

the bimonthly newspaper of the American Society on Aging

ISSN: 1067-8379 www.asaging.org Page 1

JANUARY-FEBRUARY 2017 volume xxxviii number 1

New national center aims to enhance legal services for older adults

By Fay Gordon

arly this year, Justice in Aging will launch the new National Center on Law and Elder Rights (NCLER). We are pleased to introduce the aging network to NCLER, a destination for legal and aging advocates who need legal resources to better serve older adults.

Since September, when we announced the Center's upcoming opening, advocates have often asked us what NCLER might offer their programs? NCLER will provide training, expert advice and technical assistance to the legal and aging network. To illustrate, we offer the following fictional scenarios concerning Tasha, a legal aid attorney, and James, an executive director of an Area Agency on Aging.

Tasha's Story

Tasha, a recent law school graduate, is passionate about social justice and cannot wait to make a difference for older adults. Tasha was thrilled to be awarded a fellowship with her local legal aid organization. In her first week, she received a stack of files from clients needing help with their Social Security appeals, and she is eager to help them secure critical income support.

But when sifting through the files, Tasha becomes concerned. Her law school curricula did not include a course on working with older adults, let alone on Social Security appeals. Her fellow attorneys are overloaded with their cases, so they can provide only limited help. Tasha begins googling for answers and is overwhelmed by the rabbit hole of materials and information.

This is where NCLER could step in. NCLER offers curated legal resource information through a Legal Basics Training series and expert attorney advice. The Legal Basics series includes recorded webinars and written chapter summaries on core legal concepts, like Social Security, and health and consumer protection issues. Through NCLER's Case Consultation service, Tasha can speak to an expert attorney from Justice in Aging, the ABA Commission on Law and Aging, and the National Consumer Law Center and receive advice on client questions or on general legal concepts.

James' Story

James is the executive director of a local Area Agency on Aging. His agency has a rich history of connecting older adults to vital services that help them age at home and in the community. Re-

Copyright © 2017 American Society on Aging; all rights reserved. This article may not be duplicated, reprinted or distributed in any form without written permission from the publisher: American Society on Aging, 575 Market St., Suite 2100, San Francisco, CA 94105-2869; e-mail: info@asaging.org. For information about ASA's publications visit www.asaging.org/publications. For information about ASA membership visit www.asaging.org/join.

cently, his state shifted its funding model for Medicaid long-term care, and Medicaid is now organized by managed care companies.

Since the switch to managed care, his staff has been hearing concerns from older adults and caregivers. Older adults who previously received a certain number of hours of personal care are seeing these hours cut. The managed care organizations had told them the cut hours should be made up by voluntary efforts from family caregivers.

James and his staff are deeply troubled by this development. He is concerned about the impact it is having on the families in his community and he suspects the practice might be legally questionable. But as a layperson with no legal experience, he is not sure what legal interventions may be available to solve this problem.

James could consult with NCLER's Case Consultation service, which would connect him with an attorney expert in long-term services and supports issues. Case Consultation is a core NCLER service and is free for legal and aging professionals. The attorney would explain that caregiver services are voluntary, and the managed care company's practices do not comport with federal regulations. The attorney could share written materials with James and offer to continue to serve as a resource if the problematic practice continues.

Both James and Tasha share a common goal: to help older adults age with dignity and independence. Tasha needs organized information to help be a more effective attorney and James needs an expert who can explain potential legal interventions.

NCLER's goal is to ensure that attorneys and aging services network professionals are better equipped to serve older adults. As we know, the aging cohort is growing and the legal issues they face are becoming more complex. Once fully launched, NCLER will provide the network with legal training, case consultations and technical advice. Through an easy-to-find and easily navigable website, NCLER will curate information on hot-button legal topics and help the network to stay informed about evolving legal issues.

Fay Gordon is the project manager for NCLER and a staff attorney at Justice in Aging, a national organization with offices in Washington, D.C., Los Angeles and Oakland. For more information on NCLER, please visit JusticeinAging.org.