



Nevada Office of HIV/AIDS Ryan White Part B Program Standard of Care Legal Services

I. HRSA Service Definition

Legal services provided to and/or on behalf of the individual living with HIV and involving legal matters related to or arising from their HIV disease, including:

- Assistance with public benefits such as Social Security Disability Insurance (SSDI).
- Interventions necessary to ensure access to eligible benefits, including discrimination or breach of confidentiality litigation as it relates to services eligible for funding under the Ryan White HIV/AIDS Programs.
- Preparation of:
 - Healthcare power of attorney;
 - Durable powers of attorney;
 - Living wills.
- Permanency planning to help clients/families make decisions about the placement and care of minor children after their parents/caregivers are deceased or are no longer able to care for them, including:
 - Social service counseling or legal counsel regarding the drafting of wills or delegating powers of attorney;
 - Preparation for custody options for legal dependents including standby guardianship, joint custody, or adoption.
- Income tax preparation services to assist clients in filing Federal tax returns that are required by the Affordable Care Act for all individuals receiving premium tax credits.

Program Guidance: Legal services exclude criminal defense and class-action suits.

The State of Nevada recommends that all agencies utilize validated best practices for the execution of their service category. If an agency needs resources or recommendations to locate or implement best practice tools please contact the Grantee Office and we will provide necessary guidance. It is an expectation that all agencies implement a program that can have measurable positive effects on for clients.

II. Service Goals and Objectives

To provide statewide legal intervention services to Ryan White Part B clients to reduce the effects of HIV discrimination; assisting access to and maintenance of medical care; removing barriers to accessing care, treatment, and services.

III. Currently Funded Legal Services

- A. Intake
- B. Intervention
- C. Brief Service
- D. Class/Clinic



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IV. Legal Services Eligibility

Before services are provided under this Service Category, Provider Agency staff must ensure current Ryan White Part B enrollment by using the client's Member ID Card with valid dates or through CAREWare's Eligibility and Enrollment Fields tab.

The following eligibility criteria are specific to Legal Services: Client has been referred to a RWPB Legal Services Provider from another RWPB funded program, has sought out assistance of the agency through self-referral, or has received a referral from an outside RWPB provider. If the client is referred to the Legal Services Provider from a non-RWPB provider, the Legal Services Provider is responsible for notifying the originating non-RWPB provider that the client is now accessing services and the Legal Services Provider is responsible for logging the referral in CAREWare.

V. Service Delivery

Legal Services provided to Ryan White Part B clients must be directly necessitated by the individual's HIV status. Clients receiving Legal Services are prescreened (item A from above) by intake and referral specialists (Legal Service Advocate/Paralegal/Case Manager) with the providing agency to determine if there needs to be an escalation to a legal service intervention (item B from above). If a client's request is determined to warrant legal advice, an attorney licensed to practice law in Nevada will provide legal advice. Legal Services will be evaluated on the number of cases opened during a reporting period where an attorney gave legal advice or provided legal intervention. If a client does not need legal action the services performed by the Legal Service Advocate/Paralegal fall under the item C from above.

Classes or clinics that are facilitated by a legal services advocate must be within the scope of allowable topics of issues necessitated by a person living with HIV.

VI. Licensing, Knowledge, Skills, and Experience

Legal Service Intake, Assessment, and Counseling can provided by a non-medical personnel but shall have had at least six months of relevant experience in the areas of outreach work; community services; supportive work with families and individuals; geriatrics; supportive work with youth; corrections; or public relations. The minimum educational experience shall be a B.A. or B.S. degree in any of the following disciplines; psychology, social work, counseling, sociology, community health, and public health or an associate's degree with three years in a related field. If qualified individuals do not have HIV related experience they must receive HIV specific training within six months of hire. These staff members must be supervised by a licensed attorney with the State Bar of Nevada.



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Legal Service Interventions for PLWH must be provided by a licensed attorney with the State Bar of Nevada.

Law students, law school graduates and other legal professionals will be supervised by a qualified licensed attorney. Law students who make court appearances must have a current certification from the State Bar of Nevada.

VII. Summary

These service specific standards shall be followed by all funded providers that provide Part B funded Legal Services. It is expected that all providers follow these standards as well as the universal programmatic and administrative standards of care. Provider organizations and staff may exceed any of these standards as part of the program delivery.

VIII. Recommendations

All Part B funded providers are to adhere to these service category specific standards, program standards, the primary program standards and ensure that they are familiar with their individual Part B subgrant to meet the expectations of their deliverables.

IX. References and further reading

All Part B funded providers should read their individual Part B contracts as well as but not limited to the Quality Management Plan and all local policies and guidelines set forth by the Part B office regarding the Part B program statewide. All referenced materials for standards are listed under the Universal Programmatic and Administrative Standards of Care.

[American Bar Association – AIDS Coordinating Committee](#)

[HIV/AIDS Bureau – National Monitoring Standards for Ryan White Part B Grantees: Program – Part B; April 2013.](#)

[HIV/AIDS Bureau – Policy Clarification Notice 16-02: Ryan White HIV/AIDS Program Services: Eligible Individuals & Allowable Use of Funds, January 2016.](#)

[Las Vegas TGA – Ryan White Part A HIV/AIDS Program, Standards of Care, 2014-2015.](#)

[Nevada Office of HIV/AIDS Policy 15-15 Standard of Care for Referral to Health Care and Supportive Services: Eligibility & Enrollment for Ryan White Part B, February 2016.](#)

[Ryan White HIV/AIDS Program Service Report Instruction Manual, September 2015.](#)

[The Center for HIV Law & Policy](#)

X. Revision Schedule

Published		Located at dpbh.nv.gov
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XI. Contact

For further information or clarification please contact the Nevada Office of HIV Prevention and Care, Ryan White Part B Program Care Services Specialist at (702) 486-5665.