

**HIV HEALTH & HUMAN SERVICES PLANNING COUNCIL OF NEW YORK**  
**Legal Services Directive**  
**Approved by Planning Council on June 25, 2015; Amended by the Planning Council on May 26, 2016**

<b>Service Category Goals<sup>1</sup></b>	<b>2012-2015 Comprehensive Strategic Plan<sup>2</sup> Objectives</b>	<b>Program Directive &amp; Service Model</b>	<b>Client and Agency Eligibility</b>
<p><b>Goals:</b></p> <p>Provide legal services directly necessitated by an individual's HIV status in order to engage and retain PLWHA in treatment and care, thereby serving to enhance immunological status, improve health outcomes, and reduce disease transmission.</p>	<p><b>Objectives:</b></p> <p>Objective 2: To increase the proportion of newly diagnosed individuals who enter into primary care within three months of HIV diagnosis.</p> <p>Objective 3a: To increase retention in HIV care and treatment.</p> <p>Objective 3b: To increase the proportion of clients who have an optimal level of ART</p>	<p><b>Services should be client-centered, non-judgmental, guided by harm reduction principles, trauma informed,<sup>3</sup> culturally appropriate, sensitive to physical and sensory impairments, and tailored to the population served.</b></p> <p><b>Service Model:</b></p> <p>Permissible services include:</p> <ul style="list-style-type: none"> <li>Preparation of advance directives including but not limited to powers of attorney, living wills, health care proxies, and DNR (do not</li> </ul>	<p><b>Client Eligibility Criteria:</b></p> <ul style="list-style-type: none"> <li>All HIV-positive individuals who meet Ryan White eligibility requirements are eligible for Ryan White-funded legal services, subject to payer of last resort requirements.</li> <li>Active substance use does not preclude client eligibility for and maintenance in services.</li> </ul> <p><b>Agency Eligibility Criteria:</b></p> <ul style="list-style-type: none"> <li>Non-clinical and clinical settings</li> <li>Organizations providing services must have experience serving HIV-positive individuals.</li> </ul>

<sup>1</sup> HRSA/HAB Division of Metropolitan HIV/AIDS Programs. Program Monitoring Standards – Part A. April 2013: "...Legal Services [are] provided for an HIV-infected person to address legal matters directly necessitated by the individual's HIV status. Such services include but are not limited to: preparation of Powers of Attorney and Living Wills; interventions necessary to ensure access to eligible benefits, including discrimination or breach of confidentiality litigation as it relates to services eligible for funding under Ryan White; permanency planning for an individual or family where the responsible adult is expected to pre-decease a dependent (usually a minor child) due to HIV/AIDS; includes the provision of social service counseling or legal counsel regarding (1) the drafting of wills or delegating powers of attorney, (2) preparation for custody options for legal dependents including standby guardianship, joint custody or adoption. Excludes: criminal defense; class-action suits unless related to access to services eligible for funding under the Ryan White HIV/AIDS Program." Available at <http://hab.hrsa.gov/manageyourgrant/files/programmonitoringparta.pdf>. Accessed 6/1/15.

<sup>2</sup> Available at <http://www.nyhiv.org/pdfs/Comprehensive%20Plan%20Final%2005-21-12.pdf>. Accessed 6/1/15.

<sup>3</sup> "A program, organization, or system that is trauma-informed realizes the widespread impact of trauma and understands potential paths for healing; recognizes the signs and symptoms of trauma in staff, clients, and others involved with the system; and responds by fully integrating knowledge about trauma into policies, procedures, practices, and settings." Harris, M. & Fallot, R. (2001). Using trauma theory to design service systems, cited at <http://www.samhsa.gov/traumajustice/traumadefinition/approach.aspx>.

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	<p>adherence.</p> <p>Objective 3c: To increase viral suppression.</p> <p>Objective 3d: To improve immunological health.</p> <p>Objective 3e: To decrease reliance on acute care.</p> <p>Objective 4a: To reduce (and then maintain below significance) socio-demographic differences in delayed diagnosis of HIV.</p> <p>Objective 4b: To reduce (and then maintain below significance) socio-demographic differences in prompt linkage to HIV/AIDS care following HIV diagnosis.</p> <p>Objective 4c: To reduce (and then maintain below</p>	<p>resuscitate) orders.</p> <ul style="list-style-type: none"> <li>• Interventions facilitating access to eligible benefits, encompassing but not limited to discrimination or breach of confidentiality litigation related to Ryan White-funded services.</li> <li>• Permanency planning in situations where the responsible adult is likely to pre-decease a dependent because of HIV/AIDS. These include but are not limited to (1) delivery of social service counseling or legal counsel, (2) arrangements for custody options for legal dependents including standby guardianship, joint custody, or adoption, and (3) implementation of permanency planning after death.</li> <li>• Immigration matters, such as direct legal advocacy to assist a client with obtaining PRUCOL<sup>4</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Organizations must have experience working with a wide range of individuals ranging from those who are easily engaged in care to those who tend to be out-of-care or sporadically in care.</li> <li>• Organizations must be able to address, either directly or through referral, the needs of clients with physical, behavioral, psychosocial, or sensory impairments.</li> <li>• Agencies must either be co-located or have established linkages with programs providing early intervention services, medical care, mental health, alcohol and substance use services, medically appropriate housing programs, food and nutrition services, and other unmet social needs including non-medical case management, supportive counseling and family stabilization services, home and community based health services, and health education and risk reduction and make referrals as appropriate; assessment and engagement into health insurance programs; and navigation, linkage, and reengagement.</li> <li>• Agencies must ensure that staff members are appropriately credentialed to provide the services listed herein, have HIV knowledge, training and cultural</li> </ul>

<sup>4</sup> The acronym PRUCOL refers to Permanently Residing Under Color of Law. PRUCOL means that an individual has submitted an application and that Immigration has either consented or acquiesced to that individual's presence in the US.

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	<p>significance) socio-demographic differences in retention in primary medical care.</p> <p>Objective 4d: To reduce (and then maintain below significance) socio-demographic differences in viral suppression.</p>	<p>status, thereby facilitating the client's ability to obtain HASA benefits and Medicaid.</p> <ul style="list-style-type: none"> <li>• Eviction prevention, obtaining assistance for rental arrears, and other affirmative housing-related services when loss of housing would create barriers to retention in HIV treatment and care services, barriers to receipt of benefits, or increase the likelihood of health status deterioration and possible hospitalization.</li> <li>• Provision of legal services necessitated by situations of family violence (i.e. domestic violence, intimate partner violence) when family violence would create barriers to retention in HIV treatment and care services, barriers to receipt of benefits, or increase the likelihood of health status deterioration and possible hospitalization. These services include but are not limited to preparation of and representation in family offense, violation of order</li> </ul>	<p>sensitivity appropriate to the populations served, and have knowledge and skills related to the legal needs of the populations served. Agencies must have the capacity to provide services in the languages spoken by the populations served.</p> <ul style="list-style-type: none"> <li>• Although any individual agency does not have to serve clients from all five boroughs, funded agencies should be accessible to and able to serve clients from throughout the New York EMA.</li> </ul>

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		<p>of protection, child custody/visitation, and child support petitions related to family violence.</p> <ul style="list-style-type: none"> <li>• When appropriate, refer clients to entitlements and benefits specialists with experience within the health care system to assess and offer screening and referral for early intervention services, medical care, mental health, alcohol and substance use services, medically appropriate housing programs, food and nutrition services, and other unmet social needs including non-medical case management, supportive counseling and family stabilization services, home and community based health services, health education and risk reduction services, and health insurance programs.</li> <li>• Discussion with client about primary care status measures, primary care provider appointment adherence, and HIV</li> </ul>	

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		<p align="center">medication adherence.</p> <ul style="list-style-type: none"> <li>• Tax preparation services, through direct provision of service or through referral, to ensure that clients file tax returns as required under the Affordable Care Act.</li> </ul> <p>Excluded Services:</p> <ul style="list-style-type: none"> <li>• Criminal defense</li> <li>• Class action lawsuits unless they concern access to Ryan White-funded treatment and care services</li> </ul>	