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INFORMATIONAL LETTER

TRANSMITTAL: 93 INF-36

TO: Commissioners of  
 Social Services

DIVISION: Services and  
 Community  
 Development

DATE: September 3, 1993

SUBJECT: Protective Services for Adults: Revisions to Parts  
 404 and 457 of the Department's Regulations

SUGGESTED

DISTRIBUTION: Directors of Services  
 Adult Services Staff  
 Agency Attorneys  
 Staff Development Coordinators

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ATTACHMENTS: Revisions to Parts 404 and 457 of the Department's  
 Regulations (Not Available on Line)

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
93 ADM-23		404	Article 9-B		Consolidated Services Plan
91 ADM-10		457	Articles 77, 78 & 81 of Mental Hygiene Law		
88 ADM-23					93 LCM-102
92 INF-40					

The purpose of this transmittal is to advise the local social services districts of the revisions to Parts 404 and 457 of the Department's regulations which became effective on August 25, 1993. These regulatory revisions strengthen the Protective Services for Adults (PSA) intake process, reflect recent revisions to the Mental Hygiene Law, and provide regulatory relief to the local districts. The major provisions of the revised regulations are briefly described below.

1. The revised regulations strengthen the PSA intake process by clarifying the rights of persons who are the subject of a request for PSA, their authorized representatives and other persons acting responsibly for them to apply for PSA in certain situations. In addition, the revised regulations clarify the notification requirements for persons who are the subject of a PSA referral or application and establish new requirements for the notification of referral sources regarding the disposition of referrals. Detailed information concerning the implementation of these provisions may be found in 93 ADM-23 (Protective Services for Adults: Intake). Regional technical assistance on 93 ADM-23 will be provided in September and October.
2. The revised regulations include the required changes to conform them to recent amendments to the Mental Hygiene Law (MHL). Accordingly, references to "conservators" and "committees" or to Articles 77 and 78 of the MHL have been replaced with references to "guardians" and to Article 81 of the MHL.
3. While local social services districts continue to be required to educate the general public, service providers, advocacy groups and other appropriate agencies about the scope of PSA and how to obtain services, the revised regulations eliminate the requirement that an annual PSA public education plan be submitted to the Department. This change has been reflected in the guidelines for the 1994 Annual Implementation Report to the 1991-94 Consolidated Services Plan.
4. The revised regulations reduce the frequency of PSA service plan reviews and eliminate the requirement for a written agreement when the mandated monthly PSA visit is delegated to another agency. These changes will be reflected in a future Administrative Directive on revised PSA Process Standards.

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Frank Puig  
Deputy Commissioner  
Services and Community Development