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CC: Watson, Daledwatson@aging.sc.gov
Date: 10/31/2014 10:57:48 AM
Subject: New Plan for Legal Services

Tony,
As Dale mentioned to you this morning, I have come up with a new plan for better provision of III-B legal services.

I spoke with Public Services Director Cindy Coker at the SC Bar yesterday to determine what the possibilities are came up with an opportunity that I think is very positive.

The plan is not completely fleshed out...I have scheduled a meeting with Cindy on Tuesday to discuss and provide greater detail.

Basically, I am proposing a new program at the SC Bar that will create a contract between the SC Bar and the LGOA. The Bar will create a "Senior Legal Services Program" using attorneys statewide that are willing to handle limited cases in our eleven priority areas. Those cases would be folks who cannot receive services or cannot receive services easily from the AAA/ADRC standard contract provider. Some regions use SC Legal Services, some use private providers. Either way, we can provide greater resources and better control the value of our dollars.

For example, SC Legal Services provides services in both Regions 6 and 7. There is no Legal Services office in those regions or not one that is open every day, so our referrals don't always have easy access to meet with attorneys. They may have to go to Columbia, or if Legal Services has someone in those regions, there may be set days and times (maybe once a week or every couple of weeks) and if the person can't get to those dates/places, then we have to pay legal services to come to the client, so we incur their travel as well as case expenses. That is limiting for our seniors. It is even more difficult for those in long term care facilities.

Further, if we recruit by asking all attorneys in an area—a blanket solicitation—and then take the ones who respond, basically the AAA/ADRCs are establishing services through local attorneys, but they don't know the attorneys' expertise or ethical conduct. If we solicit a specific attorney (individual solicitation), then we could run afoul of ethics law.

So...here's the answer I came up with: Under this proposed program, SC Bar will recruit attorneys throughout the state who will take the unit rate (\$50/hour) to handle some of our cases. Our ADRC/AAA has to get the info from the senior and make the referral (as they do now), so we know the priority area and personal information. The AAA/ADRC will make the referral and will get a billing statement back from the attorney confirming the client, hours, priority area, so we know service was provided. Because the Bar recruits attorneys to participate, they have access to attorney personal information (like folks who have had "problems" in their practice) that we would not know, so that protects us against referring to someone with "issues" unknowingly. We don't have an ethics conflict because the Bar, which is the attorney licensure agency is recruiting from all attorneys; in other words, we are not recruiting privately.

As of this morning, when I was telling Dale about my plan, she brought in the Medicare/Medicaid dual eligible piece. Since we would be the contract holder for this program, even though the AAA/ADRCs are the users, once we get the new DHHS grant up and running, we know we are going to need legal help for some of the clients, so this is a great way for us to provide this assistance. It could utilize grant dollars, still at this much lower rate, or if the AAA/ADRCs don't use their III-B as they are supposed to so that money is left on the table, Dale suggested a "set-aside" from those funds, where we could use the unused dollars. Medicare/Medicaid appeal and legal assistance are a hand in glove fit, since that is one of the legal service priority areas.

We have tentative approval already from the Director of the Bar to develop the initial idea and try the program. Dale will go with me to meet with Cindy and we will talk about the original idea and the expanded idea using the dual

eligible piece.

Cat

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