



Please note this email is going to IIIB-funded legal providers and AAA contacts for the Florida Elder Law Program:

Announcing DOEA's new Long Term Care Advocacy Project:

The Florida Department of Elder Affairs is proud to launch the new **Long Term Care Advocacy Project**, developed in an effort to learn more about the legal needs of residents of long term care facilities, to strengthen partnerships between Legal Aid and the Long Term Care Ombudsman Program, and to improve access to legal services for vulnerable older Floridians.

In the calendar year 2021, Florida's Elder Law Program funded by the Older Americans Act served 49 residents of long-term care statewide and closed only 6 cases under the OAA priority of long-term care. The Long Term Care Advocacy Project seeks to build the capacity of Florida's legal services delivery system to identify and serve the legal needs of this population.

Please read on to learn more about the target population for this project, the types of resources and supports being developed, and how your program can better serve the needs of residents of long-term care.

- **Target Population –**
 1. Residents in Long Term Care Facilities that Meet Eligibility Criteria of the Long Term Care Ombudsman Program (Age 18+, residing in Nursing Home, Assisted Living Facility, or Adult Family Care Home)
 2. Older Floridians in need of, or receiving, long-term care services in a long-term care facility, at home, or in the community.
 3. Preference is given to older individuals with greatest economic and social needs, with particular attention to those at risk for abuse, neglect or exploitation; low-income; low-income minority; limited-English proficiency; and those residing in rural areas.
- **Purpose of the Project –**
 1. **Improve access to legal services** by members of the target population through a variety of strategies including increasing the capacity of

representatives of the Long-Term Care Ombudsman Program, Adult Protective Services and other Florida advocates to refer members of the target population to legal services providers.

2. **Provide legal services** to members of the target population
 3. **Improve Capacity of the Delivery System to Address Substantive Legal Needs of the Target Population –**
 1. **Develop training and other resources** to increase the capacity of Florida legal services providers and advocates to resolve critical legal issues for members of the target population.
 2. **Provide Case Consultation to Legal Aid Programs (Referral Protocols Coming Soon!) –** If a program receives a referral through the Risk Detector or other source for a client who is within the target population and eligible for program services, the program can contact Florida Health Justice Project (FHJP) for case consultation. FHJP will do an intake (interview client and family for facts); request a case review with national substantive experts and/or NCLER for guidance on relevant law, provide memo summarizing facts and law, and refer the case back to the local legal aid program receiving Title III Older American Act funding.
 1. To contact FHJP, please email ortiz@floridahealthjustice.org and harmatz@floridahealthjustice.org with the client contact information; income; and issue, including relevant notices for, e.g. nursing home discharge, Medicaid termination, Medicare appeal.
 3. **Co-Counseling** - For cases that may have systemic underpinnings in Medicaid law, FHJP will offer technical support and consider co-counseling (resources permitting).
- **Resources Developed to Date –**
 1. Defending Evictions from Florida Nursing Facilities – Practice Memo by Florida Health Justice Project, available online at https://www.floridahealthjustice.org/uploads/1/1/5/5/115598329/defending_evictions_from_florida_nursing_homes.pdf.
 - **Resources in Development –**
 1. Right to priority enrollment in LTC Waiver for residents of nursing facilities
 2. 5th edition of Advocate’s Guide to the Florida Medicaid Long-term care (LTC) Waiver
 3. [Referral Protocols](#)
 4. Statewide training for advocates on Legal Issues related to Nursing Home Discharges and Transfers (late September) – Look for an announcement coming soon!
 - **Training Opportunities –**
 1. LTCOPs and Legal Services: Working Together to Protect Residents from Nursing Facility-Initiated Discharges (Webinar held June 2022, presented by

the National Long-Term Care Ombudsman Resource Center and the National Center on Law and Elder Rights). Recording available [here](#):

- **Participating Programs –**
 1. Bay Area Legal Services
 2. Legal Services of Greater Miami
 3. Jacksonville Area Legal Aid
 4. Florida Health Justice Project

For any questions about the LTC Advocacy Program, you can contact Lynn Hearn, Legal Advocate for the Long Term Care Ombudsman Program at hearnl@elderaffairs.org, or me at halsellsk@elderaffairs.org.