



STATE OF NEW YORK
OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES

44 HOLLAND AVENUE
ALBANY, NEW YORK 12229-0001
(518) 473-1997 • TDD (518) 474-3694
www.omr.state.ny.us

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Division of Quality Assurance

Memorandum

To: Executive Directors, OMRDD Voluntary-Operated Certified Residential Programs, Provider Associations

From: Lisa M. Kagan *lisa m/k*
Associate Commissioner
Revenue Support

Date: April 1, 2003

Subject: SSA Prior Approvals for Use of Personal Allowance for Staff Expenses on Resident Vacations

This is to transmit correspondence from the Social Security Administration (SSA) on representative payee use of resident personal allowance to pay for staff expenses on a resident's vacation (see Attachment A). Also included, for your convenience, is a March 11, 2002 memorandum from me on this topic (see Attachment B).

Please share the information attached with your staff involved in resident personal allowance management in OMRDD certified residences. Note that in personal allowance reviews by OMRDD, Quality Assurance (QA) may monitor conformance with the attached SSA requirements.

Voluntary agency staff handling a resident's personal allowance funds must obtain SSA prior approval whenever resident funds in excess of \$100 are to be used for expenses of staff accompanying a resident on a vacation or an outing. If SSA written approval is not received within six weeks of the request, contact the Office Manager of the SSA office to which the request was submitted. The SSA written prior approval must be retained on file for QA review.

Any questions concerning the SSA prior approval process 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.

Attachments

cc: Dr. Abelseth
Ms. Downes-Higginson, SSA Region II





SOCIAL SECURITY

26 Federal Plaza
New York, NY 10278

March 10, 2003

Lisa Kagan
New York State
Office of Mental Retardation and
Developmental Disabilities
44 Holland Avenue - 5th Floor
Albany, NY 12229

Dear Ms. Kagan:

Last year, you addressed the Social Security Administration (SSA) Prior Approval procedure for Representative Payees in your memorandum. The memorandum, which was approved by SSA, provided the voluntary agencies which act as Representative Payees for individuals residing in their residential settings with the procedure to be followed for requesting SSA prior approval of staff expenses for individuals' outings and vacations. The prior approval requests are submitted to the SSA field office with which the agency normally deals and forwarded to me for review. In the months since the memorandum was issued, there have been several issues identified that we would like to clarify.

1. Some voluntary agencies are submitting their requests without allowing enough time for processing. The agencies should allow at least four to six weeks for the review process and response.
2. The agencies do not have to submit requests for taking individuals to dinner and a movie, play, or performance even when the individual(s) will pay for the staff admission as long as the cost is *less* than \$100. Each beneficiary's file should be documented with receipts, vouchers, for every cost/expense deducted from personal funds.
3. Several of the requests are providing more information that is required. Attached is a sample request form that meets all the SSA requirements. The agencies may use this sample to create an agency-specific form. If there are several individuals taking the trip, one form can be used to provide the information for all the individuals as long as each individual's name and Social Security number is provided. Each beneficiary's file should be documented with receipts or vouchers for every cost/expense deducted from his/her personal funds.
4. If the beneficiary is using funds from a source other than SSI or SSA to pay for a vacation or outing and funds are not co-mingled with funds from SSI and/or SSA, prior approval from

SSA is not necessary. If the funds are co-mingled, the prior approval process must be followed.

5. Agencies should not be faxing the requests directly to me. All requests should be sent to the appropriate SSA field office to the attention of the office manager. The SSA field office will send the request to me. Neither the field offices nor my office are set up to receive large amounts of faxed materials. The requests should be sent through regular mail whenever possible.

If a voluntary agency has questions concerning the prior-approval process, they can either contact Deirdre Dugan, OMRDD, at (518) 402-4339, the Office Manager at the local OMRDD Revenue Support Field Office or the Office Manager of the SSA field office.

Please share this letter with the OMRDD provider agencies and/or voluntary agencies.

We expect to make some changes to Step 5 above in the near future. And at that time we will notify your office. In the meanwhile, if you or a member of your staff have a question, please contact Renée Downes-Higginson at (212) 264-1752.

Sincerely,



Janet Mullarkey, Director
Program Operations Center

cc: Deirdre Dugan

EXHIBIT

Name and Address of Voluntary Agency

Request For Pre-Approval

Date

Resident's Name:

Resident's Social Security Number:

Description of Activity/Trip:

Anticipated Out-of-Pocket Expenses:

-Resident:

-Staff:

Total Cost to Resident:

Explanation:

Example: How activity/trip would be to the "best interest" of the resident. Payment for the above expenses will not deplete the resident's funds. After the deduction for the trip, the resident's personal account balance will equal or exceed one month's SSA/SSI benefit. All of the resident's current and foreseeable needs have been and will be met.



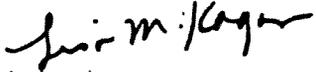
STATE OF NEW YORK
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ATTACHMENT B

44 HOLLAND AVENUE
ALBANY, NEW YORK 12229-0001
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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

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
 P. Kietzman
 K. Broderick
 G. Lind
 K. Patricia
 D. Dugan
 RSFO Managers
 RSFO District Managers
 R. Downes Higginson, SSA Region II