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September 27, 2017

Richard C. Woltmann, Executive Director  
Bay Area Legal Services, Inc.  
1302 N. 19th Street, Suite 400  
Tampa, FL 33605-5230

Dear Mr. Woltmann,

Enclosed is the report for the Older Americans Act Title III-B/LSP/IIIEG (#17-30) Legal Services Program. This visit was made August 31, 2017 by Elizabeth Heyne, Program Manager. The cooperation of Richard Motley throughout the visit was greatly appreciated.

This report is intended to provide an overview of the project's operations as of the date of the monitoring visit. It should also be a useful instrument in the evaluation of your programs.

Your program is commended for meeting all standards for contract compliance and service delivery.

Should you have any questions or comments concerning this report, please feel free to contact the Program Manager at (727) 570-9696, extension 271. Thank you for your continued commitment to serve the seniors of Pasco County.

Sincerely,

A handwritten signature in cursive script that reads 'Ann Marie Winter'.

Ann Marie Winter  
Executive Director

Enclosures

cc: Richard Motley, Program Director, BALS  
*Michael Bedke, Board Chair, BALS*



**Area Agency on Aging of Pasco-Pinellas, Inc.**  
**2017 LSP/ IIIB/IIIIEG PROGRAMMATIC MONITORING CHECKLIST**

<b>PROVIDER</b>	Bay Area Legal Services, Inc.
<b>SERVICE(S)</b>	OAA Title IIIB/IIIIEG/LSP Legal Assistance
<b>DATE(S) OF VISIT</b>	August 31, 2017
<b>PARTICIPANT(S)</b>	Richard Motley, Program Director, BALS
<b>MONITOR(S)</b>	Elizabeth Heyne, AAAPP Program Manager

**CONTRACT COMPLIANCE AND SERVICE DELIVERY**

**STANDARD #1 – Previous Programmatic Monitoring**

*All issues from the previous programmatic monitoring have been resolved within an established and reasonable timeframe.*

**RESPONSE:**

There are no unresolved issues resulting from the previous programmatic monitoring visit on June 21, 2016.

- Achieved  
  Partially Achieved  
  Not Achieved  
  Not Applicable  
  Follow-up Necessary

**STANDARD #2 – Targeting, Prioritization and Waitlist**

*A targeting plan with specific targeting objectives is in place:*

- A. The Provider has implemented the approved plan to target individuals with greatest economic need, older individuals with greatest social needs, older individuals at risk for institutional placement, older minority individuals, low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas (Pasco only).
- B. Provider is serving the proposed number and percentage of older individuals with greatest economic need, older minority individuals, older individuals at risk for institutional placement, low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas (Pasco only).
- C. The Provider currently utilizes an Older Americans Act Prioritization Instrument in accordance with the Provider’s Prioritization Policy.
- D. If applicable, the Provider’s waitlist policies and procedures have been appropriately established, maintained, and utilized as necessary.

**RESPONSE:**

- A.) The provider has an approved Service Provider Application on file with the AAAPP. This application denotes the program’s proposed efforts to target older individuals according to the OAA targeting categories.
- B.) Per the current Quarterly Report, the provider is on track to serve the proposed number of clients in Pasco County (see table below). The AAAPP will continue to provide technical assistance and review future quarterly reports to ensure the provider achieves the proposals for the OAA program.

IIIB	Proposed	Actual	IIIEG	Proposed	Actual	LSP	Proposed	Actual
Social Need	363	187	Social Need	2	4	Social Need	102	208
Low income minority	40	24	Low income minority	8	1	Low income minority	10	23
Rural	27	15	Rural	4	1	Rural	8	10
Minority	47	18	Minority	4	3	Minority	13	13
Economic Need	200	233	Economic Need	8	10	Economic Need	50	150
Limited English	16	6	Limited English	2	1	Limited English	4	3
At Risk	10	3	At Risk	1	0	At Risk	2	6

- C.) The provider has implemented their plan of action as outlined in their 2017 Service Provider Application.
- D.) There is no waiting list for legal services. All appropriate clients are served when they request/apply for services. The provider is in compliance with their Targeting/Prioritization Policy as reviewed during the visit. This policy/procedure has also been outlined and approved in the 2017 Service Provider Application.

Achieved  Partially Achieved  Not Achieved  Not Applicable  Follow-up Necessary

### STANDARD #3 – Staff Training

*Provider staff has received training pertinent to the performance of required functions:*

- A. Utilizing the appropriate DOEA Assessment Tool including the 701S, 701A and/or 701C (Registered Services only) in accordance with the DOEA Programs and Services Handbook.
  - Review of policies and procedures for DOEA Assessment Tools including the 701S, 701A, and/or 701C to ensure assessments are being completed as outlined in the DOEA Programs and Services Handbook.
  - Ensure requirements for face to face visits are being adhered to.
- B. Quality assurance activities to include use of the Assessment Instructions (DOEA 701D), direct observation, coaching, and training of screening staff to ensure the accuracy and quality of the screenings being conducted.
- C. DOEA standards for specific service training as outlined in the most current DOEA Program and Services Handbook is being utilized:
  - DOEA web-based training with receipt of a certificate of completion; a score of 90 percent or above on the multiple-choice test is required.
  - DOEA 701S Training Webinar with appropriate documentation of completion is required per the AAAPP.
- D. Mandatory reporting of suspected abuse, neglect, self-neglect, and exploitation of the elderly training has been conducted.

#### RESPONSE:

- A.) N/A. Legal Assistance is not a registered service.
- B.) N/A. Legal Assistance is not a registered service.
- C.) N/A. Legal Assistance is not a registered service.
- D.) Elder abuse training is in the process of being scheduled with the AAAPP Victim Advocate Program Manager for all Bay Area Legal staff. The training will be conducted prior to the end of the year.

Achieved    Partially Achieved    Not Achieved    Not Applicable    Follow-up Necessary

**STANDARD #4 – Programmatic Reporting**

*All required programmatic reports are accurate and submitted in a timely manner:*

- A. Annual Outreach and Public Education Report
- B. Quarterly Reports
- C. Detailed meeting minutes from the agency Board of Director Meetings are submitted regularly.
- D. Surplus/Deficit Reports

**RESPONSE:**

- A.) The annual Outreach and Public Education report was submitted in March 2017. No concerns noted.
- B.) All quarterly reports are submitted on time and are considered accurate.
- C.) Board of Director Meetings are held quarterly and meeting minutes are submitted to the AAAPP after approval.
- D.) Surplus/Deficit reports are submitted by the 20<sup>th</sup> of each month and are considered accurate.

Achieved    Partially Achieved    Not Achieved    Not Applicable    Follow-up Necessary

**STANDARD #5 – Outcome Measures**

*Outcome measures referenced in the current Standard Contract are achieved:*  
**(OAA REGISTERED SERVICES ONLY)**

- A. Provider has implemented the strategies detailed in the current Service Provider Application.
- B. Provider uses available CIRT reports to track outcome achievement.
- C. Provider submits quarterly reports including review of outcome exceptions.
- D. Provider analyzes factors that enhance or inhibit ability to achieve outcome measures.
- E. Provider takes appropriate action including staff training to address outcomes, which are not achieved.

**RESPONSE:**

Legal Assistance is not an OAA registered service.

Achieved    Partially Achieved    Not Achieved    Not Applicable    Follow-up Necessary

**STANDARD #6 – Case Record Compliance**

*Case records sampled showed:*

- A. Compliance with requirements for client eligibility, intake, and service delivery.
- B. CIRTS records of assessment/reassessment, program enrollment and received services are accurate, entered in CIRTS in a timely manner and agree with client and project records:
  - 701S attempts are made within three business days after receipt of a client referral and completion of assessments are no later than 14 business days from initial contact.
  - Reassessments are completed 365 days after the prior assessment through the end of the month.

**RESPONSE:**

- A.) Due to laws regarding privacy and confidentiality, the Program Manager was unable to review individual case records. Narratives for four (4) OAA Title IIIB/LSP cases and one (1) OAA Title IIIIEG case were reviewed. All narratives reviewed reflected compliance with requirements for client eligibility, intake and service delivery. Please see **Attachment I** for specific details.
- B.) N/A

Achieved    Partially Achieved    Not Achieved    Not Applicable    Follow-up Necessary

**STANDARD #7 – CIRTS Exception Reports**

*CIRTS Exception Reports are accurate and exemplify 100% accuracy (OAA REGISTERED SERVICES ONLY). Specific Older Americans Act Reports include:*

- Assessment Due Report;
- ACTV, APPL, APCL Clients Moved To Another PSA;
- ACTV Clients Not Served In A Time Range (Defaults To 14 Months);
- Clients Served Not Enrolled;
- Consumer Age Verification;
- Possible Duplicate Clients;
- ACTV Pace Clients Who Are ACTV, APCL, Or APPL In Another Program;
- CIRTS Data Clean Up;
- ACTV MLTC Clients Who Are ACTV, APCL, Or APPL In Another Program, and
- Data Inconsistencies Found When Comparing Vital Statistics Death Certificates With CIRTS

**RESPONSE:**

Legal Assistance is not an OAA registered service.

Achieved  Partially Achieved  Not Achieved  Not Applicable  Follow-up Necessary

**STANDARD #8 – Budgetary Compliance**

*Budgetary Compliance:*

- A. Provider is serving or has a plan to serve the number of proposed units as identified in the service provider application.
- B. For the month of **March**, the Provider has a clear audit trail for units of service entered in CIRTS as indicated by a review of client files, service logs, monthly summaries, and quarterly reports to the AAAPP.

**RESPONSE:**

- A.) The provider is serving and has a plan to serve the number of proposed units for LSP/IIIB funds as identified in their most current approved service provider application. IIIEG funds continue to be under-utilized. Provider will continue their outreach efforts and the AAAPP will provide technical assistance to ensure all funds are spent by the end of the fiscal year.
- B.) The provider has a clear and accurate audit trail for units of service as indicted by a review of service logs and time slips entered into their MIS, Legal Server, and compared with units of service entered in CIRTS.

Achieved  Partially Achieved  Not Achieved  Not Applicable  Follow-up Necessary

**STANDARD #9 – Consumer Satisfaction**

*Consumer satisfaction and effective delivery of service has been verified through:*

- A. Home visits and/or Client Interviews (including service observation, if possible) in order to reveal effective delivery of service.
- B. Client satisfaction surveys accompanied by a Satisfaction Survey Summary Report.

**RESPONSE:**

- A.) Due to laws regarding privacy and confidentiality, the Program Manager was unable to perform a client interview to determine client satisfaction.
- B.) Satisfaction surveys and a summary report were reviewed with no issues noted. The surveys that were reviewed noted a very high level of satisfaction with the services that Bay Area Legal provided.

Achieved  Partially Achieved  Not Achieved  Not Applicable  Follow-up Necessary

**STANDARD #10 – Grievances, Complaints, and Incidents**

*Consumer satisfaction and effective delivery of service has been verified through:*

- A. Provider has approved Grievance Policies, Procedures and Logs, including documentation of the Service Provider response and resolution.
- B. Provider has approved Complaint Policies, Procedures and Logs, including documentation of the Service Provider response and resolution.
- C. **(LEGAL PROVIDERS ONLY)** Provider has internal Grievance policies and procedures that address both denial of service and complaints by clients about manner or quality of legal assistance.
- D. Provider has approved Incident Policies, Procedures, and Logs, including documentation of the Service Provider response and resolution.

**RESPONSE:**

- A.) See sub-category C.
- B.) See sub-category C.
- C.) The provider has internal grievance policies and procedures in place that address denial, service concerns and/or complaints by clients.
- D.) The provider has approved incident policies, procedures and logs on file. There were no reported incidents in 2016 or 2017 YTD.

Achieved  Partially Achieved  Not Achieved  Not Applicable  Follow-up Necessary



**STANDARD #11 – Voluntary Contributions**

*Provider has a voluntary contribution system in place conforming with the Older Americans Act:*

- A. Approved Voluntary Contributions Policy/Procedures
- B. Sample letter provided to client requesting voluntary contributions and clearly conveying that services are free of charge.

**RESPONSE:**

- A.) The provider has an approved voluntary contribution policy in place.
- B.) Clients are notified of their right to contribute voluntarily along with a closing letter after each case is closed.

Achieved  Partially Achieved  Not Achieved  Not Applicable  Follow-up Necessary

**STANDARD #12 – Regulatory Compliance**

*OAA Provider is in Regulatory Compliance with:*

- A. OAA services reviewed are being provided in accordance with the most current DOEA Program And Services Handbook and the most current approved Service Provider Application
- B. Provider complies with all regulations pertinent to the service being provided (I.E, fire, health inspections, Licensure, etc.)
- C. The Provider is acting in accordance with the Florida Statute 119.071 (5) requiring any agency that collects social security numbers to provide a written explanation to the individual the reason for its collection.
- D. Health Insurance Portability and Accountability Act (HIPAA) requirements including policies/procedures.

**RESPONSE:**

- A.) The OAA services are being provided by Bay Area Legal Services, Inc. in compliance with the most current DOEA Program and Services Handbook as well as the most current approved Service Provider Application.
- B.) The provider is compliant with all regulations pertinent to the service being provided.
- C.) The provider complies with F.S. 119.071(5) that requires a written explanation to the individual for collection of social security numbers. The notice is provided during the application process.
- D.) HIPAA requirements are being adhered to. Policies and procedures are in place.

Achieved  Partially Achieved  Not Achieved  Not Applicable  Follow-up Necessary

**STANDARD #13 – Involvement with the ADRC**

*Provider is involved with the Aging and Disability Resource Center (ADRC) and abides by the no-wrong-door system:*

- A. Maintains partnership with the ADRC, state, and community agencies to ensure that regardless of which agency people contact for help, they can access information about the options available across all the agencies and in their communities.
- B. Services not arranged through agency contracts should be obtained through referrals to other community resources (i.e. ADRC, volunteer agencies, informal networks and/or proprietary agencies that charge fees).
- C. If applicable, essential information is captured about the nature of the person’s physical, mental and functional abilities, concerns, limitations or problems, as well as general background information during the 701S intake process to assist in screening for eligibility and applicable program and service referrals. Potential LTCC clients are referred to the ADRC for the appropriate screening measures.

**RESPONSE:**

- A.) The provider maintains a positive partnership with the ADRC and other community agencies to ensure referrals receive the assistance they need. If the provider receives a referral from someone in need of additional services, a referral is made to the ADRC.
- B.) The provider ensures referrals are made to community resources as appropriate.
- C.) N/A

Achieved    Partially Achieved    Not Achieved    Not Applicable    Follow-up Necessary

**STANDARD #14 – Subcontractors**

*Provider monitors subcontractors as required by the Standard Contract (if applicable).*

**RESPONSE:**

Subcontractors are not utilized.

Achieved    Partially Achieved    Not Achieved    Not Applicable    Follow-up Necessary

**STANDARD #15 – Volunteers**

*Provider has policies/procedures governing the utilization of volunteers.*

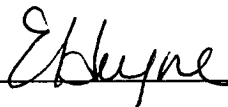
**RESPONSE:**

The provider has policies and procedures in place regarding the utilization of volunteers. No concerns noted.

Achieved  Partially Achieved  Not Achieved  Not Applicable  Follow-up Necessary

Submitted by: Elizabeth Heyne, AAAPP Program Manager

Date: September 27, 2017

Signature: 

**Bay Area Legal Services****Older Americans Act Title IIIB/LSP/IEG Case Summaries****IIIB**

Our client, a 63 year old woman, works as a part-time cashier. She also receives Social Security retirement benefits. She lives with her mother who also receives Social Security. Our client previously owned a car, but was unable to repay the car loan. She returned the car to the lender who resold the car, but the lender did not receive all the money our client would have paid had all the loan payments been made. The lender sued our client and obtained a judgment against her. The lender attempted to garnish her wages. Our client came to our office after receiving notice of the garnishment. We helped her submit to the court and to the lender's attorney a claim of exemption and request for hearing. Our client's claim for exemption was based on her receiving Social Security, which is exempt from garnishment, and her support of her mother as head of household, an exempt status. The lender opposed the claim of exemption. We helped our client submit a fact information sheet that detailed her sources of income and attached bank statements substantiating her claim of exemption. I represented the client at a hearing. The lender's attorney appeared by telephone at the hearing and simply claimed that the claim of exemption should be denied. The client testified about her sources of income and supporting her mother. The judge granted the claim of exemption and denied the garnishment.

Our client is a 66 year old widow. Her only source of income is Social Security. She was a homemaker and raised three children; her husband was the income earner. He handled all the family's finances. They lived modestly and had managed to pay off the home mortgage and also save a small nest egg for their retirement years. Unfortunately, the client's husband recently died, and she was completely unprepared to address her financial situation and planning for her own future. After a lengthy interview with the client, we obtained sufficient information to evaluate her situation. I advised our client that she did not need to take any action at this time about the deed to her house since she was now the surviving sole owner. I advised her that her car title was worded such she was now the sole owner of the vehicle and did not need to do anything else. I advised her that she was now the sole holder of their bank accounts, and she did not have to go to probate court to gain access to the accounts. I suggested to our client that she consider executing a power of attorney and health care directives. Fortunately, our client has trustworthy, loving children in whom she delegated certain powers pursuant to these documents. I advised her of ways in which she may leave her assets to her children. Our client felt as if a huge weight and burden had been removed from her shoulders. She stated that she felt secure in knowing that she is now better prepared for the next stage of her life.

Our client is a 64 year old male. His primary source of income is Social Security, but he depended on supplementing that with working part-time. He attempted to renew his driver's license, but his application was denied, because of a discrepancy between his birth certificate and Division of Motor Vehicle (DMV) records. His birth certificate included a first name, middle name, and last name. He began to use a different middle name at the confirmation at his place of worship when he turned 12 years of age. He used his given first name and last name but the new middle name thereafter. Later in his teens, he obtained a driver's license and Social Security card with that modified name. The DMV would not renew his license, because he could not produce a birth certificate consistent with the name on his current license. As a result, he faced the inability to get to work, the loss of his mobile home, and inability to purchase critical medicine. We filed an action to change our client's name so that it would match DMV records and allow him to continue with the name he had used for essentially his entire life. We helped him with getting a temporary extension of his license, advised him about the criminal background check, and attended the hearing before the judge who signed an order approving the name change. Our client was able to maintain his employment and avoid any further disruption to his residence or health.

Our client was a particularly frail 84 year old woman. Her weak condition was worsened by the recent death of her sole remaining child. This child previously stole her identity and acquired various credit cards in her name. When he failed to make payments on those accounts, a credit card company sued her for nonpayment. We filed a motion to dismiss the complaint against our client, alleging various defects in the complaint. After negotiating with the opposing attorney, the case against our client was ultimately dropped.

### IIIE

Our client is a 71 year old grandmother of a 15 year old granddaughter. Our client's sole source of income is Social Security. The granddaughter's parents divorced years ago. The child's father has had little contact with the child since her birth. The mother has been involved in drugs and alcohol, and she has not been able to adequately care for the child. Our client has frequently given financial support to her daughter and granddaughter. Moreover, our client has always provided a refuge for her granddaughter by having a safe and secure place to go when the mother's life style was overly disruptive. The child moved into our client's home at the end of the school in June 2017 and has resided with her grandmother since the beginning of summer. Our client needed a court order giving her temporary custody so that she could make medical and educational decisions for the child. We filed a temporary custody petition, obtained consents from the parents, and scheduled a hearing on the petition for temporary custody. The judge signed the order, and our client and granddaughter are relieved, knowing that their relationship cannot be disrupted unless the court modifies the court order.