

**STATE OF NEVADA
AGING AND DISABILITY SERVICES DIVISION**

**SERVICE SPECIFICATIONS
LEGAL ASSISTANCE**

Any exceptions to these Service Specifications must be requested in writing and approved by the Deputy Administrator of the Aging and Disability Services Division.

PURPOSE:

To promote quality of service, the Aging and Disability Services Division (ADSD) has established service specifications that contain general guidelines. The service specifications that each grantee must follow consist of GENERAL REQUIREMENTS and PROGRAM-SPECIFIC REQUIREMENTS established for each type of funded service.

SERVICE DEFINITION:

This service provides assistance, consultation and representation in legal matters to maintain rights and improve the quality of life of older persons.

SERVICE CATEGORIES AND UNIT MEASURES:

The following service categories and unit measures must be used to document the amount of service provided:

Legal Assistance: Provision of legal advice, counseling and/or representation by an attorney or other person acting under the supervision of an attorney in the areas of law outlined in Attachment A. Only those areas of law listed are funded by grants from ADSD.

One hour of Legal Assistance equals one unit of service. Units may be reported in 15-minute increments (i.e., 2.25).

GENERAL REQUIREMENTS:

- A. Legal services must be provided by, or under the direction of, an attorney admitted to and in good standing with the State Bar of Nevada pursuant to SCR 49 et seq. and in accordance with the rules of professional conduct pursuant to SCR 150 et seq.
- B. A policy shall be written and implemented concerning conflict of interest. This policy shall include a statement that attorneys are prohibited from privately representing any Legal Assistance client while the attorney is employed by, or under contract with, the Legal Assistance program. The policy may include a provision prohibiting representation for a period of one year after termination of employment or contract.
- C. Legal Assistance providers must maintain malpractice insurance or be underwritten by a program sponsor approved by the Aging and Disability Services Division, in an amount sufficient to cover any and all potential liabilities, but in no event for an amount less than \$500,000 per single occurrence and \$1,000,000 aggregate.

SPECIFICATIONS:

1. Required Services:

1.1 Outreach and Education shall be conducted throughout the sub-recipient's service area. Presentations can cover topics such as education on the rights of older individuals and how to protect those rights, as well as information about services provided by the Legal Assistance program.

1.1.1 The sub-recipient will be required to submit an annual Outreach Plan as a Special Condition of the award.

1.1.2 The sub-recipient will report outreach and education events on the Quarterly Program Report which is due by the 15th of the month following the quarter.

1.2 Legal Assistance shall include the following levels of service:

1.2.1 Advice – defined as an individualized evaluation of facts of a client's situation, with counseling and/or provision of information or guidance about the client's legal circumstances.

1.2.2 Limited Representation - defined as brief service in addition to or more extensive than advice, such as document preparation or detailed direction as to how to take legal action pro se, including preparation of legal documents for use by a pro se litigant.

1.2.3 Representation - defined as full-service legal intervention including, but not limited to, negotiation to settle a dispute with an administrative agency or other entity and representation in an administrative forum or in a court of law.

1.3 Legal Assistance programs must be made available to older individuals who are unable to travel to the legal office in the areas of law indicated in Attachment A. A written plan for outreach must be established for the provision of service to homebound individuals, nursing home residents, group care home residents and the vulnerable elderly.

2. Service Prohibitions:

2.1 In addition to the service prohibitions listed in the General Requirements, legal assistance programs are prohibited from accepting cases that generate fees or handling criminal cases.

3. Documentation:

3.1 A quarterly Legal Assistance Program report must be submitted by the 15th of each month following the quarter. ADSD will provide sub-recipients the template. The report will contain the following sections:

- 3.1.1 Outreach and Education – including the name of each event conducted during the quarter, location (county), topics, number of attendees (approximate), and number of contacts.
 - 3.1.2 Legal Assistance Direct Service – number of clients, number of units and outcomes of cases by case type.
 - 3.1.3 Unmet Needs – includes the number of clients and the number of units by unmet need service type.
 - 3.2 Records of all open cases shall contain a sufficient documentation of the issues involved, rule or rules of law that apply, analysis undertaken and conclusions derived. If case records are electronic, there should be sufficient information in the client file to allow access to the electronic record.
 - 3.3 The sub-recipient must maintain documentation of outreach and education events (i.e. flyers, handouts, etc) as backup to be available during program assessments.
4. Operating Procedures:
 - 4.1 Legal Assistance attorneys must establish written protocols for intake staff, legal assistants, paralegals or other support staff to utilize when conducting interviews, and procedures for proper oversight by the attorney of the support work.
 - 4.2 Legal Assistance program staff must establish a written list of legal resources for client referrals. The list must include Lawyer’s Referral Service, pro bono, reduced-fee and legal service practitioners in specific areas of legal expertise. A referral policy will be established, which at a minimum includes:
 - 4.2.1 A procedure to ensure providers are not recommended or endorsed by the sub-recipient;
 - 4.2.2 A procedure for adding and removing resources from the list; and
 - 4.2.3 A procedure to document referrals in client files.
 - 4.3 A policy shall be written and implemented to assure that the conduct of each employee is compatible with the professional obligations of Legal Assistance attorneys and the delivery of legal services. The program must notify the Aging and Disability Services Division within three business days of notice being made if any attorney has been reported to the State Bar of Nevada for misconduct and the conclusions of the Bar, including disciplinary actions.
 - 4.4 Legal Assistance providers shall develop a system for tracking assistance, causes and cases to ensure that deadlines are met in a timely fashion and to maintain this information in a database form. It is recommended that the database include client name, nature of the case, calendared events, outcome and referrals, as well as any other pertinent information.

ATTACHMENT A - LEGAL ASSISTANCE PRIORITIES

These categories and definitions are determined by the Administration for Community Living (ACL) and will be reported by Nevada in the annual State Performance Report required for Older Americans Act Title III funds.

Area of Law	Definition
1. Income	<p>The income legal case type includes:</p> <ul style="list-style-type: none"> • SSI and Social Security eligibility, termination, reduction, overpayments, • pension disputes, • unemployment insurance eligibility, termination or reduction, • State and local income maintenance programs where available, including eligibility, terminations, and reductions, including state supplements to SSI and state-specific programs. • Income – Other <p>Legal Services Corporation legal problem categories and codes that best align are “Income Maintenance” codes 71 through 79 (exclude code 73 Food Stamps).</p>
2. Health Care	<p>The health care legal case type includes:</p> <ul style="list-style-type: none"> • Medicaid, Medicare – eligibility, termination, reduction, • Medicare Savings Programs (Qualified Medicare Beneficiary, Specified Medicare beneficiary, Qualified Individual) eligibility, reduction, termination, • Veterans Administration benefits disputes, • Medigap disputes, • retiree health eligibility and/or benefits disputes, • private insurance disputes • Health-Other <p>Legal Services Corporation legal problem categories and codes that best align are “Health” codes 51 through 53; 55, 57 and 59 (exclude 54 Home and Community Based Care and 56 Long Term Health Care Facilities).</p>
3. Long Term Care	<p>The long-term care legal case type includes:</p> <ul style="list-style-type: none"> • Nursing home admission, discharge, room change, visitor access, refusal of facility to re-admit a resident after a hospitalization or other leave of absence, other residents’ rights, • Support for transitions from a nursing home to a community setting, or diversion from a nursing home to a community setting,

	<ul style="list-style-type: none"> • Home and Community Based Services - level of care eligibility disputes, and/or amount, category and/or duration of benefits, reductions and terminations of such benefits. (Note Medicaid eligibility for home and community-based services is to be recorded as a health care case). • Long Term Care – Other <p>These categories are intended to describe the type of legal case presented by a client and do not refer to the setting in which the client resides.</p>
4. Nutrition	<p>The nutrition legal case type includes:</p> <ul style="list-style-type: none"> • SNAP eligibility, benefits, reduction, or termination. • Nutrition - Other <p>Legal Services Corporation legal problem categories and codes that best align are “Income Maintenance” code 73, Food Stamps.</p>
5. Housing	<p>The housing legal case type includes:</p> <ul style="list-style-type: none"> • Landlord tenant – <ul style="list-style-type: none"> ○ eviction, ○ warranty of habitability, ○ mobile home tenant issues, , • real property- <ul style="list-style-type: none"> ○ foreclosure, ○ real property-related predatory lending claims, ○ mortgage issues • Housing - Other <p>Legal Services Corporation legal problem categories and codes that best align are “Housing” codes 61 through 69.</p>
6. Utilities	<p>The utilities legal case type includes:</p> <ul style="list-style-type: none"> • Utilities shutoffs, • Utilities billing disputes, • Utilities deposit disputes, • Utility diversion disputes, • Utilities reasonable accommodation matters, • Utilities - Other <p>Legal Services Corporation legal problem categories and codes that best align are “Consumer/Finance” code 07, Public Utilities.</p>
7. Abuse/Neglect	<p>The abuse/neglect legal case includes:</p> <ul style="list-style-type: none"> • Orders of protection and associated matters • Recovery of assets lost due to financial exploitation or abuse. • Actions to assert rights and remedies of elders against

	<p>abuse, financial exploitation or neglect.</p> <ul style="list-style-type: none"> • Abuse/Neglect – Other <p>Legal Services Corporation legal problem categories and codes that best align are “Family” code 37, Domestic Abuse.</p>
<p>8. Defense of Guardianship or Protective Services</p>	<p>The defense of guardianship or protective services legal case type includes:</p> <ul style="list-style-type: none"> • Representation to oppose imposition of guardianship • Removal of Guardian or limiting the terms of a guardianship • Restoration of rights • Assisting with alternatives to guardianship • Preparation of legal documents that preserve self-determination and mitigate risk of guardianship, and/or to enable a supported decision-making arrangement <ul style="list-style-type: none"> ○ Powers of Attorney, ○ Living Wills, ○ Health Care Proxies. • Defense of Guardianship and Protective Services - Other <p>If Legal Services Corporation legal problem category “Family” code 33, “Adult Guardian/Conservatorship” is used to identify cases, these must be in defense.</p>
<p>9. Age Discrimination</p>	<p>The age discrimination legal case type includes:</p> <ul style="list-style-type: none"> • Employment or other age-related discrimination, • Housing discrimination claims • Other claims of discrimination based upon inclusion in a protected class. <p>No Legal Services Corporation legal problem categories and codes align to this case type.</p>
<p>10. Other/Miscellaneous</p>	<p>The other/miscellaneous legal case type is determined and reported for closed cases that do not fall into any other type and includes but is not limited to :</p> <ul style="list-style-type: none"> • Medical and other debt collection, including repossession, bank account or wage garnishment, etc., • Fair Debt Collection Practices Act claims, • Predatory lending (housing and non-housing-related), • Unfair and deceptive sales or marketing claims, • Disputes over loans, • Asserting the rights and supporting the legal authority of grandparents raising grandchildren, • Disability rights (ex: 504 or ADA claims), • Other

**Definitions taken from the State Performance Report – Appendix A – Definitions Version 1.1*