

**(A) Purpose**

- (1)
  - (a) To provide legal advice, assistance, counseling or representation for consumers by an attorney or other person acting under the supervision of an attorney. Legal advice, assistance, counseling or representation may be provided to the consumer via the legal hotline or through staff attorney activity;
  - (b) To enable the elderly to remain as independent as possible by empowering them to exercise self-determination, by protecting their interests and by facilitating their access to local, state, and federal resources and benefits
- (2) Legal Assistance provides free legal information and advice to assist consumers with legal problems. The legal hotline may refer consumers to a staff attorney or to other community resources that offer assistance. Legal Assistance problems include:
  - (a) Medicare; i.e. service denials and terminations and claim determinations;
  - (b) Medicaid; i.e. eligibility, coverage, and level-of-care denials or terminations;
  - (c) Medicare supplemental insurance or long-term care insurance;
  - (d) Entitlement programs, such as Social Security, SSI, or food stamps;
  - (e) Financial exploitation, such as family members, neighbors, “friends” or contractors taking advantage of an older person, fraudulent charitable solicitations, or other con games, and sweepstakes scams;
  - (f) Fraudulent charitable solicitations or other con games and scams, including sweepstakes scams;
  - (g) Home ownership or rental issues, such as foreclosures, property tax problems, homeowner or renter insurance claim denials, evictions, and failure by the landlord to maintain habitable premises.

**(B) Unit of Service**

- (1) A unit of service is one hour (billable in 15 minute increments) of legal assistance rendered to an individual or group of consumers either in person or per telephone hotline. Preparation and research time is billable.

**(C) Priority Issue Areas**

- (1) A consumer must be a resident of Butler, Clermont, Clinton, Hamilton or Warren County and age 60 years or older.
- (2) Consumer must have a legal problem in one of the areas mentioned above (in definition of purpose) that threatens their independent living status.

**(D) Outreach/Marketing of Legal Services to Targeted Populations**

Outreach methods shall include, but shall not be limited to:

- (1) Strategically locating legal assistance offices at sites where the target population is located.
- (2) Establishing contacts and networking with secondary referral sources that are most likely to have contact with targeted groups. Examples of secondary referral sources are social workers, religious institutions, nursing homes, providers of home-delivered meals.
- (3) Focusing media attention on needs of the elderly.

**(E) Provider Standards and Responsibilities**

Staffing requirements:

- (1) All Title III Legal Assistance attorneys must be authorized to practice law in the state of Ohio.
- (2) All Title III Legal Assistance attorneys must demonstrate experience and capacity to provide effective and efficient, high quality legal services in the area of law affecting older persons in economic or social need.
- (3) All Legal Hotline staff must be able to communicate with consumers/caregivers, business and legal contacts and write clear/precise documentation entries for each contact.
- (4) The provider agency shall provide legal assistance through attorneys in good standing with the Ohio Supreme Court or individuals acting under the supervision of attorneys.
- (5) The provider agency shall have staff with demonstrated expertise in specific areas of law affecting older persons in economic or social need. These areas include, at a minimum, the areas of law listed in the definition and purpose.
- (6) Paralegals and other non-attorney personnel must have direct and regular supervision by a qualified attorney and be provided skills training and training in the priority areas of law.
- (7) Any Title III attorney providing legal advice or representation in conjunction with the Title III legal services program must maintain malpractice insurance and must

show proof of coverage as requested by Council on Aging of Southwestern Ohio, on an annual basis.

- (8) The provider agency shall ensure that all of its attorneys comply with the Supreme Court of Ohio’s continuing legal education requirements.
- (9) The provider shall supervise all ongoing cases through a process of periodic case review of attorneys other than the attorney handling the case.

**(F) General Provider Requirements**

Each Title III legal assistance provider shall:

- (1) Provide legal assistance without consideration of a consumer’s income or resources. The provider may question the consumer about financial circumstances as a part of the process of providing legal advice, counsel and representation, and for the purpose of identifying additional resources to which the consumer may be entitled.
- (2) Give consumers a free and voluntary opportunity to contribute to the cost of the service they receive and ensure privacy with respect to all solicitations, contributions or donations. The method of announcing the opportunity to contribute shall not discourage the utilization of the service by the potential contributor or any other potentially eligible individual in the community.
- (3) Be aware of and abide by the Older Americans Act and the code of federal regulations governing Title III legal assistance.
- (4) Demonstrate the capacity to deliver services to consumers who are institutionalized, home-bound, isolated or in receipt of community-based care programs.
- (5) Provide outreach services as an integral part of the contracted legal assistance efforts, which shall identify consumers eligible for assistance and apprise them of the availability of this service. Ensure that services of the provider are made known to the secondary referral sources.
- (6) Provide support to the regional long-term care ombudsman program if needed.
- (7) Have access to the relevant sections of the code of federal regulations and relevant state and federal statutes
- (8) Submit reports to Council on Aging of Southwestern Ohio as required by the agreement.

- (9) Have written documentation in the consumer's file on how legal problems threaten the consumer's independent living status.
- (10) Maintain records that fully document service delivery and completion of the legal assistance requested and/or case closure.
- (11) Have its attorneys and other professional staff maintain daily time logs to the tenth of the hour.
- (12) Provide legal assistance in conformance with the Ohio code of professional responsibility.
- (13) Maintain a system of consumer tracking that can be effectively audited by COA or its designee and while maintaining the attorney-client privilege.
- (14) Routinely survey consumer satisfaction.
- (15) Demonstrates the capacity to obtain other resources to provide legal services to older persons.

**(G) Reporting**

Billing as required in the specified electronic billing system as outlined in the COA NAPIS Manual.

**(H) Consumer Cost Sharing**

This service is exempt from Rule 173-3-07, Consumer Cost Sharing Policies. The Provider may solicit and accept voluntary contributions.