

AIDS Law Project of Pennsylvania
Quality Assurance Review
Public Benefits
July 1 - September 30, 2022

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 previous year (July 1 – September 30). Benefits cases include those involving state-funded programs, federal-funded programs, and private insurance.

In the third quarter of 2022, we closed 175 files for clients who contacted the AIDS Law Project requesting legal assistance with public or private benefits. We provided direct representation and/or advocacy, legal information/advice, or referrals in 163 cases which is 93% of all 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 Nora Casper, Jenna Centofanti, Lara Ormiston, Kyle Mackey, and Thomas McGann, who reviewed the benefits cases closed in 2022. 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 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 2022, the AIDS Law Project of Pennsylvania closed 175 cases for 163 clients requesting legal assistance with a benefits-related matter.

❖ In 33 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 117 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 a Social Security disability benefits denial.

❖ In 12 cases, 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 13 cases, no services were provided either because a client became unreachable after the initial intake, the services requested were not services provided by the AIDS Law Project, or the client's issue was resolved without further intervention.

Below, each of these 175 cases is analyzed further as one of three issue types: state-funded benefits, federal-funded benefits, and private benefits. Each case has been assigned to one of these three categories. Some clients may be reported on in more than one case and may appear in more than one category.

State-funded Benefits

29 Cases

Medical Assistance (MA)

9 Cases

Representation and/or Advocacy – 2 Cases

In two cases, we represented our clients to ensure they are receiving the appropriate Medicaid coverage. In one case, we ensured the client was placed in the appropriate managed care organization. In another case, we helped our client change Medicaid service providers.

Legal Information/Advice – 6 Cases

In six cases, we provided legal information on Medicaid. We discussed eligibility regarding immigration status for one client. In one case, we explained how marriage affects benefits. We discussed hospital billing with one client, and provided advice about retaining benefits to another. We also determined that one client did not lose their MA benefits when their child had another parent added to their household. In another case, we provided advice on our client's medical equipment coverage.

No Services Provided – 1 Case

In one case, the client received approval for a medical procedure from their health insurance without our assistance.

Medical Assistance for Workers with Disabilities (MAWD)

5 Cases

Representation and/or Advocacy – 2 Cases

In two cases, we advocated for clients regarding MAWD. In one case, we advocated for the client's MAWD with the Department of Health Services, but the client was ultimately determined to be medically ineligible. In another case, we represented our client and helped them obtain and secure MAWD.

Legal Information/Advice – 2 Cases

In two cases, we advised clients regarding MAWD. In one case, we provided advice to a client who had a lawyer in another county about applying for MAWD, after their Medicare and Medicaid “buy-in” were not renewed. In another case, we provided advice on how a client can maintain their MAWD benefits.

Referral – 1 Case

In one case, we provided our client with a referral for Medicare counseling as they were unhappy with multiple insurances and wanted to review options for alternatives to MAWD.

Medical Assistance Waiver

1 Case

Representation and/or Advocacy – 1 Case

In one case, we represented a client before the Department of Health Services and Office of Long Term Living and restored a client's medical assistance waiver.

Supplemental Nutrition Assistance Program (SNAP)

7 Cases

Representation and/or Advocacy – 1 Case

In one case, we successfully advocated for the client's SNAP benefits to be reopened.

Legal Information/Advice – 6 Cases

In six cases, we provided legal advice to clients regarding SNAP. In two of those cases we provided advice to clients on remaining eligible for SNAP benefits. In a third case, we advised a client about how a potential change in her employment status would affect SNAP. In a fourth, we advised a client on the recovery of their stolen SNAP funds and they obtained a new benefits card and in two cases, we provided advice to clients regarding criminal barriers to their SNAP benefits and how that affects their individual eligibility.

Special Pharmaceutical Benefits Program (SPBP)

5 Cases

Legal Information/Advice – 5 Cases

In five cases, we provided legal advice to our clients regarding SPBP. In one case, we advised a client regarding SPBP and its drug coverage. In another, we explained to the client how returning to work would affect his public benefits and informed him of current emergency protections and resource limits. In another case, we provided advice that the client used to contact SPBP and resolve their eligibility issue. In another case, we provided our client with general SPBP information. Lastly, we advised a client who was seeking asylum to apply for SPBP.

Unemployment Compensation (UC)

1 Case

Legal Information/Advice – 1 Case

In one case, we provided legal advice on tax and SSI ramifications to a client receiving UC.

Other Disability Benefits

1 Case

Representation and/or Advocacy – 1 Case

In one case, we successfully advocated on behalf of a client to get their transportation benefits reinstated.

Federal-funded Benefits

124 Cases

Medicare

11 Cases

Representation and/or Advocacy – 5 Cases

In five cases, we represented or advocated for clients on Medicare. In one case, we represented the client in obtaining a fully favorable decision in Medicare appeal for gender affirming surgery. In another case, we assisted a client review insurance options and successfully apply for Medicare Part B. In a third case, we were able to help transition a client from MAGI MA to Health Horizons MA. In two other cases, we represented clients to maintain their benefits or have them reinstated.

Legal Information/Advice – 5 Cases

In five cases we advised clients regarding their Medicare benefits. In one case, we advised the client regarding using his Medicare card to cover his prescriptions. In another case, we explained to the client that financial assets don't affect Medicare coverage. In one case, we advised a client on how purchasing a home would impact his Medicare coverage. In another case, we provided

information to the client regarding IRMAA medicare premiums. Lastly, we advised the client on how to resolve an issue with their provider who does not accept Medicare for physical therapy.

No Services Provided – 1 Case

In one case, the client was able to receive approval for a medical procedure from their health insurance without intervention.

SSI/SSDI Applications and Procedures

13 Cases

Legal Information/Advice – 13 Cases

In thirteen cases, we provided legal advice for clients regarding SSI/SSDI Applications and Procedures. In one case, we advised the client to contact the Social Security Administration regarding her benefits, and the client began the application process for SSI. In one case, we provided advice to the client about applying for SSDI while working. In three cases, we explained how to gather sufficient medical records as evidence to support each client's SSI/SSDI claim and advised that with this evidence their claim was more likely to succeed. One case required behavioral health records including a bio psycho-social evaluation and a longitudinal history of treatment, one required a diagnosis of chronic leg pain, and one required a mental health evaluation. In two cases, we advised the client on how to reapply for their SSI benefits after previous incarceration. In one case, the client advised the client to apply for SSDI as opposed to early retirement, which would have resulted in significant loss of his retirement benefits. In one case, we provided advice on how their SSDI, Medicare, and MA would be impacted by owning a home. In three cases, we advised clients regarding the SSI/SSDI eligibility and application rules. In one case, the client was provided advice regarding a change in their SSI payment amount.

SSI/SSDI Eligibility

47 Cases

Representation and/or Advocacy – 8 Cases

We represented eight clients in SSI/SSDI cases. In five cases, we successfully represented clients in their SSI or SSDI appeals. In one case, we successfully represented the client in an SSI appeal which resulted in a retroactive payment. In one case, we gathered and evaluated the client's medical records for evidence of severe impairments that precluded her from working. These documents were used to prove the client's eligibility for benefits. Lastly, in one case, a client's benefits were reinstated after we submitted proof of a resource spend down.

Legal Information/Advice – 29 Cases

In twenty-nine cases, we provided legal advice for clients regarding SSI/SSDI Eligibility. In eleven of them, we provided advice on applying for SSI or SSDI. For these clients, we advised them on what documents or records were missing in their initial applications- particularly medical records- that they would need to collect before applying again. Furthermore, we would offer advice on needed terminology or information regarding diagnosis that would help their future applications. We gave fourteen clients information about SSI and/or SSD eligibility. In three cases, we explained the reconsideration process and gave advice on the evidence needed.

Lastly, in one case, we reviewed the client's termination letter and provided advice that would allow the client to have their benefits reinstated. We were unable to complete representation as the client did not sign the necessary paperwork we provided.

Referral – 8 Cases

In eight cases, we provided referrals for clients. One client completed their application with a legal services office in Delaware County, and we referred that client to return to that office to assist with that appeal. In another case, a client did not provide enough medical information and was working, and we advised that they would not qualify for SSI. For this case, we referred that to a private attorney for a second opinion. In one case, a client refused to provide medical information and we referred them to a private attorney. In one case, a client was living in Franklin County and we referred them to local legal services. We referred two clients to North Penn Legal Services for assistance obtaining SSI or SSDI. Lastly, in one case, a client was referred to Midpenn Legal for representation in an appeal. One client was referred to a private attorney to assist with their federal court appeal, as we do not take those cases.

No Services Provided – 2 Cases

In two cases, we were unable to provide legal services. One client was unreachable and the other retained a private attorney.

SSI/SSDI Overpayment

3 Cases

Representation and/or Advocacy – 3 Cases

In three cases, we provided clients with assistance with overpayments. In one case, the client wanted to dispute their notice of overpayment, but we explained that their recent change in work affected the benefits amount. Once the client understood the impact of their new income, we assisted in setting up a payment plan to address the overpayment. In another case, the client sought assistance appealing and reinstating his SSD, which had been terminated due to an overpayment and changed work circumstances. On the client's behalf, we submitted a successful request for reconsideration of termination and the client's SSD was restored. Lastly, we helped a client appeal their SSI denial and overpayment, and the client's benefits were reinstated.

SSI/SSDI Representative Payee

6 Cases

Representation and/or Advocacy – 1 Case

In one case, we helped the client maintain their public benefits by requesting a Representative Payee.

Legal Information/Advice – 3 Cases

In two cases, we provided clients with advice on how to change their payee representative. In another case we advised a case manager of stimulus payment eligibility for a client in a nursing home with a Representative Payee.

No Services Provided – 2 Cases

In two cases, clients were unreachable after requesting assistance.

SSI/SSDI Continuing Disability Review

5 Cases

Representation and/or Advocacy – 2 Cases

In two cases, we represented or advocated for clients regarding their Continuing Disability Review (CDR). In one case, we successfully represented the client in their Continuing Disability Review. In the other case, we offered advice on Continuing Disability Review that was already in progress.

Legal Information/Advice – 1 Case

In one case, we advised the client, who became disabled after a CDR found him not disabled and his benefits were terminated, to reapply for SSD

No Services Provided – 2 Cases

In two cases, we were unable to provide services to clients regarding their SSI/SSDI disability review. One client wanted to appeal the decision from an Administrative Law Judge, but the facts didn't support the client's eligibility and we declined to take the case. In another case, the client sought assistance with correcting her date of birth on her SSA record, but did not respond to our attempts to follow up.

Back to Work

6 Cases

Representation and/or Advocacy – 2 Cases

In two cases, we provided legal representation to our clients regarding their back to work issues. In one case, we submitted a successful request for reconsideration on behalf of the client whose SSD had been terminated due to overpayment and changed work circumstances. In another case, we submitted proof to the SSA that the client was no longer employed.

Legal Information/Advice – 4 Cases

In four cases, we provided legal advice on returning to work while collecting benefits. We assisted one client with reporting their new income. In another case, we provided the client with back to work advice and information on how to self-report income. In another case, we explained to the client how returning to work would affect his public benefits. We also informed him about current COVID emergency protections and resource limits. Lastly, in one case, we provided the client with information on how working affects SSI/SSD, MA, and SNAP benefits.

Criminal Records Program (CRP)

33 Cases

Legal Information/Advice – 27 Cases

In twenty-seven cases, we provided legal advice to clients on how to address civil issues resulting from their criminal records. In sixteen cases we communicated with local public defender offices to advise and work with clients to resolve. These cases involved advice about

how to address violations of parole, court fees, and outstanding warrants. Clients were given advice on how to turn themselves in, as well as information regarding methadone treatment access. In eight cases, we advised clients on how to apply for a payment plan for their outstanding court debts. In two cases, we worked with clients to verify that they had no criminal record in Philadelphia. In another case, we advised a client on the process of relocating while on probation with assistance from the public defender's office.

Referral – 1 Case

In one case, we referred a client to the Legal Aid of Southeastern Pennsylvania (LASP), for an criminal record expungement.

No Services Provided – 5 Cases

In five cases, we were unable to reach clients who had CRP-related questions.

Private Benefits

22 Cases

Life Insurance

8 Cases

Representation and/or Advocacy – 1 Case

In one case, we called the life insurance administrator to determine whether the client was the beneficiary of a relative's death benefits.

Legal Information/Advice – 6 Cases

In six cases, we provided legal advice on life insurance. In two cases, we advised clients that a life insurance company can deny coverage based on HIV status. In another case, we reviewed a client's life insurance policy termination and informed her that there is no legal remedy to pursue against the insurer for refusing to reinstate her policy. We referred two clients to the PA Insurance Commission. One client wanted to complain about HIV discrimination. The other client believed that his insurance agent had misinformed him about the terms of loans taken against his universal life insurance policy. Lastly, in one case the client needed specialized eye equipment due to her cataracts that were not covered by her insurance. We provided the client with recommendations to reach out to local non-profit organizations through the Wills Eye Institute for assistance acquiring this equipment.

No Services Provided- 1 Case

A client with life insurance questions became unreachable.

Health Insurance

4 Cases

Legal Information/Advice – 2 Cases

We provided legal advice to two clients with private health insurance questions. We advised one client about prior-authorization for HIV medication, and the prescribed drug was approved without intervention on our part. In another case, we assisted a client in advocating with their employer and their health insurance was reinstated.

Referral – 1 Case

We referred a client to a labor lawyer because her employer was preventing her from maintaining private health insurance.

No Services Provided – 1 Case

We were unable to assist a client appeal a denial of facial feminization surgery as the filing deadline had passed.

Private Retirement Benefits

2 Cases

Representation and/or Advocacy – 1 Case

We assisted a client apply for a private pension while in the process of obtaining a legal name change.

Referral – 1 Case

We referred a client to the Pension Rights Center to assist with applying for his pension.

Long Term Disability

6 Cases

Representation and/or Advocacy – 3 Case

We represented three clients seeking long term disability benefits. One case was an appeal of benefits denial. The appeal was unsuccessful because our client refused to obtain the required medical documentation, and only agreed to do so after the appeal deadline. In two cases, we successfully represented clients with recertifying their long term disability benefits.

Legal Information/Advice – 3 Cases

In three cases, we advised our clients long term disability benefits. In one case, we provided information regarding the submission of evidence for a long term disability claim. In another case, we provided clarification regarding the client's long-term disability and health insurance. Lastly, in one case, we provided advice regarding the client's Family Medical Leave Act and long term disability claims and explained the difference between short term disability and long term disability.

Short Term Disability

2 Cases

Legal Information/Advice – 1 Case

We advised the client that his doctor needed to submit documentation attesting to ongoing disability to receive continued benefits.

No Services Provided – 1 Case

One client did not respond to our follow up to their question about short term disability benefits.