

Standards for Medical-Legal Partnerships that Serve Income Eligible Individuals and Families Pursuant to O.C.G.A. § 31-2-4

Background: On April 21, 2014 Governor Nathan Deal signed SB 352, a bill codifying Medical-Legal Partnerships in the State of Georgia. The Georgia Department of Community Health (DCH or the Department) is authorized to approve Medical-Legal Partnerships that comply with standards and guidelines established for such programs for purposes of determining eligibility for grants.

Pursuant to O.C.G.A. § 31-2-4(d)(11), a Medical-Legal Partnership means a program conducted or established by a nonprofit entity through a collaboration pursuant to a written agreement between one or more medical service providers and one or more legal services programs, including those based within a law school, to provide legal services without charge to assist income-eligible individuals and their families in resolving legal matters or other needs that have an impact on the health of such individuals and families. Written agreements may include a memorandum of understanding or other agreement relating to the operations of the partnership and encompassing the rights and responsibilities of each party thereto. The medical service provider or providers may provide referrals of its patients to the legal services program or programs on matters that may potentially impact the health, health care, or the health care costs of a patient.

Approval from the Georgia Department of Community Health: DCH may approve Medical-Legal Partnerships that demonstrate in writing that they meet the standards and guidelines set forth herein. The Medical-Legal Partnership may apply for DCH approval using the application prescribed by the Department. Such approval is not required for the operation of a Medical-Legal Partnership. DCH will not compel the initiation or continuation of the relationship of any of the parties involved in a Medical-Legal Partnership, nor will the Department become involved in disputes between the parties or patient/client, or patient/client complaints regarding the services provided.

Standards for Medical-Legal Partnerships:

1. **Nonprofit entity:** The Medical-Legal Partnership must be conducted or established by a nonprofit entity. The Medical-Legal Partnership shall submit proof of nonprofit status to DCH; current status of nonprofit status, dated within ten (10) calendar days of submission, from the records of the Georgia Office of the Secretary of State is acceptable.
2. **Written Agreement:** The Medical-Legal Partnership shall submit a copy of the written agreement fully executed by authorized representatives of the medical service provider(s) and the legal services program(s). The legal services program(s) may be based within law schools. The agreement must be effective for at least one year and include a termination provision. Renewal provisions may be included. The agreement shall include statements evidencing the partnership's collaboration to provide legal services without charge to assist income-eligible individuals and their families in resolving legal matters or other needs that have an impact on the health of such individuals and families. The agreement will address the following operational matters, or the parties may submit supplemental documents evidencing the parties have agreed to address the following:
 - (a) Types of cases to be handled by the legal services programs such that the medical service providers will know who to refer.
 - (b) Process for referring patients/clients to the legal services programs based on an established protocol, including but not limited to agreement by patient/client to be referred for and engage legal services.
 - (c) Income eligibility criteria for the patients/clients served.

- (d) Provision of legal services to eligible patients/clients at no charge.
 - (e) Agreement by medical service providers to identify on-site space for confidential meetings between the legal services program and patients/clients.
 - (f) Agreement by all parties to adhere to patient/client confidentiality and to obtain the patient/client's consent to access confidential medical records as needed, in compliance with Georgia and federal law.
 - (g) Agreement by all parties to address patient/client complaints in a prompt and thorough manner.
 - (h) Provisions delineating how and on what basis a party may terminate the agreement, and protocols to notify patients/clients if the Medical-Legal Partnership agreement is terminated and for continued handling of legal matters at no cost to the patient/client.
3. **Approval:** Upon submission of the executed Medical-Legal Partnership application along with required supporting documentation, DCH shall issue approval of the Medical-Legal Partnership.
 4. **Change Provision:** If the participating parties to the Medical-Legal Partnership change, or if other substantive changes to the agreement impact the terms of this approval, the parties agree to notify DCH within 30 days of such changes to allow sufficient opportunity for re-evaluation of, and potentially re-issuance of, approval.
 5. **Termination of Approval:** If the Medical-Legal Partnership agreement terminates without renewal or is terminated by, between or among the parties, the approval from DCH is automatically revoked as of the date of termination without further action from DCH. Notify DCH within 30 days if the Medical-Legal Partnership terminates.
 6. **Recertification:** After initial approval by DCH, the partnership may submit the Medical-Legal Partnership Recertification Application if it desires DCH's updated approval of the Medical-Legal Partnership.

Guidelines for Medical-Legal Partnerships:

- A. **Experience:** The legal services component of the program shall certify that each possesses the licenses and permits necessary to engage in the services rendered, and that each has the ability and experience to provide high quality, health-related legal services meeting the needs of the population to be served. Staff employed in the performance of the program should possess the qualification, training, licenses, and permits as may be required within the program's jurisdiction. Practicing attorneys must be in good standing and active members of the State Bar of Georgia. All medical service providers participating in the program must possess a valid operating certificate from the required licensing authority(ies) in Georgia for the operation of a medical practice, hospital, residential care facility, diagnostic and treatment center, hospice, or other licensed facility providing health-related services. Any students, interns, or residents participating in the legal or medical services programs must be supervised by qualified staff.
- B. **Ethics:** All parties in a Medical-Legal Partnership must adhere to their respective code of ethics. In representing the patient or client, legal service providers will abide by the Georgia Rules of Professional Conduct, including but not limited to rules related to declining or terminating representation, conflicts of interest, confidentiality of information, and identification of practice and specialty.
- C. **Legal services:** The Medical-Legal Partnership must agree to perform oversight to ensure patients/clients receive the professional expertise required for adequate representation of their particular legal needs. Legal services programs should establish procedures and parameters for representing patients/clients tailored to their existing practice areas and for making patient/client referrals when necessary.
- D. **Compliance with Laws:** Each party shall comply with applicable state and federal laws governing the access, transmission, disclosure, or other utilization of sensitive and/or protected health information.