

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES**  
**Division 15—Division of Senior and Disability Services**  
**Chapter 4—Older Americans Act**

**PROPOSED AMENDMENT**

**19 CSR 15-4.270 Legal Assistance.** The department is amending sections (1), (2), (5), (11) and (13).

*PURPOSE: This amendment updates terminology and statutory authority.*

(1) The area agency **on aging** shall award funds to the legal assistance provider(s) that most fully meets the following requirements. The legal assistance provider(s) shall—

(A) Have staff with expertise in specific areas of law affecting older *[persons]* **adults** with economic or social needs, for example, public benefits, institutionalization and alternatives to institutionalization;

(B) Demonstrate the capacity to provide effective administrative and judicial representation in the areas of law affecting older *[persons]* **adults** with economic or social need;

(2) A legal assistance provider may not require an older *[person]* **adult** to disclose information about income or resources as a condition for providing legal assistance under this part. A legal assistance provider may ask about the person's financial circumstances as a part of the process of providing legal advice, counseling and representation or for the purpose of identifying additional resources and benefits for which an older *[person]* **adult** may be eligible.

(5) No provider shall use funds received under the Act to provide legal assistance in a fee-generating case unless other adequate representation is unavailable. All providers shall establish procedures for the referral of fee-generating cases.

(C) Other adequate representation is deemed to be unavailable when—

3. An eligible client is seeking benefits under Title II of the Social Security Act, 42 U.S.C. 401, Federal Old Age Act, Survivors and Disability Insurance Benefits; or Title *[X]*XVI of the Social Security Act, 42 U.S.C. 1381, Supplemental Security Income for Aged, Blind and Disabled.

(11) No funds made available to a provider under the Act shall be used to support the preparation, production and dissemination of any article, newsletter or other publication or written matter for general distribution which contains any reference to proposed or pending legislation unless—

(C) The provider provides a copy of any such material produced by the provider to the area agency **on aging** within thirty (30) days after publication; and

(D) These funds are used only for costs incident to the preparation, production and dissemination of publications to providers, providers' staff and board members, private attorneys representing eligible clients and the area agency **on aging**, as opposed to the public at large.

(13) Nothing in this section is intended to prohibit an employee from—

(D) Making direct contact with the area agency **on aging** for any purpose.

*AUTHORITY: section [660.050]192.2000, RSMo [Supp. 1999] 2016. \* This rule was previously filed as 13 CSR 15-6.180 and 13 CSR 15-4.270. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filled Aug. 28, 2000, effective March 30, 2001. Moved to 19 CSR 15-4.270, effective Aug. 28, 2001.*

*\*Original authority: 660.050 RSMo 1984, amended 1988, 1992, 1993, 1994, 1995.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Missouri Department of Health and Senior Services, Division of Senior and Disability Services, Melanie Highland, Division Director, PO Box 570, Jefferson City, MO 65102-0570. Telephone: (573) 526-3626. Email: [DSDSDirectorsOffice@health.mo.gov](mailto:DSDSDirectorsOffice@health.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*