

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

**SERVICE SPECIFICATIONS
LEGAL ASSISTANCE**

Any exceptions to these Service Specifications must be requested in advance in writing and approved by the Deputy Administrator.

SERVICE DEFINITION:

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

SERVICE CATEGORIES AND UNIT MEASURES:

The following service category and unit measure established by the Administration on Aging (AoA) 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.

One unit equals one hour of Legal Assistance.

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 \$250,000 per single occurrence and \$500,000 aggregate.

SPECIFICATIONS:

1. Required Services:

- 1.1 Provide service 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.
- 1.2 The Legal Assistance program shall conduct educational presentations to organizations and individuals concerning senior issues. Presentations shall include information about services provided by the Legal Assistance program.

2. Service Prohibitions:

- 2.1 Legal assistance programs are prohibited from accepting cases that generate fees or handling criminal cases.

3. Documentation:

- 3.1 Each case record shall contain sufficient documentation of the issues involved, rule or rules of law that apply, analysis undertaken and conclusions derived.
- 3.2 Documentation shall be maintained which annually verifies that each attorney is a member in good standing of the State Bar of Nevada.
- 3.2 Documentation shall be maintained concerning the educational presentations required in 1.2 above, including the names of organizations, number of individuals attending and the nature of the presentation.

4. Operating Procedures:

- 4.1 Legal Assistance attorneys must establish written protocols for paralegals to utilize when conducting interviews.
- 4.2 Legal Assistance program staff must establish a written list of legal resources for client referrals. The list may include Lawyer's Referral Service, pro bono, and legal service practitioners in specific areas of legal expertise. A referral policy will be established which at a minimum includes:
 - 4.2.a A "no favoritism" referral approach to rotate providers when there are more than one
 - 4.2.b A procedure for adding and removing resources from the list
 - 4.2.c. 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 if any attorney has been reported to the Nevada State Bar for misconduct.
- 4.4 Legal Assistance providers shall develop a system for tracking assistance, causes, and cases to ensure 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, social security number, nature of the case, outcome, referrals, as well as any other pertinent information.

5. Quality Improvement:

- 5.1 The program shall establish an annual method to determine consumer satisfaction with service through questionnaires or some other means. The results of the quality improvement review must document any program deficiencies and contain a plan of correction.

ATTACHMENT A

LEGAL ASSISTANCE PRIORITIES

<u>Area of Law</u>	<u>Priority Areas</u>
1. Long Term Health Care Issues	Advance Directives (Living Wills and Durable Powers of Attorney for Health Care), Nursing Home Issues, Medicaid Planning and Spousal Impoverishment information.
2. Consumer Matters	Consumer debt, consumer fraud, contract disputes, billing disputes, information regarding small claims actions, debt collection and protection of assets.
3. Real Property & Housing Matters	Affidavits Terminating Joint Tenancy, Homestead Declarations, legal representation of tenants in landlord/tenant disputes and evictions.
4. Governmental Benefits and Entitlements	Includes assistance in Social Security, Supplemental Security Income, Medicare, Medicaid, public housing and other public entitlements.
5. Estate Planning Issues	Preparation of Simple Wills, Affidavits of Entitlement, information regarding long term estate planning and probate. Does not include preparation of Living Trust documents.
6. Elder Rights Law	Intervention in cases of elder abuse, neglect or exploitation, guardianships, termination of Powers of Attorney, alternatives to guardianships, civil recovery of property for abused elders, where appropriate.