

Do you have AIDS or ARC?

If you have AIDS or Aids Related Complex and you are low-income, you may be entitled to obtain nursing care, doctor's visits, hospital stays, prescription drugs, medical equipment, respite care and hospice care through state or federal programs (Medicaid or Medicare) or through programs offered by your city or county.

If you are employed, whether or not you have private insurance, state and federal laws may help you obtain necessary health care or fight discrimination in the provision of health care.

Each state's health program is different, and the rules for these programs are complicated. Often, it is necessary to fight for your rights. Lawyers are increasingly available to help you free-of-charge. Contact your local AIDS project, legal services program, or bar association to obtain assistance.



The following programs may help you obtain health care:

Medicare: Regardless of your income, if you have worked the required period of time, have a disability, and are unable to engage in substantial, gainful employment for 24 months, you may be eligible for this federal program, which provides only some services and prescription drugs. You usually pay part of the costs.

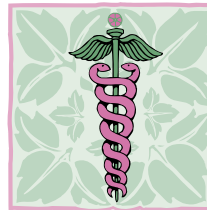
Supplemental Security Income (SSI): If you have a disability, are aged or blind,

and you are low-income with limited resources, you should be eligible for this federal program. If you qualify for SSI, you automatically qualify for Medicaid. If you have AIDS, you may qualify quickly for this program because you may be deemed "presumptively eligible." If you have ARC, it may be more difficult to obtain help through this program, but you should know how it works and try to obtain help from it.

Medicaid: Medicaid assistance may be available even if you are not on SSI if you have a limited income and limited resources and you fit one of the special categories of people who qualify. Each state has different eligibility rules. These programs are complicated. But because Medicaid may provide you needed help, it is important to know how this program works. In Florida, the

Department of Children and Family Services can tell you how to apply for Medicaid. Often, you may need an advocate or a lawyer to help you get Medicaid if assistance has been denied.

Medicaid Services: Each state determines how many/which services it will provide under its Medicaid program. Generally, the Medicaid program will pay for inpatient hospital care, doctors' services, drugs, laboratory and x-ray work, some skilled nursing services, and some home health care.



What if you do not qualify for Medicare, Medicaid or SSI?

You may qualify for Medicaid waiver or other medical services under the Ryan White program. With the help of your local AIDS project, contact a Ryan White case manager for information and assistance.

What about private health insurance?

If you are not currently insured through an employer or yourself, it is unlikely you will be able to get insurance without answering questions about your current medical condition. Florida law restricts somewhat the use of HIV-related tests in underwriting policies. Testing may be done only if based on a person's current medical condition or history, or when testing is triggered by threshold coverage amounts which apply to all persons within the risk class. Insurers may ask applicants if they have tested positive for exposure to HIV or been diagnosed with AIDS, ARC or any other HIV-related infection.

Group policies may not exclude coverage of an eligible individual based on AIDS or HIV-related illnesses. Individual policies may exclude coverage for AIDS or ARC if objective manifestations of AIDS or ARC (as defined by the Center for Disease Control) are exhibited within a year of the policy taking effect. In other instances, policies may not exclude coverage for HIV or AIDS or treat them differently from other illnesses.

Insurance companies are increasingly suspected of denying coverage to people living in certain high-risk lifestyle neighborhoods or in same-gender households, or working in certain vocations. Sometimes insurers are canceling policies or refusing to pay on grounds of pre-existing conditions, fraud, or the experimental nature of treatment. If you have an insurance-related problem, you probably will need legal help unless your state insurance department is able to assist you.

If health care providers refuse to treat you:



More hospitals, nursing homes, and doctors may deny treatment to persons with AIDS or provide less or different care than they do other ill people. Discrimination in the provision of health care to persons with AIDS may be legally fought under a number of

federal and state laws.

The following are some examples of pertinent laws:

Section 504 of the Rehabilitation Act:

This prohibits discrimination against the handicapped, in certain situations, by hospitals, nursing facilities and state agencies which receive federal funds. AIDS has been determined to be a handicap for these purposes. Other recipients of federal funds may be covered under this provision.



Americans with Disabilities Act:

ADA affords a broad new array of civil rights protections. The ADA protects those with AIDS or HIV, those who are perceived as being infected, and anyone else who suffers AIDS-related discrimination. The ADA prohibits discrimination in the provision of services by public agencies or private businesses (schools, healthcare providers, restaurants and business or service providers). It also prohibits discrimination by employers with more than 15 employees.

Florida's Omnibus AIDS Act:

affords protection from discrimination in employment and provisions of health care.

Anti-Dumping Laws:

Federal law and some state laws require hospitals to examine, treat, and stabilize persons in need of emergency care before discharge or transfer to other facilities.

About Community Legal Services of Mid-Florida, Inc. (CLSMF)

The mission of CLSMF is to provide access to justice through high quality legal assistance to low-income persons.

Community Legal Services of Mid-Florida, Inc. provides free legal assistance to eligible low-income persons in civil matters (we do not provide legal assistance in criminal or traffic matters).

CLSMF provides community education seminars and detailed informational brochures on major areas of law we practice.



The Florida Bar Foundation, with *Interest on Trust Accounts* program funding, provides support for this service.

This brochure is for general education only. It is not intended to be used to solve individual problems. If you have specific questions, see an attorney. CLSMF offices are listed on the back in this brochure.

Community Legal Services of Mid-Florida Offices:

*BREVARD: 1-866-469-7444

CITRUS & SUMTER
106 N. Osceola Ave., Inverness, FL 34450
(352) 726-6592 — CITRUS
1-800-984-2918— SUMTER

FLAGLER: 1-800-405-1417

HERNANDO: 1-866-801-5566

LAKE— (352) 343-6351
226 West Main St., Tavares, FL 32778

MARION— (352) 629-6257
2300 SE 17th St. Suite 201 Ocala, FL 34471

*ORANGE — (407) 841-7777
122 E. Colonial Drive, Suite 200
Orlando, FL 32801

OSCEOLA — (407) 933-1791
800 North Main St., Kissimmee, FL 34744

PUTNAM: (386) 385-0928
216 S. 6th Street, Palatka, FL 32177

*SEMINOLE: (407) 322-6673

VOLUSIA — (386) 258-5600
128 Orange Ave., Suite 100,
Daytona Beach, FL 32114
Client toll-free number: 1-800-363-2357

ADMINISTRATIVE OFFICE: (386)506-5396

*Offices currently not offering Family Law services

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Apply for help online at
www.clsmf.org



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Legal rights to health care for persons with AIDS

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