

**AIDS Law Project of Pennsylvania**  
**Quality Assurance Review**  
**Public Benefits**  
**July 1 - September 30, 2023**

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 our quality assurance 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 2023, **we closed 48 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 45 cases which is 94% 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 staff Emerson Bass and Selene Corrales, who reviewed the benefits cases closed in 2023. The 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 2023, the AIDS Law Project of **Pennsylvania closed 48 cases for clients requesting legal assistance with a benefits-related matter.**

- In 16 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 25 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 4 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 3 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 48 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.

### **State-funded Benefits**

**17 cases**

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

**7 Cases**

#### **Representation and/or Advocacy – 3 Cases**

In one case, a low-income client on Medicaid turned 65 and was automatically enrolled in Medicare. Once on Medicare, his Part B premiums were deducted from his retirement check and he was charged for prescription drugs. Based on the client's income, he was entitled to Medicaid

and Medicare. We contacted the County Assistance Office on the client's behalf and successfully advocated for him to be enrolled into the correct MA category.

In another case, a client requested that his personal assistance hours be increased from 42 to 54. In response, his insurer Keystone First Community Health Choices cut his hours to 21. We represented the client at a hearing, a negotiated a settlement for the original 42 personal assistance hours.

In a third case, a client wanted a new set of partial dentures, but Medicaid would not cover the expense. We reviewed the criteria for MA coverage and whether the client could be eligible for a Benefits Limit Exception (BLE). We shared our evaluation with the dentist, so that a new BLE request that aligned with the eligibility criteria and the client's needs could be submitted.

#### **Legal Information/Advice - 4 Cases**

In one case, a client asked about whether a divorce would have consequences on Medical Assistance eligibility. We explained the income eligibility rules.

At a client's request, we assessed whether a successful discrimination claim could be maintained against their Medical Assistance provider.

A client residing in Allegheny County requested a Medical Power of Attorney and a Last Will and Testament. We provided location appropriate referrals. The client also had questions asked about the Medicaid estate recovery lien and we advised that based on their current circumstances, a lien would not be imposed.

A fourth client asked whether he was subject to the five-year immigrant bar for Medicaid eligibility. We explained the criteria for Medicaid eligibility. As the client was not Medicaid eligible based on their immigration status or emergency Medicaid eligible based on their current health needs, we provided a referral to a Department of Public Health clinic.

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

##### **1 Case**

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

We successfully represented a client in an appeal of a Medicaid termination and a transfer to the Medical Assistance for Workers with Disabilities program.

## **Medical Assistance Waiver**

### **3 Cases**

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

We successfully represented a client to maintain his home healthcare hours. He has low vision and relies on his home health aide for assistance. He had 42 hours of assistance, but felt he could benefit from more and requested 54. Instead of granting the request for more time, the Managed Care Organization reduced his hours to 21. We appealed and settled for his original 42 hours.

In another case, a client applied for a waiver, and needed access to five years of bank records which were on file at our office from a prior waiver request. We located the records and submitted them to complete the waiver application.

#### **Legal Information/Advice - 1 case**

We advised client regarding his rights to complain about a denial of waiver services. After appealing, the client provided the requested documents and/or explanation for inability to provide them, the waiver was authorized. The client contacted us regarding how to proceed with the scheduled Administrative Law Judge hearing (ALJ). We advised the client to withdraw the appeal, once the County Assistance Office representative confirmed that benefits were authorized.

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

### **5 Cases**

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

In one case, a client's SNAP was reduced from \$96 to \$23. We contacted the County Assistance Office asserting that as the client paid for utilities, the standard utility allowance should have been included in the SNAP calculation. As a result, the client's SNAP increased to \$109.

#### **Legal Information/Advice – 3 cases**

In one case, a client received confusing notices from DHS. We reviewed the notices and reassured the client that the benefits were not at risk.

In another case, the client asked us for help because the landlord was their holding Social Security direct access card and SNAP card as security for the rent. We advised the client as to their tenants' rights and obligations. The client ordered and received new cards. The client's case manager informed us that the client provided the new cards to the landlord. We attempted to contact the tenant several times, but they were unreachable.

We advised a third client on their rights to benefits. The client's SNAP was reinstated through self-advocacy.

**No services provided - 1 case**

In one case, the client did not respond to phone calls or emails after the initial intake.

**General Assistance (Cash welfare)**

**1 case**

**Legal Information/Advice – 1 case**

Caller contacted us for assistance with applying for cash welfare. We explained that the only cash assistance in Pennsylvania is through Temporary Assistance for Needy Families, and that as a single person, the caller was ineligible.

**Federal-funded Benefits**

**23 Cases**

**Medicare**

**3 Cases**

**Legal Information/Advice – 3 cases**

In one case, a client who was receiving Medicaid and Medicare, had an increase to his resources, and lost his eligibility for Medicaid, but was able to keep Medicare. As a loss of Medicaid could end his access to free or low-cost medications, we advised him to enroll in a Special Pharmaceuticals Benefits Program partner Medicare Advantage plan for continued drug coverage.

In another case, we assisted a client apply for the Buy-In Program, as a Qualified Medicare Beneficiary to cover the cost of his Part B Medicare premiums.

In a case, a client asked whether the proceeds of the sale of their home would affect their benefits. We explained that increased resources would not affect SSDI or Medicare, but he would lose his Buy-In eligibility as a Specified Low-Income Medicare Beneficiary. We advised him to apply for Medicare Advantage SNP, as he would lose his Medical Assistance for Worker's with Disabilities once he turned 65.

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

### **14 Cases**

#### **Representation and/or Advocacy - 3 case**

A client received a letter from SSA requesting information on two lottery winnings. We contacted SSA on the client's behalf that he had only received one lottery payment, not two. The client never contacted ALPP to report any adverse decision or action.

A second received notice of a Continuing Disability Review. We worked with the client and their case manager to complete a Residual Function Report and submitted it to the Bureau of Disability Determination (BDD). The client was found to have a continuing disability.

In a third case, we represented a client in a successful reconsideration request of a SSD termination. We submitted the appropriate mental health records for the client and the decision was made prior to a hearing.

#### **Legal Information/Advice –10 cases**

In one case, a client asked if selling goods on online would affect their SSD benefits. We provided the rules about SSA's work incentive programs that allow disability recipients to generate income without losing benefits.

A second client asked about the eligibility rules for the widow of a deceased disabled worker. We provided the requested information.

A third client wanted to know why he received one Social Security checks, while his wife received two. We reviewed their benefits and determined that the wife was a low-income worker before her disability and is entitled to SSDI based on her work history and an SSI supplement. As he was a higher income worker, he was only eligible for SSDI. We also advised that he was obligated to report his marriage to the Social Security Administration, which will not affect his benefit amount, but could affect his wife's.

A fourth client contacted us to report that Community Legal Services was representing him, and that SSA called him to say he was approved for benefits. The client was unable to reach the SSA worker, had not received any notices, and didn't know who at CLS had helped him. We connected the client to CLS for follow up.

In six cases, callers contacted seeking assistance on applying for SS disability benefits. We advised on the medical and non-medical eligibility criteria and how best to complete the application. As we don't submit initial applications, we advised the callers to contact us again if their application is denied. In one of the cases, after giving basic information, we attempted to

follow up and give advice regarding guardianship and life insurance, but the client did not respond.

**No service provided - 1 case**

A client wrote to us from a correctional facility, seeking assistance with an SS appeal. The client was not entitled to current benefits due to incarceration. We did not have a post-release address and we were unable to follow up.

**SSI/SSDI Overpayment**

**5 Cases**

**Representation and/or Advocacy - 5 cases**

In one case, a client was assessed an overpayment and his SSI was reduced because of his past and estimated wages. The client asked us for help in contesting the overpayment. We contacted SSA, provided his accurate wage information, and negotiated a \$10 per month repayment plan.

A second client lost his SSI for four months due to excess resources. As we reviewed the case, we found that the SSA had erroneously counted stimulus/EIC funds that should have been excluded. With our assistance, all withheld payments were distributed

A third client could not access SSI benefits on Direct Express Card and had been notified of an overpayment. We contacted Direct Express to verify the client's identification and submit a card complaint. The client received a functioning card. We also negotiated a \$10 monthly repayment plan with SSA.

A fourth client contacted us after receiving an overpayment letter from SSA. We negotiated a \$10 monthly repayment plan.

A fifth client's SSI was terminated and overpayment was assessed based on self-employment income. We successfully appealed the termination, as the reported income was not the client's.

**COVID-related benefits**

**1 case**

**Legal Information/Advice– 1 case**

A caller contacted us with questions about eligibility for COVID-related stimulus checks. We advised the client they were eligible and benefits would be issued.

## **Criminal Records Program (CRP)**

### **5 Cases**

#### **Referral – 4 cases**

In four cases, the clients contacted us for assistance with criminal record expungement. In three cases, the clients were given a referral to Community Legal Services, which has an expungement program. The fourth case was about a criminal record in New York City, and we referred the client to the Legal Action Center.

#### **No services provided - 1 case**

A client sought our assistance with a criminal welfare fraud investigation. We attempted to follow up and advise this was not a service we provided. Client was unreachable.

## **Private Benefits**

### **3 Cases**

#### **Life Insurance**

##### **2 Cases**

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

A client contacted us for assistance with changing the beneficiary on their life insurance policy. We contacted the insurer and changed the form.

#### **Legal Information/Advice – 1 case**

A client called for a referral to buy life insurance policies. We advised the client we do not provide company specific referrals, just basic information on life insurance.

## **Long-Term Disability**

### **1 Case**

#### **Legal Information/Advice – 1 case**

A client contacted us for advice about a private LTD policy.