

# Notice of Instruction

West Central Florida  
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**Notice of Instruction Number:** NOI #111014 Clarification of Policy: OFLAP – Eligibility for Legal Services - mc

**TO:** All Title III Legal Services Providers

**FROM:** Martha Caron, Program Manager

**DATE:** November 10, 2014

**SUBJECT:** Notice of Instruction: Clarification of policy regarding the Older Floridians Legal Assistance Program – Eligibility for Legal Services

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The purpose of this notice is to provide policy clarification on eligibility for legal services funded by Title III of the Older Americans Act. Necessary revisions to the Florida Department of Elder Affairs *Programs and Services Handbook* resulting from this policy notice and prior policy notice issued by NOI #: 111313-1-I-IE will be made at the next regularly scheduled handbook update. Contract amendments necessitated by these policy changes and clarifications have been drafted.

Legal assistance is a priority service in the Older Americans Act and is a critical advocacy service that is necessary to protect essential rights and benefits of vulnerable seniors. Legal services are confidential services subject to the lawyer-client privilege codified in section 90.502, Florida Statutes. Legal assistance provided under the Older Americans Act is not subject to dual enrollment prohibitions for clients enrolled in Medicaid capitated long-term care programs.

**In screening for eligibility for legal services, legal providers should not deny service to otherwise eligible individuals due to enrollment in a Medicaid capitated long-term care program.**

Thank you for assisting us with ensuring distribution of this information to appropriate staff. Please contact your WCFAAA Program Manager with any questions.