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Alabama Ryan White Part B Service Standards

Other Professional Services

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Purpose

This Service Standard was prepared by the Alabama Department of Public Health (ADPH) Office of HIV Prevention and Care (OHPC) and the United Way of Central Alabama (UWCA) in consultation with Organizational Ideas (a technical assistance provider), with stakeholder input to guide the delivery of high-quality services for people with HIV (PWH). This document contains the minimum requirements Ryan White Part B (RWPB) providers are expected to meet when delivering HIV care and support services funded by RWPB. Providers may exceed these standards. These standards will also provide a basis to evaluate the RWPB services. Please note that all RWPB Service Standards expectations also apply to Health Resources and Services Administration (HRSA) Ending the HIV Epidemic in the U.S. (EHE)-funded services unless exceptions are noted.

Definitions and Descriptions

The description under the “Standard” column outlines the required activities that must be provided to the client receiving the RWPB service. The “Documentation” column provides the documents that must be maintained by the provider delivering the service. The Service Standards contain the following major elements:

- **Agency & Personnel Requirements:** The minimum required education, certification, experience, and facility requirements that are needed to provide the RWPB service.

- **Eligibility & Intake:** Eligibility refers to the current statewide criteria for receiving services through RWPB as outlined in the *RWPB Universal Service Standard*. Current eligibility criteria can be found at: <https://www.alabamapublichealth.gov/hiv/index.html>. The agency must determine or confirm RWPB eligibility for the client prior to provision of services. Eligibility may occur during intake or through a stand-alone process. Intake is the process of collecting information to determine the client's immediate service needs.
- **Assessment:** The Assessment is an evaluation of need conducted by qualified personnel to determine if there is a need for the RWPB service. The evaluation must render the determination for referral or provision of service. It must include the elements listed in the standard. The documentation of the evaluation of need is determined by the agency.
- **Provision of Services:** The provision of services are the activities or services that are provided to the client. Where appropriate, a Service Plan should address the client's assessed needs with a timeline to resolve the need(s).
- **Transition/Discharge:** Transition/Discharge refers to the release or cessation of the RWPB service. Transition or Discharge may occur in conjunction with the transition or discharge from the agency's program, when the client no longer needs or meets the criteria for the service, when the client is transitioned to another care provider, or when a client is deceased.
- **Case Closure:** When a client is discharged or transitioned to another care provider, the services will cease and the case is closed.

I. HRSA Service Category Definition

Other Professional Services is the provision of professional and consultant services rendered by members of particular professions licensed and/or qualified to offer such services by local governing authorities. Such services may include:

- Legal services provided to and/or on behalf of the HRSA RWHAP-eligible PWH and involving legal matters related to or arising from their HIV disease, including:
 - Assistance with public benefits such as Social Security Disability Insurance (SSDI)
 - Interventions necessary to ensure access to eligible benefits, including discrimination or breach of confidentiality litigation as it relates to services eligible for funding under the HRSA RWHAP
 - Preparation of:
 - Healthcare power of attorney
 - Durable powers of attorney
 - Living wills
- Permanency planning to help clients/families make decisions about the placement and care of minor children after their parents/caregivers are deceased or are no longer able to care for them, including:
 - Social service counseling or legal counsel regarding the drafting of wills or delegating powers of attorney; and
 - Preparation for custody options for legal dependents including standby guardianship, joint custody, or adoption.
- Income tax preparation services to assist clients in filing Federal tax returns that are required by the Affordable Care Act for all individuals receiving premium tax credits.

II. Program Guidance

Other professional services need to be directly necessitated by an individual's HIV/AIDS serostatus and/or related to accessing core or support services. These services may include:

1. Preparation of powers of attorney and/or living will;
2. Interventions necessary to ensure access to eligible benefits, (discrimination or breach of confidentiality litigation as it relates to services necessitated by the individual (Medicare disability claims); and
3. 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.

Permanency planning includes the provision of social service counseling or legal counsel regarding:

- a. Drafting of wills or delegating powers of attorney; and
- b. Preparation of custody options for legal dependents including standby guardianships, joint custody, or adoption. Funding for other professional services may not be used for any criminal defense or for class action suits unrelated to access to services eligible for funding under the Ryan White Program.

Income tax preparation services are to assist clients in filing Federal tax returns that are required by the Affordable Care Act for all individuals receiving premium tax credits or when required as part of a legal allowable intervention.

III. Key Service Components and Activities

Allowable costs include:

- Legal services related to or arising from HIV disease, such as powers of attorney, wills, and SSDI
- Preparation for custody options for legal dependents
- Tax preparation

Not Allowable:

- Criminal defense or class action lawsuits unrelated to accessing services eligible for funding under the RWHAP Program.

For common components required for all RWPB services, please see the *RWPB Universal Service Standard*. Key service components and activities are noted in the Service Standards below.

ADPH Service Standards:

Standard	Documentation
1. Agency & Personnel Requirements	
1.1) All legal staff must possess a Juris Doctorate (JD) from an accredited law school and maintain active state and/or federal bar membership in good standing.	1.1) State licensure must be on file.
1.2) Staff preparing tax returns must be authorized by the Internal Revenue Service (IRS) to provide federal tax preparation services.	1.2) IRS Preparer Tax Identification Number (PTIN) must be on file and renewed annually.
1.3) Staff must continue to fulfill the requirements of their individual disciplines to maintain their license, if applicable.	1.3) Copies of continuing education and related licensure or certification renewals with license/certificate number.
2. Eligibility & Intake	
2.1) Subrecipient must conduct or confirm eligibility consistent with statewide eligibility requirements. All clients must have an active eligibility at the time of service.	2.1) Active eligibility for RWPB in client's record during the service delivery period.
2.2) Complete intake within 5 business days of referral.	2.2) Intake completed within 5 business days of referral.
3. Assessment	
3.1) Determine client's need for legal services to ensure access to benefits, permanency planning and/or tax preparation	3.1) Assessment of need for Other Professional Services must be reflected in the client's record within 5 business days of intake.

assistance within 5 business days of intake.	
3.2) Need for Other Professional Services will be reassessed every 6 months until need is addressed.	3.2) Reassessment of need completed every 6 months documented in client's record.
4. Provision of Services	
4.1) Services will be provided based on needs identified and documented in the client's primary record.	4.1) Documentation of services provided in the client's primary record.
5. Transition/Discharge	
5.1) See <i>RWPB Universal Service Standard</i> .	
6. Case Closure	
6.1) See <i>RWPB Universal Service Standard</i> .	

Resources

1. Health Resources and Services Administration (HRSA) HIV/AIDS Bureau (HAB) Policy Clarification Notice (PCN) #16-02: Ryan White HIV/AIDS Program Services: Eligible Individuals and Allowable Uses of Funds:
<https://ryanwhite.hrsa.gov/sites/default/files/ryanwhite/grants/service-category-pcn-16-02-final.pdf>
2. Ryan White HIV/AIDS Program (RWHAP) National Monitoring Standards for RWHAP Part B Recipients:
<https://ryanwhite.hrsa.gov/sites/default/files/ryanwhite/grants/2023-rwhap-nms-part-b.pdf>
3. Internal Revenue Service: <https://www.irs.gov/tax-professionals/understanding-tax-return-preparer-credentials-and-qualifications>