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

Transmittal No: 92 LCM-43

Date: March 6, 1992

Division: Adult Services

TO: Local District Commissioners

SUBJECT: Protective Services for Adults: Financial Management Services  
for Community Support Services Clients

ATTACHMENTS: NONE

The purpose of this memorandum is to advise you of a significant fair hearing decision regarding the responsibilities of the districts to provide Protective Services to Adults (PSA) to clients being served by the Office of Mental Health's (OMH) Community Support Services (CSS) Program.

On October 2, 1991, the Department issued a fair hearing decision which required the Suffolk County Department of Social Services to provide PSA to an individual being served by the CSS Program solely for the purpose of acting as that individual's representative payee. Suffolk County requested a reconsideration of this decision based on the provisions of 90 ADM-40 (PSA: Client Characteristics), which state that a social services district is not required to provide financial management services to CSS clients unless:

- o The district is providing financial management services to a client, which include acting as the client's representative payee, as part of a PSA or other adult services plan at the time the client is determined eligible for CSS, in which case the district must continue to provide these services; or

- ° The district determines that a CSS client has other basic needs which the provider cannot address, such as the need for legal intervention, and the client is otherwise eligible for PSA.

On February 12, 1992, the Department issued an amended fair hearing decision on this matter, in which it is stated that the original decision misapplied applicable laws and regulations. Consequently, Suffolk's initial determination to deny PSA to the affected CSS client solely for the purpose of providing financial management services has been upheld by the Department. The amended fair hearing decision is significant for all social services districts because it upholds the aforementioned provisions of 90 ADM-40 and the principle that financial management services are an integral but subordinate component of case management.

Please distribute this memorandum to your adult services staff and to your agency or county attorney. If you or your staff have any questions about this matter, or would like a copy of the decision, please contact your Adult Services Program representative at 1-800-342-3715 as follows:

Irv Abelman, extension 432-2980 or (212) 804-1247  
Tom Burton, extension 432-2987  
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William E. Gould  
Acting Deputy Commissioner  
Division of Adult Services