

Nebraska Ryan White Part B Program

Policy - Legal Services

Federal Policy References: Ryan White CARE Act (PL 104-146) Sect. 2612, 2613-2612(a)2(B)
HRSA Program Policy Notice No. 10-02 (4/8/2010), 97-01 & 97

“Legal Services for Eligible Individuals”
Ryan White Part B Manual

The Nebraska Ryan White Program has waived all requirements for subgrant entities regarding imposition of charges for services, pursuant to Section 2617(c)(4)(A) of the Ryan White Modernization Act of 2006.

Purpose: The purpose of the Ryan White Part B policy on legal services is to ensure compliance with applicable Federal policies for the appropriate use of Part B funding for legal assistance for eligible clients. This policy identifies client eligibility, appropriate uses for Ryan White Part B funded legal assistance, and limitations.

1. Nebraska Ryan White Part B funds may be utilized to provide limited legal assistance to eligible clients.
2. Clients eligible for legal assistance must meet eligibility criteria per the Nebraska Ryan White Part B Policy “Client Eligibility.”
3. Priority legal services are limited to services directly necessitated by an individual’s HIV status. Examples include; **Living Wills, Power of Attorney, Do-Not-Resuscitate orders** and other Advanced Directives
4. To the extent that funding is available, legal services may include 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 Ryan White HIV/AIDS Program.
5. To the extent that funding is available, permanency planning for an individual of family where the responsible adult is expected to pre-decease a dependent (usually a minor child) due to HIV/AIDS; includes the provision of social service counseling or legal counseling regarding (1) the drafting of wills of delegating powers of attorney, and (2) preparation for custody options for legal dependents including standby guardianship, joint custody or adoption.
6. Organizations providing legal services must maintain documentation to be submitted to the State to include; client name, date of service, reason for legal service, and cost for service, or as described in any agreement, contract, or sub grant with the Department of Health and Human Services.
7. Provider agencies are required to utilize the Provide® case management software system to document legal services provided to clients unless other arrangements have been made between the provider agency and the Ryan White Part B Program.
8. Financial limits for legal services are described in the Ryan White Part B Policy “Direct Emergency Assistance Limits” for the current grant period. Legal assistance is addressed under “Other Assistance” and subject to the financial limits.
9. In no case may CARE Act funds be used to make direct payments of cash to recipients of legal services.