

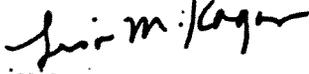


STATE OF NEW YORK  
OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES  
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ATTACHMENT B

MEMORANDUM

TO: Executive Directors  
Chief Fiscal Officers  
OMRDD Certified Residential Programs  
Provider Associations

FROM: Lisa M. Kagan   
Associate Commissioner  
Revenue Support, OMRDD

DATE: March 11, 2002

SUBJECT: Representative Payees and SSA Prior Approvals

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**POLICY**

The purpose of this memorandum is to ensure that you are aware of the Social Security Administration (SSA) requirement for prior approval of the use of a resident's personal allowance funds for out-of-pocket expenses of voluntary agency staff accompanying the resident on a vacation or a recreational outing. The SSA policy applies to a resident's personal allowance funds conserved from Social Security (SS) or Supplemental Security Income (SSI) benefits for which the voluntary agency serves as Representative Payee (RP). This does not represent a change in SSA's policy. We sought clarification of this policy from the SSA Region II Office when some of our providers who were attempting to follow the SSA prior approval policy, did not receive responses from their local SSA Offices.

Voluntary agency staff handling a resident's personal allowance funds or arranging a vacation or recreational outing for a resident must be aware of the need for prior approval from SSA when there are anticipated out-of-pocket expenses for accompanying staff. The Office of Mental Retardation and Developmental Disabilities (OMRDD), Quality Assurance staff will look for documentation of SSA prior approval of such expenses when there is an OMRDD audit of a voluntary agency's personal allowance records for residents for whom the voluntary agency serves as RP.

Please share this with your residential staff who manage the use of resident personal funds.

**RESIDENT'S PERSONAL ALLOWANCE FUNDS**

Personal allowance is a portion of personal income that is made available on a monthly basis to every person residing in a facility certified by OMRDD. Personal allowance derived from a resident's SS or SSI benefits may be used to meet out-of-pocket staff expenses only when SSA has "pre-approved" these staff expenses.

If the resident has current or foreseeable future needs that will go unmet as a result of the use of the conserved personal allowance funds for vacation-related out-of-pocket staff expenses, SSA will not give approval.



March 11, 2002

Representative Payees and SSA Prior Approvals

**ALLOWABLE STAFF EXPENSES**

The resident's personal allowance funds may only be used to cover staff expenses that are not normally reimbursed by the voluntary agency. A resident's personal allowance funds may not be substituted for any item or service for which local, State or Federal funds are provided or for which reimbursement is made through a rate, fee or grant.

OMRDD cannot provide a list of staff expenses that will be allowed by SSA. SSA has approved expenses such as staff entry fees to amusement parks and transportation costs in past requests.

**WRITTEN REQUEST FOR PRIOR APPROVAL**

Written requests for prior approval of staff expenses should be sent to the local SSA office. These written requests should include:

- The resident's name and Social Security number
- A description of the trip or recreational activity including a list of the anticipated out-of-pocket expenses for the resident and accompanying staff member(s); and
- A statement noting that:
  - a) the resident's current and foreseeable needs are met;
  - b) payment for the staff expenses will not deplete the resident's funds; and
  - c) the resident's personal account balance will equal or exceed one month of the resident's full SS/SSI benefits after the deductions for the trip.

It is anticipated that if the request for prior approval includes all the information stated above, the local SSA office will be able to forward the request to SSA Region II and SSA Region II staff will respond to the request in writing. The SSA response should be retained in the resident's file for documentation purposes. The documentation should be retained in the file for six years as stipulated in 14 NYCRR 681.12 and 14 NYCRR 686.13.

It is recommended that the vacation and/or recreational plans be made well in advance of the actual trip to allow adequate time for the review of the plan by SSA Region II.

**TECHNICAL ASSISTANCE**

Any questions concerning this memorandum may be addressed to Deirdre Dugan of my staff either via e-mail (deirdre.dugan@omr.state.ny.us) or at (518) 402-4339 or by contacting your local OMRDD Revenue Support Field Office (RSFO). If you need the telephone number of your RSFO, Ms. Dugan can provide it.

- C:
- A. Kaplan
  - J. Abelseth
  - P. Pezzola
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  - K. Broderick
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  - RSFO Managers
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  - R. Downes Higginson, SSA Region II