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| LOCAL COMMISSIONERS MEMORANDUM |
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DSS-4037EL (Rev. 9/89)

Transmittal No: 95 LCM-55

Date: May 11, 1995

Division: Services & Community
Development

TO: Local District Commissioners

SUBJECT: Chapter 600 of the Laws of 1994 - Transitional Care Services

ATTACHMENTS: I. Chapter 600 of the Laws of 1994

II A. Statement of Obligations - For use with clients of
the Office of Mental Retardation

II B. Statement of Obligations - For use with clients of
the Office of Mental Health

(All attachments not available on-line)

The Department is issuing this memorandum to inform you of Chapter 600 of the Laws of 1994 which amends the Social Services Law, Education Law, and Mental Hygiene Law, in relation to transitional care.

Chapter 600 takes immediate and long-term steps to decrease social service district costs in connection with transitional care of disabled young adults who have aged-out of their foster care or residential school placements. The Chapter also helps reduce unnecessary out-of-home placements of developmentally disabled children and provides for appropriate in-State placements for young adults.

Chapter 600 phases out the transitional care program over the next five years, with the Office of Mental Health (OMH) and the Office of Mental Retardation and Developmental Disabilities (OMRDD) receiving assistance in locating appropriate and available residential placements for persons currently receiving transitional care. Also, the Chapter would cease all new transitional care placements if made on or after July 1, 1996; increases the State share of the costs to 60% effective January 1, 1995 and eliminates the social service district share effective January 1, 1999.

Chapter 600 takes steps to discourage unnecessary out-of-home placements and to integrate community-based services by requiring school districts to notify the appropriate social services district upon their determination that a child is at-risk of a residential school placement and by referring at-risk children and their families to local support services. The Chapter authorizes the participation of county agencies in the Committee on Special Education (CSE) placement process. The State Education Department (SED) is finalizing regulations to govern this process. The Department will share these with you, as well as provide guidelines, when that process is complete.

In order to implement the requirements of the law, the Department is currently working with OMRDD, OMH and SED to develop a Memorandum of Understanding with each. The Department will share the memoranda when they are finalized.

The Department has developed a Statement of Obligations required by Section 466(4) of the Social Services Law, that you are required to forward to each agency or school to which you are making transitional care payments. If you have a written agreement with the agencies or schools for the purchase of transitional care, the Statement of Obligations must be incorporated into it. If you do not, the Statement of Obligations must be signed by both you and the agency or school. The Statement of Obligations sets forth the obligations the agency must follow, the conditions which apply for the continuation of transitional care payment and when a social services district can discontinue these payments. The Statement of Obligations emphasizes the responsibility of the agency or school to allow access to clients and information concerning them by OMR and OMH in order to facilitate replacement in those systems. We have included the Model Statements of Obligations for each agency for your use.

Section 466(5) of the Social Services Law sets forth the conditions upon which transitional care will terminate. Paragraph 3 of the Statement of Obligations also references these conditions. Section 466(5) of the Social Services Law provides that the social services district will discontinue payments for transitional care, in accordance with procedures established by the Department. These procedures are as follows. The social services district shall discontinue transitional care payments upon written notification from the Department: a) that OMH or OMRDD has notified the Department that it has offered a placement and that the placement was accepted, or has been made and upheld by an administrative hearing, or has been made and the time to request an administrative appeal has expired; b) that a determination has been made by the Department or the State Education Department, that continued placement in a child care facility or residential school may adversely affect the health, safety or welfare of children residing in the facility and that OMH or OMRDD will offer an adult placement to the individual on an expedited basis; or c) that a determination has been made by the department that the facility in which the child is residing has failed or refuses to meet its obligations pursuant to Article 8-B of the

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Social Services Law and that OMH or OMRDD will offer an adult placement on an expedited basis.

When a placement offer is upheld as appropriate and available following an administrative hearing, transitional care funding shall be terminated on the 10th business day following the issuance of the hearing decision, or, if later, on the available date of the placement.

When a placement offer is made and is not accepted and no request for an administrative appeal has been made within the time required, transitional care shall be terminated on the 5th business day following the last day to request an administrative appeal, or, if later, on the available date of the placement.

If you have any questions, please contact Joseph Della Rocca at (518) 473-1496 or user ID AX4520.

Donald K. Smith