



FLORIDA HEALTH JUSTICE PROJECT

Date: July 28, 2022

Re: Department of Elder Affairs' *Long Term Care Advocacy Project* ("Project"), Requests for Consultation for Clients in the Target Population

Impacted clients: For clients within the Project's target population, i.e.. residents in Long Term Care Facilities and older Floridians in need of long-term care services in a long-term care (either through facility, ALF or at home), please ask client if you can contact FHJP for a case consultation. If the client agrees, please contact the Florida Health Justice Project (FHJP).

For more background, [see July 22, 2022 announcement of Project](#) sent to legal services programs receiving Title III Older America Act funding ("the programs").

Purpose of consultation: A primary goal of the consultation is to provide the Program with additional resources in handling the case. Additionally, FHJP will be: 1) gathering information about those issues impacting the target population and for which programs can provides clients' with helpful advocacy assistance, and 2) developing advocacy tools and materials for programs. Thus, FHJP is eager for the opportunity to consult with clients and programs throughout the Project.

Who to contact: ortiz@floridahealthjustice.org and harmatz@floridahealthjustice.org

Please include the following information¹ in email to FHJP:

- Client contact information (if someone has a P.O.A. or is the client's guardian, please include their contact information as well)
- Preferred method of contact, e.g. phone, text, email.
- Income and household status, e.g. lives alone, lives with adult child; lives in nursing facility
- Age

¹ Additionally, if the program already has the following demographic information, please include that as well: race, ethnicity, gender, zip code, geographic distribution (rural or non-rural).

- English Proficiency (note: if client speaks Spanish, FHJP has Spanish speaking staff; but if client speaks language other than Spanish or English, please identify translator from Program)
- Issue, e.g. nursing home discharge, Medicaid termination, home and community based services (HCBS) denial or delay, Medicare appeal
- Please attach any relevant notices

Please let the client know the following will happen:

- Someone from FHJP will contact client (or person with POA, guardianship) within 5 days of referral from Program regarding a consultation
- If there is a deadline for filing an appeal and/or a hearing scheduled within the next 30 days, please provide client with pro se forms for requesting extension/rescheduling while their case is being investigated (FHJP will provide template forms).
- Program will recontact client after receiving and reviewing the memo from FHJP after case consultation. (see below).

FHJP Process:

- Conduct an intake (interview client, LTCO and/or family for facts)
- Request a case review with national substantive expert and/or NCLER for guidance on relevant law, where appropriate
- Provide memo summarizing facts and law
- Refer case back to the Program
- For cases that may involve systemic Medicaid issues, FHJP will offer technical support and consider co-counseling (resources permitting).
- For cases that involve Medicare issues and nursing home law, FHJP will consult with the Center for Medicare Advocacy (CMA) and offer technical support.