

AIDS Law Project of Pennsylvania Quality Assurance
Review Public Benefits
July 1 - September 30, 2021

The AIDS Law Project strives to provide high quality legal services. 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 2021, we closed 29 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 28 cases which is 97% of all public benefits cases closed during that period.

A thorough intake interview with an attorney, paralegal, or legal intern is conducted for every call, visit, or on-line request seeking legal advice. Cases are triaged for 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 negotiate an agreement with another party, such as the Social Security Administration. 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 Elizabeth Lilly, Ellie Schwab, Eric Richwine, Jess Stoltz, and Jake Soria, who reviewed the benefits cases closed in 2021. 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.

The word "cases" refers to the number of individual legal issues raised and the word "clients" refers to each individual with an one open case file. As categorized below, some clients had multiple cases that required different types of responses. However, these are not exclusive categories and are merely a tool to help us understand the areas in which we are impacting our community. Accordingly, clients may be counted under more than one issue category below. As clients have multiple issues in one or more cases, the number of cases we worked on may exceed the number of clients. 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 2021, the AIDS Law Project of Pennsylvania closed 29 cases for 23 clients requesting legal assistance with a benefits-related matter.

- In 15 cases, clients received representation and/or advocacy. This category covers any instance when the AIDS Law Project represented a client in a hearing or contacted a third party on their behalf.
- In 12 cases, we provided legal information/advice to clients. This is the broadest outcome category and includes any time the AIDS Law Project provided information to a client after an intake, such as explaining Medical Assistance rules or advising on application procedures following an Social Security disability benefits 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.
- In 1 case, no services were provided because the client's benefits were restored without intervention.

Below, each of these 29 cases is analyzed further as one of two issue types: State Funded Benefits and Federally Funded Benefits. Each case has been assigned to one of these two categories. Some clients may be reported on in more than one case and may appear in more than one category.

State Funded Benefits

14 Cases

Medical Assistance (MA)

2 Cases

Representation and/or Advocacy – 1 Cases

In one case, we worked with a residential treatment facility to reopen a client's medical assistance benefits, after incarceration on a probation violation.

Legal Information/Advice – 1 Case

In one case, we evaluated a client's eligibility for medical assistance programs to supplement Medicare.

Medical Assistance for Workers with Disabilities (MAWD)

4 Cases

Representation/Advocacy – 2 Cases

We represented or advocated for two cases regarding MAWD. In one case, we represented a client in a successful application for MAWD which resulted in reduced premiums. In one case, we represented a client successfully complete a MAWD application by providing relevant documents.

Legal Information/Advice – 2 Cases

We gave legal information or advice for two cases regarding MAWD. In one case, we advised a client on their eligibility for MAWD, who later successfully obtained the benefits. In one case, we advised a client on their application for MAWD, which ultimately was approved.

Medical Assistance Waiver

2 Cases

Representation/Advocacy – 2 Cases

We represented or advocated for two waiver cases. In one case, we successfully negotiated with a client's healthcare provider to receive 24-hour assisted care as part of their Community Health Choices waiver. In one case, we successfully represented a client in a hearing to increase the number of home health care aide hours, despite the client's late filing.

Supplemental Nutrition Assistance Program (SNAP)

5 Cases

Representation and/or Advocacy – 2 Cases

We represented or advocated on two cases for SNAP benefits. In one case, we assessed a client's eligibility for SNAP and successfully appealed the amount of SNAP benefits. In one case, we successfully appealed SNAP termination, allowing benefits to be reinstated with no gap in coverage.

Legal Information/Advice – 2 Cases

We gave legal information or advice for two cases regarding SNAP benefits. In one case, we evaluated a client's SNAP eligibility. In one case, we advised the client on the submission of employment information to the County Assistance Office after the client's SNAP benefits were reduced to the minimum amount.

No Services Provided – 1 Case

In one case, the client's SNAP benefits were restored without intervention.

Special Pharmaceutical Benefits Program (SPBP)

1 Case

Legal Information/Advice – 1 Case

In one case, we advised the client to restore their prescription drug coverage by applying for SPBP until the effective date of their Medicare Advantage plan.

Federally Funded Benefits

15 Cases

Medicare

3 Cases

Representation and/or Advocacy – 2 Cases

We represented and advocated for clients signing up for Medicare plans in two cases. In one case, we assisted the client in signing up for a Medicare Advantage.. In one case, we assisted a client in enrolling in Medicare Part A and Medical Assistance.

Legal Information/Advice – 1 Case

In one case, we alerted the client to the limited open enrollment time period to enroll in a Medicare Advantage plan.

SSI/SSD Applications

1 Case

Referral – 1 Case

In one case, we referred a client to a private attorney for SSI representation in New Jersey.

SSI/SSD Eligibility

4 Cases

Representation and/or Advocacy – 1 Case

In one case, we successfully appealed a termination of benefits on behalf of a client with excess resources from a recent settlement and a resulting overpayment.. With our representation, the client received benefits while the appeal was pending and continued once the case was resolved. We also were able to reduce the amount of the overpayment.

Legal Information/Advice – 3 Cases

We gave legal information or advice for three cases regarding SSI/SSD Eligibility. In one case, we explained to a client that inheriting the house that he lived in would not impact his SSI benefits. In one case, a client was worried about continued SSI benefits due to recent incarceration. In one case, we advised the client's medical case manager to call SSA with the client after the client's benefits were suspended for missing a redetermination interview.

SSI/SSD Overpayment

4 Cases

Representation and/or Advocacy – 3 Cases

We represented or advocated for three cases with SSI/SSD overpayments. In one case, we successfully represented a client in reinstating their benefits and SSA deleted their overpayments. . In one case, we contacted SSA regarding notices of overpayment to advise that the client's early retirement benefits were starting. In one case, we successfully negotiated a \$10/month repayment plan instead of a 10% reduction of the client's monthly SSI check.

Legal Information/Advice – 1 Case

In one case, the client had an overpayment due to incarceration. We explained to the client that they could seek a waiver as the money did not go to the client but to a representative payee. Client did not seek waiver for fear of causing trouble for the representative payee.

SSI/SSD Representative Payee

1 Case

Legal Information/Advice – 1 Case

In one case, we advised a client on how to contact the SSA to designate a representative payee to receive their disability benefits. .

SSI/SSD Disability Review

1 Case

Representation and/or Advocacy – 1 Case

In one case, we successfully represented a client in requesting the reconsideration of a disability benefits denial.

Back to Work

1 Case

Representation/Advocacy – 1 Case

In one case, we successfully assisted a client by submitting his employment history and requesting that his social security disability benefits be reinstated.