, issues, cases, and clients may be counted under more than one issue category below. Because our team assisted some clients with multiple issues in one or more cases, the number of issues we report will often exceed the number of cases, and the number of cases we report will similarly often exceed the number of clients we served. In analyzing outcomes, we qualified an interaction as successful if we addressed the issue for which the client sought assistance.

In the third quarter of 2020, the AIDS Law Project of Pennsylvania closed 37 cases for 35 clients requesting legal assistance with a benefits-related matter. These 37 cases involved 48 distinct legal issues.

- ❖ In 15 cases, clients received representation and/or advocacy. This category covers any instance when a staff member of the AIDS Law Project represented a client in a hearing or contacted a third party on behalf of a client.
- ❖ In 21 cases, we provided legal information/advice to clients. This is the broadest outcome category and includes any time a staff member provided information to a client after an intake, such as explaining Medical Assistance rules or advising on application procedures following an SSI denial.
- ❖ In 1 case, clients were provided with a referral. To best utilize our limited resources, we occasionally refer clients to the private bar, other public-interest law firms, or social service organizations.
- ❖ Sometimes, the AIDS Law Project cannot provide services to a client following an intake because the client becomes unreachable, identifies other legal representation, or poses a conflict of interest with an existing client. In the third quarter of 2020, AIDS Law Project is pleased to report that we provided a legal service to every client who contacted our office regarding a benefits concern.

Below, each of these 37 cases is explored further as one of three issue types: State Funded Benefits, Federally Funded Benefits, and Private Insurance. Each case has been assigned to one or more of these three categories, in accordance with the case's relevant issues. Because some cases involve multiple issues or multiple types of benefits programs, some cases appear below multiple subheadings below; all 48 legal issues our office helped resolve regarding benefits in the third quarter of 2020 are itemized in these categories.

## **I. State Funded Benefits** 25 cases

### **A. Medical Assistance (MA)** 13 cases

#### **Representation and/or Advocacy** – 9 cases

In four cases, we successfully supported a client's application for Medical Assistance. In one case, we successfully supported the client's recertification for Medical Assistance with no gap in coverage. In one case, we supported the client in porting benefits across states without interruption. In one case, we drafted and sent a letter to the client's employer to help resolve a medical insurance issue. In one case, we resolved concerns regarding Medical Assistance programs while supporting a client's successful application to another benefits program. In one case, we represented a client who was subject to an investigation related to benefits programs.

**Legal Information/Advice – 4 cases**

In two cases, we advised a client on eligibility guidelines for Medical Assistance and offered information on plans available through the Affordable Care Act. In two cases, we advised a client on the benefits consequences of selling or giving away their home.

**B. Medical Assistance for Workers with Disabilities (MAWD)**

3 cases

**Legal Information/Advice – 3 cases**

In one case, we advised the client on the termination of their Medical Assistance for Workers with Disabilities benefits and their eligibility. In one case, we advised the client on the impact of overdue premiums for Medical Assistance for Workers with Disabilities on the reinstatement of their benefits; their benefits subsequently resumed. In one case, we advised a client on securing Medical Assistance for Workers with Disabilities benefits.

**C. Waiver**

1 case

**Legal Information/Advice – 1 case**

We advised a client on how moving out of their property would impact their Medical Assistance eligibility and related waiver.

**D. Supplemental Nutritional Assistance Program (SNAP)**

6 cases

**Representation and/or Advocacy – 6 cases**

In two cases, we successfully supported the client's appeal of SNAP benefits reduction or termination. In two cases, we successfully supported a client's application for SNAP benefits. In 1 case, we contacted a County Assistance Office on behalf of our client to help him secure Supplemental Nutritional Assistance Program benefits. In one case, we represented a client who was subject to an investigation related to benefits programs.

**Legal Information/Advice – 2 cases**

In one case, we addressed a client's concerns by confirming their County Assistance Office had correctly calculated their SNAP benefits. In 1 case, we advised a client's case manager on the possibility of SNAP benefit termination over an out-of-state shelter-in-place residence related to COVID.

**E. Special Pharmaceutical Benefits Program (SPBP)**

6 cases

**Representation and/or Advocacy – 2 cases**

In one case, we successfully advocated for inclusion of all the client's dependents within SPBP benefits. In one case, we successfully helped a client maintain benefits despite concerns related to sheltering out-of-state due to the pandemic.

**Legal Information/Advice – 4 cases**

In three cases, we advised a client on applying for SPBP benefits. In two of those three cases, the client's case manager supported their application further. In one of those three cases, we directly and successfully supported the client's application. In one separate case, we advised a client on the benefits consequences of selling or giving away their home.

**II. Federally Funded Benefits**

12 cases

**A. SSI/SSD Appeals**

4 cases

**Legal Information/Advice – 3 cases**

In one case, we addressed a client's concerns about retroactive payments following a favorable court decision by confirming they were receiving appropriate payments in the correct amount. In one case, we advised the client on filing an appeal after their SSD application was denied. In one case, we advised a client on coordinating with doctors to request reconsideration per an SSD appeal.

**Referral – 1 case**

We referred an out-of-state client to a local resource for assistance appealing an SSI/SSD denial.

**B. SSI/SSD Applications**

2 cases

**Legal Information/Advice – 2 cases**

In one case, we explained eligibility requirements for SSDI after the client explained they already received SSI. In one case, we advised the client on questions related to the impact their serostatus and the ongoing pandemic would have on their eligibility for SSI/SSD.

**C. SSI/SSD Eligibility**

2 cases

**Representation and/or Advocacy – 1 case**

We contacted a SSA representative to resolve a client's underpayment by SSI and confirmed the client was now receiving their full benefit amount.

**Legal Information/Advice – 1 case**

We advised the client on questions related to the impact their serostatus and the ongoing pandemic would have on their eligibility for SSI/SSD.

**D. Buy-In**

2 cases

**Legal Information/Advice – 2 cases**

In one case, we advised a client on the benefits consequences of selling or giving away his home. In one case, we advised the client on buy-in resource limits and options for spending down after they were made ineligible due to resources from his inheritance.

**E. Back to Work**

1 case

**Legal Information/Advice – 1 case**

We advised a client on the benefits consequences of selling a home for less than fair market value.

**F. Other Public Disability Benefits**

3 cases

**Representation and/or Advocacy – 1 case**

We contacted the IRS Taxpayer Advocate after a client explained an identity theft concern and a concern related to receiving stimulus checks.

**Legal Information/Advice – 2 cases**

In one case, we advised the client on questions related to the impact their serostatus and the ongoing pandemic would have on their eligibility for SSI/SSD. In one case, we advised a client on opening a case with Social Security after they mistakenly received another's social security paperwork and grew concerned their paperwork had also accordingly gone to the wrong person.

**III. Private Insurance**

3 cases

**A. Private Health Insurance**

1 case

**Legal Information/Advice – 1 case**

We advised a client on the benefits consequences of selling or giving away his home.

**B. Long-Term Disability Insurance**

1 case

**Legal Information/Advice – 1 case**

In 1 case, we advised a client regarding their lack of HIV-related symptoms and an upcoming long-term disability medical review.

**C. Life Insurance**

1 case

**Legal Information/Advice – 1 case**

In 1 case, we presented options to a client who wanted to dispute the distribution of life insurance proceeds.