

RYAN WHITE LEGAL SERVICES  
IN PALM BEACH COUNTY  
AN OVERVIEW

People often overlook the important linkage between legal services and medical care for people living with HIV and AIDS.

The United States is the only major, industrialized country without some form of universal access to healthcare. People with HIV/AIDS have one major need in common—the necessity for health care. Most of the work of Legal Services is to assure that clients have this access, to find a way for them to fit into the fractured scheme of health care we have in America.

The initial client meeting can be a first step towards accessing health care. Some of our estate planning documents, like living wills and health care proxies, relate directly to accessing health care. One of our primary goals is to protect clients' health care and to help them obtain it. Preventing and remedying health care discrimination ensures that clients have the best care available, despite HIV status. Stemming employment discrimination keeps people employed and eligible for employee benefits, including health and dental insurance, long and short term disability and retirement plans. Even without benefits, an employed person is more likely to have better access to existing and emerging treatments due to a steady income.

Advice about confidentiality can prevent unlawful and/or needless disclosure of HIV/AIDS status that could result in job termination or other discrimination. Educating employers or health care providers about the difficulty of transmitting HIV/AIDS can also reduce discrimination in those areas and keep clients eligible for benefits, or allow them to get care without delays or hindrances imposed by those with unjustified fears about transmission.

For clients with private health insurance, explaining benefits or getting them reinstated if they have been terminated can be the determining factor in ensuring access to primary care. Helping clients resolve debtor/creditor issues frees up income that will help them access care. Assistance with housing issues prevents clients from becoming homeless, a recognized barrier to accessing effective health care.

Perhaps most important, assisting clients with obtaining public benefits through the Social Security programs can be the critical factor in their living longer. By obtaining stable income and health insurance coverage two major barriers to obtaining medical services are overcome.

Legal Services is unique in that it is one of the two Ryan White service providers that actually are cost effective. By assisting clients in obtaining Social Security benefits, Medicaid, Medicare, maintain private insurance, remain employed, return to work, get drivers licenses, become documented residents, maintain stable housing, and reduce or eliminate financial burden, clients do not need to access Ryan White funds thus freeing up limited resources to an ever expanding Ryan White client base. With level funding as the norm for the foreseeable future and the push to bring those not in care into care the burden on Ryan White resources will continue to grow. Legal Services is unique in its ability to work within the continuum of care to alleviate the burden on an over wrought system.

Ryan White Legal Services is currently the payer of last resort as mandated by the CARE Act. The current provider also has limited areas of service within its practice which are accessed prior to Ryan White funds being utilized. Legal Services also insures that other Ryan White providers and programs are the payer of last resort by aiding clients in obtaining all available health insurance, financial and medical benefits to which they are eligible. Most of Legal Services clients come from referrals from case managers. These referrals are made to deal with issues the case managers lack to expertise or capacity to handle.

Current unduplicated clients for Legal Services Ryan White year 04-05 were 777; the contract was \$400,000, equaling 6 units of service per client at an average cost of \$514 per client. When measured in terms of the cost savings of not having a client using Ryan White medical, prescription, transportation, food, emergency financial, medical, and housing assistance, as well as the intrinsic benefit to the health and longevity of clients by lowering stress and eliminating barriers to accessing care, the benefits are immeasurable.

For every client that receives Medicaid the average annual cost for medical services for an HIV/AIDS patient on medication is \$20,000.00.

For every client that receives Medicare the average annual cost for medical services for an HIV/AIDS patient is \$10,000.00. This does not include any prescription coverage. Though, Medicare will soon have a prescription component that will most likely require the assistance of legal Services to maneuver.

For every client who receives SSI they receive a monthly check for \$579.00/month or \$6,948.00/year. Every SSI recipient also receives Medicaid.

The average benefit for an SSD recipient is \$895.00/month or \$10,740.00/year. Two years after the onset date recipients of SSD automatically receive Medicare benefits, which often occurs in conjunction with a hearing decision due to time delays. Approximately 12% of Medicare beneficiaries also receive Medicaid.

In Ryan White year 04-05, the current provider of Legal Services obtained SSD benefits for 24 clients and SSI benefits for 21 clients. All of these clients had previously been

denied benefits. This equals \$403,668 in cash benefits (based on the national average) not including any lump sum benefits. Add in the Medicare and Medicaid benefits equaling a low of \$290,400 in Medicare and \$420,000 in Medicaid or \$710,400 in health care benefits. Add in the average of \$350,000 in lump sum benefits (which is a low amount as a majority of lump sums are not reported back to the legal representative) this totals over \$1,460,000.00 dollars. This greatly reduces the burden on Ryan White medical as well as Ryan White financial resources, which is recognized as a client identified high need. It eliminates health insurance and financial barriers in access to care. The cost of obtaining the \$1,460,000.00 dollars in benefits was 30% of \$400,000 or \$120,000 – over a 1000% return.

Legal Services, has been responsible for the change and enforcement of state wide Medicaid regulations mandating a 30 day time frame for decisions for people with HIV. Legal Services was also responsible for establishing a due process provision in the HCD application process requiring all denials to be in writing and require an appeal process. Both Legal Service sponsored revisions allow for uniformity in the application process that had been previously lacking.

The current providers of no cost legal services in Palm Beach County have an income threshold of 150% of FPL (Federal Poverty Level). Ryan White provides for services in Legal Services and Permanency Planning at up to 400% of the FPL. The reduction or elimination of services would potentially leave people between 150% and 400% of FPL without services. In actuality most the services currently provided under Ryan White would not be offered by either provider, even if the client met income eligibility, as these services are not offered to any clients of the current provider. The current provider of services also has a very limited panel of pro bono attorneys able to provide no cost services to clients who are eligible for Legal Services; due to either the scope of services or a conflict the current provider is unable to accommodate them. For clients who are not eligible or have a problem that does not fall within the scope of HIV/AIDS there is a list of attorneys who will provide a free initial consultation and reduced rates for clients of the current Legal Services provider. The scope of Legal Services presently available to the HIV/AIDS infected individuals would not be available without Ryan White funding. There are no other provides in the community who could meet the demand for documented usage.

Currently Legal Services provides services to clients at offices in downtown West Palm Beach and Belle Glade. They also do home, hospital and nursing home visits as necessary. Services are also provided at all case management offices in the county on an appointment basis, one day a week at the Riviera Beach and Delray Beach offices of a case management provider and plans are currently under way to offer services one day a week at the Delray Beach and Belle Glade health clinics. Though the needs assessment numbers do not reflect Legal Services or Permanency Planning as a high priority, the numbers and utilization stand in stark contrast. Ryan White fiscal year 2004-2005 Legal Services and Permanency Planning served over 800 unduplicated clients. This number does not take into account any unduplicated clients receiving multiple legal services (i.e. SSD appeal and advance directives). The needs assessment surveys also did not define

what legal services or permanency planning are. Anecdotal evidence indicates that many believe legal services deal with criminal charges, which is totally contrary to the Ryan White definition. Most clients let alone providers are unsure how permanency planning is defined as is evidenced by their referrals. There is also a discrepancy in the scope of services provided by the EMAs nationwide. Broward County provides primarily advance directives. They do not provide any social security appeals or discrimination assistance. Many EMAs still do not utilize unit cost reimbursement in Legal Services, whereas Palm Beach County does, allowing a better cost/benefit utilization analysis.

The Palm Beach County Comprehensive Needs Assessment 2003-2006 identifies several priority areas, among them are; help getting benefits and medical information. These areas were identified respectfully as Case Management and Primary Medical Provider. Though case management can assist with initial application for benefits, denials will invariably involve utilization of Legal Services, as is evidenced by referrals to Legal Services from Case Management agencies. Legal Services has also been instrumental in obtaining medical records for clients at no cost to clients, usually in conjunction with obtaining benefits. Also sited as a need was completing government forms. This was identified as case management service, yet again any more than the initial application usually requires Legal Services, and in the case of immigration the initial application. Social Security also is a prime example. Many case managers are unfamiliar with the application process and the terminology necessary to complete a successful application. A great majority of initial claims are denied as are the reconsiderations. There are currently two employees who have a combined work experience of over 20 years in working with the Social Security Administration. Return to Work was identified as not Ryan White funded yet Legal Services does provide this service. Returning to work involves multiple issues including obtaining health insurance, life insurance, other employee benefits, how returning to work can affect SSI and SSD, and how to maximize those benefits.

The services provided (followed by the percent and numbers of overall clients served) under the legal services rubric in Palm Beach County are:

1. Income Maintenance/Benefits: 30.5% - 237 clients  
SSI, SSD, food stamps. A large portion of legal services is spent with SSI and SSD appeals. The current time frame for an application to go from initial application to final hearing runs on average 24 months and often longer. Legal Service advocates have been extremely successful at the hearing level. Combined 2003-2004 saw lump sum total benefits to clients of \$750,000.00. The actual amount is greater as not all notice of awards and lump sums are sent to the advocates. All clients who receive SSI automatically receive Medicaid. All SSD recipients receive Medicare within two years, with currently legislation in the works to eliminate the 2 year wait period. All clients receiving Medicaid and or Medicare lessen the burden on the Ryan White medical aspect. The average HIV/AIDS patient in FL cost Medicaid \$20,000, with medication and Medicare \$10,000. Clients with steady incomes are better able to plan. It reduces burden

on Ryan White resources. Lump sums benefits enable clients to take advantage of programs allowing for 1<sup>st</sup> time buyers, and increase financial stability. Financial burden and instability has been one of the identified barriers to seeking medical care.

2. Consumer/Finance: 16% - 124 clients

Bankruptcy, unfair debt collection, contracts, utilities, credit access- many of our clients have financial burdens. Debt is often incurred by seeking medical services without insurance, or using credit to pay for necessities in order to pay for medical services or medicine. By working out payment plans, getting debts waived or correcting balance billing by medical providers as well as filing bankruptcies caused by medical debt, legal services is able to reduce stress, both emotional and financial, on clients. Financial burden has been one of the identified barriers to seeking medical care.

3. Individual Rights: 12% - 93 clients

Immigration is a service unique to Palm Beach County, few if any other providers deal with this issue. Undocumented clients are an increasing burden on the Ryan White system in both financial and medical arenas. By assisting clients with obtaining legal status they are able to access employment, benefits, drivers licenses, and health care on their own without burdening the Ryan White resources. Legal status of clients again has repeatedly been identified as a barrier to services. Legal Services is currently able to provide services in Spanish, Portuguese, French, and Haitian Creole. Translation services are available to clients at no charge.

Drivers' licenses. We assist clients who have lost licenses with regaining their driving privileges thus eliminating the need to tax a dwindling transportation fund. Transportation is an identified barrier to care.

Individual rights deal with a wide range of subjects from HIV/AIDS discrimination, access to care, employment, and disclosure of status.

4. Employment: 2.7% - 21 clients

Discrimination, ADA, COBRA, Long Term & Short Term Disability. Most employees are unaware of what their rights are as workers and especially as workers with HIV/AIDS. ADA accommodations at work, family medical leave, accessing COBRA rights, preventing discrimination in the workplace, returning to work without loss of health benefits and leaving work when medically necessary and maximizing available benefits. Maintaining clients' employment reduces the burden on Ryan White resources and frees up funds. Fear of workplace detection and fear of loss of benefits and inability to access health insurance are identified barriers to seeking and maintaining medical care. An employed person is more likely to have better access to health care services due to a steady income.

5. Health: 5% -39 clients  
Medicaid, Medicare, private health insurance- Legal Services has been instrumental in enforcement of regulations for Medicaid in Florida and HCD in Palm Beach County. We assist clients with Medicaid denial, billing issues with Medicaid and Medicare, HIPAA issues, accessing benefits to pay for Medicare coverage, private health insurance issues, such as COBRA, mini COBRA, AICP, conversion policies and viatical settlements. Lack of insurance is a know barrier to access to medical care.
6. Housing: 9% - 70 clients  
Housing issues remain an important segment of services provided and with cuts in local HOPWA funding as well as the elimination of Ryan White funds for housing this is likely to increase as an issue. Legal Services provides assistance with evictions, mortgage foreclosures, housing discrimination, return of security deposits, and code enforcement. A client on Section 8 who receives an eviction becomes ineligible for Section 8 assistance. Legal Services is able to help prevent this. Worse case scenario, even by allowing an eviction to go to court extends the time frame before a client must vacate the premise and allows for planning with case management services to help prevent homelessness. Homelessness is one of the larger burdens on Ryan White, HOPWA and a barrier of care.
7. Advance Directives: 13% - 101 clients  
Wills, living wills, powers of attorney, and health care proxies allow clients to put their personal lives in order to effectuate their last wishes when the time comes. Living wills and health care proxies also bear directly on obtaining medical care.
8. Family: 12% - 92 clients  
Adoption, Custody, Name Change, Child support modification. Many clients have child support obligations. As their financial situations changes as a result of illness they may be entitled to a modification of child support. Services are also provided to adoption or custody for children orphaned because of AIDS. Again financial ramifications are paramount here. Custody and guardianship cases are handled through the Permanency Planning funding.