Medicaid Managed Care

By Elizabeth Norris

Iowa’s Medicaid program is scheduled to switch to managed care as of January 1. Iowa calls this “Medicaid Modernization,” and “IA Health Link.” The proposed change, however, is under review and currently in litigation. The information in this article is accurate as of November 23.

What does this mean?
Right now, most people who receive Medicaid do not receive it through managed care. Instead, a medical provider signs a contract with Iowa Medicaid to be a Medicaid provider. You go to your doctor, your doctor submits a bill to Medicaid, and Medicaid pays the bill.

In a managed care system, you will choose or be assigned to a managed care organization (MCO). That MCO will have contracts with different medical providers and if you want Medicaid to pay your bill, you must see one of those providers.

Iowa has chosen four MCOs. Each MCO will be required to provide statewide coverage through a network of providers. That means that each MCO will need to have contracts with medical providers all across the state.

Who are the MCOs?
Iowa has chosen Amerigroup Iowa, Inc., AmeriHealth Caritas Iowa, Inc., United-Healthcare Plan of the River Valley, Inc., and WellCare of Iowa, Inc. to be the MCOs.

Can I keep my current doctor?
All current Medicaid providers (doctors, hospitals, chiropractors, etc.) will remain Medicaid providers through June 30, 2016. In the meantime, however, the MCOs will be putting together agreements (or contracts) with physicians, hospitals, and other providers. Those contracts between medical providers and the MCOs will be in place by July 1, 2016.

It is possible that some current providers will not want to accept the contracts being offered by the MCOs. If the provider does not sign a contract with an MCO, then that provider will not receive Medicaid payments from that MCO. It is also possible that one physician could be a Medicaid provider with one, two, or three of the MCOs, but not all of them. You will need to talk with your providers about that and find out which MCOs they have contracted.

Safe at Home Program to Begin January 1

By Torey Robinson

Beginning January 1, 2016, survivors of domestic violence, sexual abuse, and other violent crimes can sign up for a new program to help keep them safe from their abusers. Safe at Home is a program that will give its participants a new address to use as a mailing address and for public records.

What is the Safe at Home program?
The Safe at Home program is an address confidentiality program through the Secretary of State’s office.

Who can apply to participate in Safe at Home?
Any adult who has suffered domestic violence, sexual assault, trafficking, or stalking can apply to be part of Safe at Home. Family members or parents of a minor child that live with individuals who qualify may also apply. Participants must be Iowa residents.

Participants must take some kind of action to hold the abuser accountable. These actions can include calling the police and cooperating to make a police report or filing for a civil protective order. Criminal charges, a criminal no-contact order, or a permanent protective order are not required in order to be part of the program.

A recent relocation of the participant is important. The program does not have the ability to redact any previous public records. If an applicant has already obtained a driver’s license, enrolled children in school, or registered to vote with her/his current address, this is all public record. Safe at Home will not be able to undo these records.

How do I apply?
Individuals can apply by filling out a form created by the Secretary of State’s office. These forms are available now. They can be found on the Secretary of State’s website, Iowa Coalition of Domestic Abuse offices, and Iowa Coalition against Sexual Assault offices throughout the state. Other locations may be added.

What happens if I am approved?
Once an application is approved, the participant will receive a packet with the substitute address and a Safe at Home participation card. This card proves the person is in the program.

Medicaid Waiver
If you have received a Notice of Decision from the Department of Human Services (DHS) or Medicaid that ends your Medicaid Waiver Program services, call Iowa Legal Aid for information about appealing the decision. You may be able to get your waiver services restarted.

Call 800-532-1275 or apply online at IowaLegalAid.org

Continued on page 2

How do I apply?
1. Contact an advocate or the Secretary of State’s office for more information: SafeatHome@iowa.gov 515-725-SAFE (7233)
2. Fill out an application and return it to the Secretary of State’s office at: Safe at Home 321 E. 12th Street Des Moines, IA 50319
3. If certified, you will be notified by the Secretary of State’s staff and get a participation packet.
4. Notify everyone of your new address.
Where can I use my substitute address?

The substitute address can be used instead of the actual home address whenever a mailing address is required. For example, Safe at Home participants can use the substitute address on their driver’s license, photo identification, student records, employment records, library cards, and private mail. The substitute address can also be used at all city, county, and state offices, such as city clerks, county auditors, county treasurers, the Department of Transportation, and the Department of Human Services.

Can I use my substitute address to vote?

Once accepted into Safe at Home, participants can register to vote through the program and their registration will not be public record. County offices will not have access to these records. Instead, participants must register through the Secretary of State’s office.

In order to vote participants must request an absentee ballot each year. They cannot vote in person at the polls, as this is not a safe option.

Can I use my substitute address when renting an apartment?

Yes. Additionally, landlords will not be allowed to display a Safe at Home participant’s name and address together publicly, like on a mailbox.

Why would my participation be canceled?

If mail is returned to the Secretary of State’s office, the office cannot contact the participant, the Secretary of State’s office will cancel a person’s Safe at Home participation. The office may also cancel participation if the individual refuses certified mail that contains service of process documents on a participant's, the Secretary of State cancels his or her participation. Individuals can renew participation, and can reapply if they are terminated from the program for any reason.

Why would my participation be canceled?

If mail is returned to the Secretary of State and the office cannot contact the participant, the Secretary of State’s office will cancel a person’s Safe at Home participation. The office may also cancel participation if the individual refuses certified mail that contains service of process documents on a participant's address.

What about my dentist?

The office will forward the court papers to the participant at their actual address as soon as possible. There can be a delay of up to five business days. A participant’s actual address is kept confidential by the Secretary of State’s office at all times.

Is that all the office accepts?

No. The Secretary of State’s office will also accept court papers and other service of process documents on a participant’s behalf. The office will forward the court papers to the participant by certified mail. The participant must accept the certified letter.

What if there are deadlines contained in mail and I miss one?

It is possible with the delay that important deadlines may be missed. Anyone with a court case in progress should register with the Electronic Document Management System (EDMS) and monitor Iowa Court Online to ensure prompt notice of important deadlines.

Medicaid continued from front cover

What about my dentist?

Dental services will not be put under managed care.

Does Medicaid make decisions about whether people are eligible for Medicaid?

No, DHS will still make decisions about whether people are eligible for Medicaid. You will still need to go through an annual recertification with the Iowa Department of Human Services (DHS) for Medicaid eligibility.

What if I disagree with a decision my MCO makes?

The MCO will send you a written notice of their decision. If the MCO makes a decision that you disagree with, you can file an appeal of that decision. The appeal will be decided by the MCO and you will be notified in writing of their decision. If you disagree with the MCO’s decision, then you can file an appeal to DHS. Iowa Legal Aid can help with Medicaid appeals.

- Iowa Legal Aid provides help to low-income Iowans.
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- Iowans age 60 and over, call 800-992-8161
- OR apply online at IowaLegalAid.org
- If Iowa Legal Aid cannot help, you can look for an attorney on “Find A Lawyer” on the Iowa State Bar Association website at iowabar.org.
- A private attorney can talk with you for a fee of $25 for 30 minutes of legal advice.

Elizabeth Norris is a senior staff attorney in Iowa Legal Aid’s Iowa City Regional Office.

The information in this newsletter was correct as of the date it was printed. The laws may have changed. Do not assume that the information is correct after the date printed on the first page.

You should see a lawyer to get complete, correct, and up-to-date legal advice. Do not rely on the general information in this newsletter for your specific case. If you need a lawyer but can’t afford one, contact Iowa Legal Aid. You may be able to get free legal help. Call or write Iowa Legal Aid, or apply on line at IowaLegalAid.org.

AS YOU READ THIS NEWSLETTER, REMEMBER IT IS NOT A SUBSTITUTE FOR LEGAL ADVICE.

PUBLIC NOTICE

Meetings of the Iowa Legal Aid Board of Directors are open to the public. We encourage the public to attend.

The next meeting of the Board of Directors will begin at 10 a.m. on Saturday, February 13, 2016, in the United Way Human Services Conference Center, 1111 9th Street, Des Moines. The Board of Directors meets at least four times each year. For details on the next meeting of the Board, call toll free: 800-532-1275.

The Equal Justice Journal is published four times a year by Iowa Legal Aid. The Equal Justice Journal is free to low-income people in all counties of Iowa. All others must pay a $10 annual subscription fee. The EJJ is available in a larger print edition upon request.

All correspondence should be sent to:

The Equal Justice Journal
Iowa Legal Aid
1111 9th Street, Suite 230
Des Moines, IA 50314-2527

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Iowa Legal Aid staff attorney Charles Hill, left, is part of a Health and Law team collaborating with a client and daughter, right. The team includes Dr. Ken McCann, Regional Child Protection Center; and Sandra Brasell-Jasa, UnityPoint Health family advocate.

Iowa Legal Aid
Health And Law
Project: Lawyers working with medical providers can improve patient outcomes

By Dennis Groenenboom

Sometimes medical problems can be addressed with a prescription for legal services. Doctors sometimes decide they cannot properly address many of the health problems of patients without a lawyer’s help. Examples include treating a child for asthma and sending him/her home to substandard housing.

Iowa Legal Aid started its first Health and Law Project in 2008. The projects partnered with community health centers in Council Bluffs, Des Moines, Dubuque, Ottumwa, and Sioux City. Due to changes in federal funding and lack of local funds, some of those Health and Law Projects are now closed. Fortunately other projects are now working in hospital settings.

The purpose of Iowa Legal Aid’s Health and Law Project is to treat health problems with a legal cure. There are many reasons legal problems can affect a person’s health, including poverty, domestic violence, substandard housing, and many others. Dealing with these issues can lead to better health. Examples of the cases Iowa Legal Aid has completed include:

- An abusive child was facing expulsion from school and commitment to a mental health hospital. One medication allowed the child to do well in school and sports. The child was temporarily living with a relative, but without parental consent the doctor could not prescribe this medication. The Health and Law Project attorney obtained an emergency guardianship for the relative, allowing the doctor to provide the prescription. The child remained in school and out of a mental health hospital.

- A man who had received a heart transplant began to have health problems caused by mold in his apartment. His doctors contacted the manager of his apartment complex to ask that the problem be fixed immediately, but after two months nothing was done. Faced with having to move in order to stay healthy, the transplant recipient contacted Iowa Legal Aid. After the attorney got involved, the landlord quickly made the repairs to the apartment.

- A woman suffered serious injuries in a car accident that killed her child and resulted in the other driver’s imprisonment. As a result of the attorney’s representation, she received Medicare and Medicaid coverage to help with future medical treatment.

Iowa Legal Aid’s Health and Law Project receives funding from the following businesses and individuals to support the project in some Iowa communities:

- Margie & Michael Bennett, Sioux City
- McDonough Foundation, Dubuque
- Musco Lighting, Oskaloosa
- Polk County Board of Supervisors, Des Moines
- State Steel Supply Co., Sioux City
- United Way of Dubuque area
- Anonymous donor

In addition to continuing to work in community health centers in Des Moines (Primary Health Care, Inc.), Dubuque (Crescent Community Health), and Sioux City (Siouxland Community Health Center), the project also currently has contracts in place with:

- Alegent Mercy Hospital, Council Bluffs
- Blank Children’s Hospital, Des Moines
- Mahaska County Hospital, Oskaloosa
- Methodist Jennie Edmundson Hospital, Council Bluffs
- University of Nebraska Medical Center, Omaha

In community health centers and hospitals, the Health and Law Project has a collaborative relationship between attorneys and health care providers. Working together, they address the medical and civil legal problems of low-income patients to have better overall health outcomes. In addition, health care costs are reduced.

Iowa Legal Aid’s Health and Law Project in Council Bluffs recently received an award. Nebraska Medicine, Legal Aid of Nebraska and Iowa Legal Aid were recognized by the National Center for Medical-Legal Partnerships. The award is made to innovative activities and successful, collaborative relationships that brought changes in health care practices at the clinical health care and institutional health care levels.

For additional information about Iowa Legal Aid’s Health and Law Project, please contact:

Michelle Swanstrom, Managing Attorney
Iowa Legal Aid Health and Law Project
112 East 3rd Street
Ottumwa, IA 52501
641-683-5638 x 1803
mswanstrom@iowalaw.org

Dennis Groenenboom is the executive director of Iowa Legal Aid.

Iowa Legal Aid is leading the Midwest on medical-legal partnerships that tackle the health-harming social conditions of hospital patients to improve patient health and the hospitals’ bottom lines. One of our partnerships with Nebraska Medicine and Legal Aid of Nebraska was recently featured on PBS NewsHour. For details, see: pbs.org/newshour/rb doctors-prescribing-legal-aid-patients-need.
Expungement Of Not Guilty Verdicts And Dismissed Criminal Charges On Criminal Records

By Jenny Tegeler

As the Iowa law currently stands, if a person has been charged with a crime, those court records remain open to the public. This is true even if the charge was dismissed or resulted in a verdict of not guilty. The records can be viewed at the county clerk of court’s office, or on the electronic database called “Iowa Courts Online.” People may look at these records for all kinds of reasons, although the most common are for purposes of determining employment or housing eligibility. Unfortunately, even if a charge never resulted in a conviction, the record of the charge may continue to have negative impacts on that person’s life. This is because people may still associate a criminal charge in itself with some type of wrongdoing—even if the person was never convicted of a crime. This is completely opposite of the common legal phrase, “Innocent until proven guilty.” Other times, people may see the charge and fail to look further into the outcome of the case.

On January 1, 2016, a new law changes this situation. The new law provides, that in cases that result in either a dismissal or an acquittal, the court can enter an order expunging, or sealing, the record of the case. This means that these records will no longer be accessible to the general public. However, it does not mean that a record of the case will cease to exist completely. It may remain on a special list available to the court, prosecutors, and law enforcement.

The defendant, the prosecutor, or the court itself may request to have this done. The following conditions must also be met in addition to either a dismissal or acquittal:

- All court costs and other financial obligations ordered by the court have been paid.
- A minimum of 180 days has passed since the acquittal or dismissal (the court may waive this requirement if it finds good cause, such as identity theft or mistaken identity).
- The case was not dismissed due to the defendant being found not guilty by reason of insanity.
- The defendant was not found to be incompetent to stand trial.

The new law will apply to all criminal cases that occurred prior to, on, or after January 1, 2016. This means that as of the first of the year, a person can file a motion to have his or her record sealed in a case that occurred before the law went into effect. Going forward from that date, it will be the job of the court to inform the defendant at the time of the acquittal or dismissal of his or her right to have the record sealed.

Other Grounds For Expungement
A common misconception is that after a certain amount of time, a criminal conviction will eventually be sealed from a person’s record. This is far from the case. In Iowa law, there are few instances in which a criminal conviction can be expunged. It is only available upon filing a petition in the following circumstances:

- The court has issued a deferred judgment upon the defendant’s successful completion of the terms of the deferment.
- A person has been convicted of public intoxication and the following conditions exist:
  - Two years have passed since the conviction date; and
  - The person has had no other criminal convictions, other than simple misdemeanor violations of Iowa’s Motor Vehicle Law during the two-year period.
- A person has been convicted of possessing alcohol under the legal age and the following conditions exist:
  - Two years have passed since the conviction date; and
  - The person has had no other criminal convictions, other than local traffic violations or simple misdemeanor violations of Iowa’s Motor Vehicle Law during the two-year period.
- A person has been convicted of possessing alcohol under the legal age and the following conditions exist:
  - Two years have passed since the conviction date; and
  - The person has had no other criminal convictions, other than local traffic violations or simple misdemeanor violations of Iowa’s Motor Vehicle Law during the two-year period.

There are other situations where juvenile records may be sealed. This article does not cover these situations.

Jenny Tegeler is a staff attorney in Iowa Legal Aid’s Central Iowa Regional Office in Des Moines.
Assisted Living Program: Is This for Me?

By Fred Nelson

What is an Assisted Living Program?
Assisted living programs are found in a housing facility that also provides additional health-related care, personal care, and assistance with activities of daily living. The goal is to help residents remain as independent as possible in a home/apartment environment.

What specific care and assistance is provided?
The care and assistance provided depends on your need for assistance.
- Health-related care means there is a registered nurse or a licensed practical nurse on staff as well as other licensed health care professionals. This can also include medication setup and administration.
- Assistance with activities of daily living means a variety of household and other basic activities. This includes shopping, cooking, housekeeping, chores, and transportation. This can also include personal care help with transferring in and out of bed or a wheelchair, bathing, personal hygiene, dressing, and grooming.
- Before moving into an apartment with an assisted living program there must be an evaluation to see if the program can provide the care you need. This is an evaluation of a person’s functional, cognitive, and health status. If you need more care than the services provided, you are not eligible for the assisted living program. For example, if you are bed-bound or require routine two-person assistance with standing or transfer, you should not be admitted to live in the facility.
- The program must have 24-hour response staff.

Are assisted living programs regulated?
Assisted living programs in Iowa are certified by the state of Iowa. Certified assisted living programs must follow rules set up by the state of Iowa under Iowa Code 231C and Iowa Administrative Code 481-Chapter 69.
- Regulations include a process for filing complaints about care as well as appeal rights for involuntary discharge.
- Certified assisted living programs are also subject to Iowa Landlord and Tenant Law, Iowa Code 562A.

What is the cost?
The cost for an assisted living program can vary greatly depending on the size of the apartment and the services a resident receives. Some facilities charge a basic rate and add costs for each service you need.

Can Medicaid help pay the cost of assisted living?
Medicaid can help pay for some services if you meet level of care requirements and your income and resources are below required limits. The program for people over age 65 is called the Elderly Waiver program.

Some assisted living programs will accept Medicaid assistance under the Elderly Waiver program while others will not. It is important to check this out before signing an agreement. Many people use their savings to help pay the cost of the assisted living program. If your savings run out, you may need to find other housing if the facility does not accept Medicaid payments.

Are there other sources to help pay for assisted living?
If you are a qualifying veteran or surviving spouse of a qualifying veteran, you may be eligible for a veteran pension that would help with the costs of the assisted living program. Certified assisted living programs require that you apply for the Veterans Pension if eligible.

Another possible option is to apply for Housing and Urban Development (HUD) assistance under the Section 8 voucher program. This is a program that helps pay a portion of your rent if your income is low. Again, some assisted living programs will agree to participate and others do not. Ask if the program accepts HUD Section 8 vouchers to help with rent payments.

What happens if I need more care than the assisted living program provides?
If you need more care than the program can provide you can either give written notice to terminate your agreement or the facility may give you written notice of involuntary discharge. For example, you may be medically unstable or you have become bed-bound.

The facility must provide help with a safe transfer out of the program to other housing and care. Some assisted living programs may be part of a larger care facility that has a nursing home section.

What should I look for in the agreement?
Review contract terms carefully before you sign any agreement for an assisted living program. The contract is called the occupancy agreement. Some things to look for in the occupancy agreement include:
- Is there a listing of all fees, charges, and rates for tenancy and services?
- Is there a description of services available?
- Are third-party payments accepted such as Medicaid or HUD assistance?
- What is the policy if your financial resources run out?
- What is the term of your occupancy agreement and how can it be terminated?
- What are the procedures for involuntary transfer for health or other reasons?
- Are there appeal and grievance procedures?
- What are the billing and payment rules?
- What is the refund policy?

Are there other resources to find out more about Assisted Living Programs?
The Iowa Department on Aging and the Office of the State Long Term Care Ombudsman have information about assisted living programs. This includes a checklist of questions to ask when looking for an assisted living program and information on complaints about programs. Their office can be reached by calling 866-236-1430.

The Iowa Department of Inspections and Appeals (DIA) is responsible for inspecting and certifying assisted living programs. They also investigate complaints about care in an assisted living facility. Their website contains public information about these reports. It also has a listing of all certified assisted living programs in Iowa.

Dept. of Inspection & Appeals: 515-281-4115
Certified Assisting Living Program in Iowa: IowaLegalAid.org/resource/assisted-living-programs-in-iowa

For legal questions and assistance with your occupancy agreement, benefits programs, involuntary discharge, landlord and tenant issues and other legal questions contact Iowa Legal Aid.

Iowa Legal Aid provides help to low-income Iowans.
- To apply for help from Iowa Legal Aid:
  - call 800-532-1275
  - Iowans age 60 and over, call 800-992-8161 OR
  - apply online at IowaLegALaid.org
- If Iowa Legal Aid cannot help, you can look for an attorney on “Find A Lawyer” on the Iowa State Bar Association website at IowaBar.org. A private attorney there can talk with you for a fee of $25 for 30 minutes of legal advice.

Fred Nelson is a staff attorney with Iowa Legal Aid’s Legal Hotline for Older Iowans.

Image 282x42 to 757x360

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Image 282x42 to 757x360

Fred Nelson is a staff attorney with Iowa Legal Aid’s Legal Hotline for Older Iowans.
Adult Wards Have Rights, Too

By Diane Wilson

A person under a guardianship is called the ward. The person who makes decisions for the ward is called the guardian. Kari Kasem is the daughter of Casey Kasem. He was a famous radio DJ on American Top 40. Casey was also the voice of “Shaggy” in Scooby Doo. Casey Kasem suffered from advanced Parkinson’s disease and was isolated by his guardian. His guardian refused to allow Kari and her siblings to visit their ailing father. They were forced to go to court to remove the guardian. They asked the court to let them take over control of their father’s care. Kari and her family were successful and eventually saw their father in his last days.

This Hollywood guardianship case helped change Iowa law. Kari Kasem made the right to visit with a ward her mission and came to Iowa to lobby for a new law.

The new law started on July 1, 2015. The new Iowa law says that wards have the right to “communication, visitation, or interaction with other persons.” Under the new law, wards have the right to visits from family members and others they want to see. This law also helps people who want to visit wards, but are denied by the guardian. Nursing homes and other care facilities have found themselves caught in the middle. The new law helps them also.

A guardian can still place some reasonable restrictions on communication and visitation with others. The guardian has to get a court order to deny all communication and visitation.

What if wards are unable to say that they want someone to visit? The guardian should assume that the ward wants to have contact with the visitor, if the ward had a relationship with the visitor.

What if the guardian still refuses to allow people to visit a ward? The ward or the visitor can ask a judge to allow the visitation. The court can deny visitation only if the guardian shows good cause.

For legal advice about any specific situation, consult an attorney. If you have questions about guardianship issues, you may contact Iowa Legal Aid.

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- To apply online at IowaLegalAid.org
- If Iowa Legal Aid cannot help, you can look for an attorney on “Find A Lawyer” on the Iowa State Bar Association website at IowaBar.org. A private attorney there can talk with you for a fee of $25 for 30 minutes of legal advice.

Diane Wilson is the managing attorney of Iowa Legal Aid’s North Central Iowa Regional Office in Mason City.

Threatened Rent Increases at Rural Development Properties

By: Dave Loetz

The United States Department of Agriculture (USDA) Rural Development (RD) office provides low-cost loans and financial incentives to encourage housing projects in rural areas. RD housing projects provide affordable, subsidized housing, often for people who are elderly or have a disability. Many RD properties have contracts with the USDA to allow rent there to be less than prevailing market rates. Rent is based on household income. However, many of the contracts were underfunded this year. For that reason, some RD properties have been warning tenants that they may face increased rents in the future.

What should I do if I receive notice of a potential rent increase for my Rural Development rental unit? Review the notice carefully. Several Rural Development projects in Iowa have sent notices to tenants warning about potential rent increases. However, most of the notices reviewed by Iowa Legal Aid warn only of future rent increases. Most of these notices do not actually demand increased rent payments right now. If you do not understand the notice, call Iowa Legal Aid for advice.

Can my rent actually be increased? What do I do if the rent for my unit is actually increased? There are limits on when and how rent may be increased at an RD project.

- Normally, your rent payment cannot be increased during a lease-for-term.
- So, if your lease is valid through a particular date, your rent should not increase until your lease term ends.
- Notice of any increase in the rental amount should also be given to you in writing.
- The new rental amount would likely be noted in any new lease that you are asked to sign.
- If you do not have a written lease or if you have a written lease that is month-to-month, you would be told about a rent increase through a written notice given to you by your landlord.
- However, the landlord is required to give you written notice of the rent increase at least 30 days before rent in the new amount is due.

Is there any limit to the amount of a rent increase? Yes. RD rent may only be increased by 10% in any 12-month period. So, your rent can only be increased by 10% per year. The 10% rent increase rule is imposed by federal law and only applies to RD properties.

Website for RD offices in Iowa communities: rd.usda.gov / contact-us / state-offices / ia

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Dave Loetz is a senior staff attorney in Iowa Legal Aid’s Southeast Iowa Regional Office in Ottumwa.

Affordable Care Act Alert continued from Outside Front Cover

How can I tell if I received the APTC? You should have received a form 1095-A from your exchange. Your form should have amounts reported under Monthly Advanced Payment of Premium Tax Credit if you received any APTC. For 2014, this information is found on Form 1095-A Part III, Section C, lines 21-32 with the total of all payment showing on line 33.

If you are denied the Advanced Premium Tax Credit, insurance through the exchange, or you think that the amount the exchange calculated may be wrong, Iowa Legal Aid’s Low-Income Taxpayer Clinic (LITC) may be able to help. Call 800-532-1275 for more information.

Tax Article Disclaimer

This information is not a substitute for legal advice. The LITC generally will not prepare tax returns.

Tamar Butler is the managing attorney at Iowa Legal Aid’s Low-Income Taxpayer Clinic.

Fourth Quarter 2015
What Can I Be Asked During a Job Interview?

By Erin Planalp

Finding a job can be tough work. You might be asked to fill out a lengthy application or sit through several interviews. Keep in that throughout this process, your potential employer can only legally ask for certain information. The following is a quick summary.

Personal Information

NO: Job applicants cannot be asked their age, race, gender, sexual orientation, religion, or national origin.

YES: You can be asked if you are over 18 years old. An employer can also ask about your interests or hobbies.

Family

NO: An employer cannot ask about your marital or family status. This includes questions about your child-care arrangements, how many children you have, or whether you are pregnant.

YES: You can be asked if any activities, commitments, or other responsibilities will keep you from meeting a specific work schedule.

Citizenship

NO: Questions about your citizenship, country of birth, or native language are not allowed.

YES: An employer can ask if you are legally eligible to work in the United States and require proof of eligibility if offered the job. You may be asked if you write or speak other languages if bilingual skills are job-related.

Criminal Record

NO: An employer cannot ask you if you have ever been arrested.

YES: You can be asked about convictions that relate to the job you are applying for. For example, if you are interviewing for a job at a clothing store, the employer may ask if you have ever been convicted of theft.

Disabilities

NO: The Americans with Disabilities Act (ADA) makes it illegal for employers to discriminate against qualified job applicants with certain disabilities. Job applicants cannot be questioned about whether they have a disability or the details of any disability. This means that an employer cannot ask about any medications you take, if you have a health-related problem that would keep you from performing the job, or how many days you have missed due to illness or injury.

YES: An employer can ask if you are able to perform the tasks outlined in the job description. The employer may also ask if you need a reasonable accommodation during the hiring process. For example, you may ask the employer for additional time to complete a test if you have a learning disability. If you receive a job offer, then the employer is allowed to ask questions about any disabilities as long as the same questions are asked of other applicants offered the same type of job.

Substance Abuse

NO: The ADA provides some protection for recovering drug addicts and alcoholics. This means that job applicants cannot be asked questions that refer to past drug or alcohol addiction. For example, you cannot be asked how frequently you used illegal drugs in the past because that could tell the employer whether you are a recovering addict. You also cannot be asked how much alcohol you consume or whether you have participated in an alcohol rehabilitation program.

YES: An employer is allowed to ensure that the workplace is drug-free. So, although an employer cannot ask about past addiction, they can ask applicants about current or recent illegal drug use. Job applicants can also be asked if they drink alcohol or have been convicted of driving under the influence of alcohol.

Be aware that an employer can require a medical exam and a drug or alcohol test as a condition of employment. However, the employer must have a written policy on how any testing is done. Job applicants must also be allowed to review the written policy.

IRS Warning: Impersonation Telephone Scam

An aggressive and sophisticated phone scam targeting taxpayers, including recent immigrants, has been making the rounds throughout the country. Callers claim to be employees of the IRS, but are not. These con artists sound convincing when they call. They use fake names and bogus IRS identification badge numbers. They may know a lot about their targets, and they usually alter the caller ID to make it look like the IRS is calling.

Victims are told they owe money to the IRS and it must be paid promptly through a pre-loaded debit card or wire transfer. If the victim refuses to cooperate, they are then threatened with arrest, deportation, or suspension of a business or driver’s license. In many cases, the caller becomes hostile and insulting.

Or, victims may be told they have a refund due to trick them into sharing private information.

If the phone isn’t answered, the scammers often leave an “urgent” call back request.

Note that the IRS will never: 1) call to demand immediate payment, nor will the agency call about taxes owed without first having mailed you a bill; 2) demand that you pay taxes without giving you the opportunity to question or appeal the amount they say you owe; 3) require you to use a specific payment method for your taxes, such as a prepaid debit card; 4) ask for credit or debit card numbers over the phone; or 5) threaten to bring in local police or other law-enforcement groups to have you arrested for not paying.

If you aren’t sure if you have an actual problem with IRS, take down the name and number of the person calling you and contact the IRS at 800-829-1040.

For more details on this ongoing scam, go to irs.gov/ucac/Tax-Scams-Consumer-Alerts.

Utilities and the Winter Moratorium

Your utilities may not be shut off during the winter moratorium if you qualify for the Low-Income Home Energy Assistance Program (LIHEAP). This program helps many low-income households pay their heating costs. If you are certified eligible for LIHEAP, utilities cannot shut off your gas or electric services from November 1 through April 1.

You should try to pay as much as you can on your utility bills, even during the winter moratorium. As of April 1, however, if a balance remains past due on a utility bill, the utility company can stop your service if the bill is not paid or a payment plan arranged.

To find the nearest place to apply for LIHEAP, go to this website: http://www.dca.iowa.gov/BureauWealth/howapply.html or call your local Community Action Agency.
Iowa Legal Aid helps low-income Iowans

Did you know... after calling what looked like a local number for “legal aid” in the phone book, some Iowans got return calls from somewhere in Kentucky? Don’t be misled...

• Iowa Legal Aid provides FREE legal assistance to those who qualify.
• Iowa Legal Aid helps low-income Iowans with civil legal problems including:
  • Domestic violence
  • Housing
  • Public benefit Programs
The intake number for Iowa Legal Aid is 800-532-1275 (se habla espanol)
Iowans age 60 and over, call Iowa Legal Aid’s Legal Hotline for Older Iowans at 800-992-8161
Visit us online at IowaLegalAid.org

Iowa Legal Aid is a not-for-profit organization providing free legal help to low-income Iowans, receiving financial support from a wide range of sources including federal, state, and local governments as well as individual donors and private organizations. Iowa Legal Aid’s services are supported by contributions from many United Way Agencies in Iowa.

LOW-INCOME READERS OF THE EQUAL JUSTICE JOURNAL...

If you have a question about something you read in this newsletter, call THE EJJ HOTLINE at 800-992-8161. When your call is answered, tell the receptionist you want The EJJ Hotline. Your call will be transferred to a staff member who will assist you in getting your questions answered.

Affordable Care Act Alert!

By Tamara Borland

The Affordable Care Act is a law that provides an avenue for people who have no health insurance, or health insurance that doesn’t provide minimum essential coverage, to purchase health insurance at a reduced cost. To help make health insurance coverage more affordable, there is a federal tax credit that allows families who are eligible to receive money to help pay for health insurance coverage. This money can either be paid to you as part of your tax refund when you file your federal tax return, or it can be paid directly to the insurer in advance as part of the Advanced Premium Tax Credit (APTC).

If you elected to use the APTC in the past to help reduce the cost of insurance, there are some things you need to do to make sure you can use the APTC in the future.

I took part in the APTC in 2014. What do I need to do?

If your insurer received the APTC on your behalf during 2014, you must file your 2014 tax return in 2015. If you filed your return and reconciled your APTC on form 8962, you should be good to go for enrollment for 2016 insurance through the exchange.

If you did not file your 2014 tax return, get your return on file as soon as possible! If you don’t, you won’t be eligible to receive the APTC next year. Your 2014 return must be processed before the exchange can consider your request for the advanced premium tax credit for next year (2016). The IRS is warning it may take much longer than 8 weeks to process late returns or returns with an extension. Act as quickly as possible to make

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