

DEPARTMENT OF SOCIAL SERVICES

40 NORTH PEARL STREET, ALBANY, NEW YORK 12243-0001

CESAR A. PERALES

Commissioner



ADMINISTRATIVE DIRECTIVE

TRANSMITTAL: 89 ADM-022

DIVISION: Adult Services

TO: Commissioners of
Social Services

DATE: June 5, 1989

SUBJECT: Residential Placement Services For Adults

SUGGESTED DISTRIBUTION: Commissioners
Directors of Services
Adult Services Staff
Staff Development Coordinators

CONTACT PERSON: Any questions concerning this release should be directed to the district's Adult Services program representative in the Division of Adult Services at 1-800-342-3715 as follows:

- Kathleen Crowe, ext. 432-2996
- Sharon Lane, ext. 432-2985
- Irv Abelman, ext. 432-2980 or (212) 804-1247
- Cheryl Flanigan, ext. 432-2997
- Marsha Meyers, ext. 432-2864

I. PURPOSE

The purpose of this directive is to clarify the responsibilities of the districts with regard to the provision of Residential Placement Services for Adults.

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
83 ADM-15 85 ADM-36 87 ADM-6 87 ADM-31	87 INF-60	Part 313.2 Part 457 Part 458 Part 485 Part 486 Part 489	Sections 34-a, 460-460-g, 461-461-h and 473-c of SSL Title XX of the Social Security Act		Consolidated Services Plan

II. BACKGROUND

Residential Placement Services for Adults (formerly Foster Care Services for Adults) has been a mandated service since the inception of Title XX of the Social Security Act in 1974. The purpose of the Residential Placement Services for Adults program is to assure that mentally and physically impaired adults who require a supervised living arrangement are placed in an appropriate level of care and that persons residing in Family-type Homes for Adults receive necessary care and services in accordance with Department regulations.

Despite the fact that Residential Placement Services for Adults has been a mandated service for more than 10 years, local district staff often have been unclear about their responsibilities regarding the provision of this service. To address this problem, the Department revised the Consolidated Services Plan definition of Residential Placement Services for Adults in order to clarify the specific components of this service. This revised definition was issued to the districts in 87 INF-60. Because of our commitment to expand and improve the Family-type Home for Adults program and to assure that persons in need of residential care are assessed and appropriately placed, the Department has required all local districts to address the issue of Residential Placement Services for Adults in their 1988-90 Consolidated Services Plans.

The Department is attempting to strengthen this service because of factors which indicate the need for more long term care alternatives. Demographic trends indicate that the number of frail elderly persons is increasing significantly. Consequently, we can anticipate that the number of individuals needing residential care will correspondingly increase. At the same time, hospitals and nursing homes have implemented new admission, discharge and payment systems which increase the need for other residential placement alternatives. The continuing emphasis on the provision of community based care for the mentally disabled population also impacts on the need for this service.

III. PROGRAM IMPLICATIONS

This directive delineates the specific responsibilities of local districts in providing Residential Placement Services for Adults. Under this program, local districts are responsible for the development and supervision of the Family-type Home program, providing services to the residents of these homes and assisting individuals who need placement into a variety of residential settings. These functions entail interrelated but sometimes different obligations. By clarifying these responsibilities, the Residential Placement Services for Adults program will be implemented in a more consistent and professional manner throughout the State. This should result in an improved quality of care in the least restrictive setting possible for persons eligible to receive this service. This directive discusses the actions which must be taken to effectively implement this program as described in the revised definition which is attached to this ADM as Appendix A and was previously released as 87 INF-60.

IV. REQUIRED ACTIONS

Discussed below are the specific actions which are necessary to implement each component of the revised definition for Residential Placement Services for Adults.

A. Component A: Family-type Homes for Adults Program Development and Supervision

1. Program Development includes the following activities:

a. Recruitment

As part of their responsibility to develop Family-type Homes for Adults, districts must engage in recruitment activities to locate appropriate applicants to operate Family-type Homes. An active recruitment program is needed in an effort to produce an adequate pool of homes to choose from when placing an individual. As much as possible, districts should try to match a resident to a home in which he/she can maintain ties with family, friends and community and where his specific needs can best be met. A variety of homes are needed, since many providers have preferences or abilities which might limit the type of individual they can care for, according to the resident's age, gender, physical or mental disability. Recruitment practices include: contacting local media sources, such as television and radio stations to present public services announcements about the need for Family-type Home providers; placing ads in newspapers; distributing literature at public forums and events; and making presentations to community groups.

b. Community Education

If the Family-type Home program is to become a viable placement option for physically or mentally impaired adults, then communities must be made aware of the existence of the program as a resource. Local hospitals, doctors, senior citizen centers, volunteer and religious organizations, area agencies on aging and county mental health programs are among the agencies which should be contacted and informed of the types of persons who would be appropriate for placement in a Family-type Home. Section 489.7(b) of Department regulations describes the types of persons who may be admitted to Family-type Homes. An effective community education campaign will encourage appropriate referrals of individuals who need Residential Placement Services for Adults.

The extent of recruitment and community education efforts needed will depend on the size of the current program, and the district's assessment of the need in its particular community. In view of the demographic trends cited earlier, we anticipate that most districts will benefit from an expansion of the Family-type Home program as a cost effective placement option for appropriate individuals.

c. Orientation and Assessment of Applicants to Operate Family-type Homes

As stated in Section 489.6 of the Department's regulations, information on the regulations and procedures governing family-type care must be presented to applicants. District staff also must assess applicants suitability to provide care and supervision to physically or mentally impaired adults. Therefore, in addition to discussing the physical plant requirements, operator qualifications and application procedures contained in Part 489 of Department regulations and further explained in 85 ADM-36, the home study assessment conducted by district staff must include a discussion of the following areas:

- o the applicant's expectation of the Family-type Home program and the impact placements will have on other family members;
- o the district's expectation of the role of the Family-type Home operator in providing resident services, as stated in Section 489.10 of Department regulations;
- o general information on the nature of individuals likely to be placed. This must include a discussion on the characteristics associated with the aging process and the specialized needs of the physically or mentally impaired;
- o any special skills or experience the applicant may have in dealing with dependent or elderly adults. This information will assist the district in trying to match residents with a home in which their specific needs can best be met;
- o an explanation of the payment mechanism for Supplemental Security Income (SSI) and Home Relief (HR) clients and the personal needs allowance requirements as stated in Section 489.9(b) of Department regulations;
- o the role of the local district in assisting the operator as stated in Section 489.6 of Department regulations; and
- o resident rights and responsibilities as stated in Section 489.9(a) of Department regulations.

Districts may present the above information to applicants on an individual basis or at group orientation meetings. The format selected will depend on the number of applicants and the staff resources in the district. In presenting information to Family-type Home applicants, districts have available as a resource a series of Family-type Homes for Adults booklets and an Operator's Manual.

d. Ongoing Technical Assistance to Certified Family-type Home Operators

Family-type home operators need ongoing support and information if they are to continue providing quality care and supervision to dependent adults. The Family-type Home operator should be considered part of a team delivering services to the residents. The goal of this partnership between the operator and the local district is to provide a life-style for residents that maximizes their potential to lead a fulfilling life. As provided in Section 489.6 of Department regulations, local districts must:

- o assist operators in obtaining required health or mental health information concerning residents or prospective residents. This may include providing or arranging for professional evaluations to determine if an individual is or remains appropriate for family-type care;
- o assist operators to establish linkages with community resources. The purpose of this assistance is to provide Family-type Home operators with information so they can access services and programs that will benefit their residents;

- o assist operators in fulfilling record keeping requirements. During the semi-annual inspection visits, district staff must review required records and provide any needed assistance to operators.
2. Local District Supervision - As part of their responsibilities to supervise Family-type Homes for Adults, local districts must:
- a. Inspect Family-type Homes at least once every six months in accordance with procedures set forth in Sections 486.1 and 2 of the Department's regulations. This inspection process includes an on-site visit to the home, private interviews with residents and the operator, and a review of the records required to be kept in the home. These records include:
 - o Signed Admission Agreements;
 - o Annual Resident Medical Evaluations (DSS-3122);
 - o Personal Data Sheet (DSS-2949);
 - o Medication Records (DSS-3634);
 - o Individual Resident Fund Account Record (DSS-3633);
 - o Inventory of Resident Property (DSS-3027);
 - o Chronological Admission and Discharge Register (DSS-3026);
 - o Resident's Special Needs Expenditure Log (DSS-3913);
 - o Health and Safety Equipment and Substitute Care Expenditure Log (DSS-3914);
 - o Incident Report (DSS-3123);
 - o a copy of the most recent Report of Inspection (DSS-3720);
 - o Medical Evaluations (DSS-3239) required every two years for operators and any regular substitute caretaker working 20 hours or more per week.

Local district staff must ensure that these records are being appropriately completed and maintained.

During the private interview with each resident, casework staff must assess the resident's continued appropriateness for family-type care, and discuss the resident's own evaluation of the care provided in the home. Since supervision of family-type homes under Component A is a mandated local district responsibility without regard to income, all residents of the home must be interviewed, including those on private pay status. If a resident is in a day program and is not available to be interviewed by the caseworker during the semi-annual inspection visit, then the district must contact the resident's program and obtain their evaluation of the resident's current functioning and adjustment. Progress notes on these client interviews must be maintained in the separate case record established for each certified Family-type Home.

Progress notes should be made as contemporaneously as possible with the occurrence of the event or receiving of the information which is to be recorded. Progress notes may be handwritten or typed, however, handwritten notes must be legible to anyone reading the case record. Progress notes must include the date of the event, the date the entry was made, the name or initials of the person making the entry, an assessment of the care provided to the client, and the client's condition and services needs.

Based on their observations, private interviews with residents and operator, review of written materials and any collateral contacts deemed necessary to determine compliance with applicable laws and regulations, district staff must complete and maintain a Survey Report (DSS-2867). This report as well as any other notes made concerning the home must be maintained in the separate case record for each home. The case record must also include copies of all Reports of Inspection which must be sent to the operator after each semi-annual inspection, district approved corrective action plans, any follow-up letters, waiver requests and outcome, and copies of the required Medical Evaluations for operators and substitute caretakers.

- b. Review waiver requests from operators and process them in accordance with Section 489.3(d) of Department regulations, and 85 ADM-36. For those waivers that the district may issue directly, district staff must assess the impact on the health and safety of the residents and how the operator will achieve or maintain the intent of the regulation if a waiver is granted. Written notice must be sent to the operator and a notation made on the Survey Report (DSS-2867) concerning the waiver.
- c. Provide necessary information to the State Department of Social Services and participate in enforcement related activities against certified homes and those homes which are required to be certified as Family-type Homes for Adults as required by Section 489.5(a)(3) and (b) of the Department's regulations. Enforcement actions the Department may initiate include imposing fines, limiting, suspending or revoking a certificate in accordance with procedures stated in Section 486.4 of Department regulations.

Since local district staff have first hand knowledge of the activities in Family-type Homes because of their inspection and supervision responsibilities, it is essential that they be involved in any enforcement proceedings that may be necessary. Local district involvement in enforcement includes:

- (1) For certified Family-type Homes, following up on non-compliance areas noted in the Report of Inspection issued after the required six month inspection visit and reporting any continued non-compliance to the appropriate Regional Office for initiation of enforcement actions. As discussed in 85 ADM-36, districts must establish time frames for operators to correct violations. For violations which place residents at serious risk, the local district must advise the operator to correct the condition immediately and notify the appropriate Regional Office of the Department so they can supervise the Enforcement process.

Examples of violations which place residents at serious risk are allegations of abuse or neglect of residents, or serious environmental hazards such as no heat. For health or safety issues which do not place residents at serious risk, the operator must correct the violation within 30 days. On any other issue, if it is not possible to correct the violations within 30 days, the operator must submit a plan of corrective actions to the local district within 30 days of the date of the Report of Inspection. This plan must include time frames for corrective action, be completed within six months and be approved by the local district. If the operator does not correct the violations within the time frames established, then the local district must notify the appropriate Regional Office of the Department. The Regional Office will work with local district staff to bring the home into compliance, or if necessary, will initiate procedures to impose fines, suspend or revoke the operating certificate. The Regional Office role may include technical assistance, on-site visits and coordination with Department legal staff.

- (2) Investigating uncertified homes caring for four or fewer adults appearing to be in need of personal care and/or supervision.
 - (a.) Local districts must refer all uncertified homes serving four or fewer adults to the appropriate Regional Office of the Division of Adult Services. Upon receipt of a referral, the Regional Office will notify the operator of the home by letter that in accordance with the provisions of Sections 460-c(7) and 460-d(9)(c) of the Social Services Law, the Department and the district, acting as its representative, have the authority to inspect uncertified homes. A copy of this letter will be sent to the district.
 - (b.) Local district staff must make a home visit within 20 days of receiving a copy of the notification letter from the Regional Office to assess whether or not the residents need personal care and/or supervision and thus whether the home must be certified. This visit may be unannounced. Regional Office staff are available for consultation or other technical assistance throughout the investigation. The form, Residential Placement Assessment (DSS-4055), which is attached to this directive as Appendix B, must be completed for each resident in the home. Sections I, II, III and VII must be filled out and returned to the Regional Office within 45 days of receiving the initial notification from the Regional Office to inspect the home. Local district staff must keep copies of the Residential Placement Assessment Form and any correspondence or other information pertinent to the case.
 - (c.) If the operator objects to the inspection of the home, local district staff shall notify the Regional Office, which shall initiate the process for obtaining a court order to gain access in accordance with Section 486.3 of the Department's regulations. When a court order is obtained, the Regional Office will send a copy to the district, which shall then complete the investigation pursuant to paragraph (b) above.

-
- (d.) Upon receiving the Residential Placement Assessment forms, Regional Office staff will review them and initiate the appropriate action. This may include:
- i) Notifying the home that they do not need to apply for certification since the residents are not receiving personal care or supervision. A copy of this letter will be sent to the local district.
 - ii) Notifying the home that residents appear appropriate for family-type home care and that a hearing will be scheduled to review the Department's decision that certification is required and, if appropriate, to impose penalties for the operation of an unlicensed facility. A copy of this notification will be sent to the district. While awaiting the hearing, local district staff must encourage the operator to submit an application for family-type home certification. If the operator indicates he or she does not intend to apply for Family-type Home certification, district staff must offer Assessment and Placement Services, to the residents as outlined in Component B of the Residential Placement Services for Adults definition.
 - iii) Notifying the home that residents appear to have needs that require a higher level of care than can be provided in Family-type Homes in accordance with Section 489.7 of Department regulations and advising the operator to cooperate with district staff in arranging for appropriate placements. A copy of this notice will also be sent to the district. In appropriate situations, the Department will notify the New York State Department of Health about possible unlicensed nursing home operations. In these situations, local district staff must offer Component B, Assessment and Placement Services, to assist eligible individuals in being placed appropriately. This may involve referral to facilities certified by the Department, the Office of Mental Health (OMH), the Office of Mental Retardation and Developmental Disabilities (OMRDD), or the Department of Health (DOH).
- (e.) If the district determines that an emergency exists within an uncertified family-type home which constitutes a danger to the health, safety and welfare of the residents, the situation must be handled as a Protective Services for Adults (PSA) referral and the timeframes stated in Section 457.1(c)(2) of the Department's regulations apply. If access to the uncertified home is denied by the operator and the district has reason to believe that one or more residents are in need of PSA, the district must pursue an order to gain access pursuant to Section 473-c of the Social Services Law. Instructions on the utilization of this law are contained in 87 ADM-6. PSA assessments must

be completed upon gaining access to residents. If the PSA assessment indicates that the clients have a physical or mental impairment, are unable to manage their own resources, carry out the activities of daily living or protect themselves from neglect or hazardous situations without assistance from others and have no one available who is willing and able to assist them responsibly, then a PSA case must be opened. If the client does not meet this criteria, then services should be provided under Residential Placement Services rather than PSA. In any case, while services are being provided to the client, a referral must still be made to the Regional Office of the Division of Adult Services to initiate possible enforcement actions against the home.

- (f.) If an application for a Family-type Home certificate is denied, but there are residents requiring personal care/supervision in the home, local district staff must provide Assessment and Placement services to the residents, and cooperate in the enforcement action, as supervised by the Regional Office.

B. Component B: Assessment and Placement Services

In order to fulfill their responsibilities to provide Assessment and Placement Services for persons who are in need of a supervised living arrangement and who are in receipt of SSI, HR, or whose income does not exceed 150% of the poverty level as reported by the United States Office of Management and Budget, local districts must provide or arrange for the provision of the activities which follow. A case record documenting each of these activities must be maintained on each individual who receives Assessment and Placement Services. The record also must include the date of event, date of entry, a description of client and collateral contacts.

1. Assess the referred individual's need for residential care and determine the appropriate level by reviewing:
 - o the level of the individual's functioning in performing activities of daily living such as grooming, dressing, bathing, toileting, walking, eating and taking medications;
 - o the individual's need for companionship and supervision in order to live safely within the community;
 - o the nature of the individual's physical or emotional impairment, as indicated by a medical or psychiatric evaluation, using the appropriate D.S.S. Medical Evaluation (DSS-3122) or other agency form;
 - o the individual's wishes regarding his or her living arrangements; and
 - o the availability of support systems such as family or community programs and the appropriateness of these supports in meeting the client's needs.

Direct casework contact with the client is required in order to properly assess the client's functional ability and need for a residential placement. If the assessment indicates that a residential placement is needed, caseworkers must advocate for the most suitable setting and provide any necessary counseling so the client adjusts to placement. If needed, transportation to potential placements should be arranged by the caseworker. Depending on the assessment, individuals could remain at home with home care and other supportive services or be placed into a variety of placement options including: a Family-type Home, an adult home, an enriched housing program, a nursing home or a residential care program certified by OMH or OMRDD. Districts are reminded that attempts should be made, whenever possible, to maintain clients at the least restrictive level of care.

2. Districts must use a formal assessment tool when evaluating the referred individual's need for residential care. Depending on the nature of the referral, the Department of Health's Patient Assessment Tool for Home Care (PATH) or the DSS Residential Placement Assessment form, which is attached to this directive as Appendix B, must be utilized. District staff may complete the form, or if appropriate, require the referral source to submit the form. Districts wishing to utilize local equivalent forms in place of the Residential Placement Assessment Form (DSS-4055) must receive approval from the Department. In accordance with the procedure prescribed in Bulletin 35A, the request must be submitted to:

Director of Management Planning
NYS Department of Social Services
Bureau of Management Planning
40 North Pearl Street
Albany, NY 12243.

3. Since other divisions of the department and other agencies also assess for residential placements, linkages must be established to coordinate the assessment process and ensure timely, appropriate placements or service delivery. Therefore, Adult Services must have linkages with the Medicaid, Home Care, Long Term Home Health Care and the CASA Units of the district, as well as with the local Department of Health, local mental health agencies and professionals, Office for Aging ombudsman and advocacy programs and public health nurses.
4. Assist Family-type Home operators with the assessment and replacement of individuals who need to be transferred to another level of care in accordance with Section 489.6 of Department regulations. If an operator is voluntarily closing his/her home, he/she must develop an appropriate plan for the residents and submit this and a written notice of closure to the local district at least 120 days before the expected closing date, in accordance with Section 489.4(h) of Department regulations.

5. Arrange or provide for assessment and placement services when a Family-type Home is closing involuntarily because of an enforcement action, or when the district becomes aware of residents in unlicensed Family-type Home placement. As discussed in Required Action A, in unlicensed Family-type Homes, district staff must first determine if the residents are appropriate for family-type care and if so, offer to assist the operator in applying for certification. If the residents are not appropriate for Family-type Home placement, or the operator does not wish to apply for certification, then the district must initiate efforts to place the residents in a setting suitable to their needs. In these situations, staff may discover during the assessment that the residents do not wish to move from their placement. In these situations, staff must counsel the residents about their placement options and inform them of the reasons their present placement does not meet Department standards. If a resident still refuses to move, district staff must determine whether the resident understands the consequences of his decision to remain in the home. If the district determines that the individual is able to make decisions on his own behalf, staff should inform the resident that they are available to assist in a move should the individual reconsider. This must be documented in the case file. If the district staff determines that the individual is not able to make decisions on his/her own behalf, a referral must be made to the Protective Services for Adults Unit for an assessment to determine if legal intervention on behalf of the resident is appropriate. The enforcement action concerning the unlicensed operation of the home will continue to be pursued by the Department.
6. Provide Assessment and Placement Services to eligible residents of Department licensed adult care facilities, other than Family-type Homes for Adults, that are closing. Operators of adult care facilities are required by Section 485.5(j) of the Department's regulations to notify the Department at least 120 days prior to the anticipated closing with a written plan which includes how they will assist residents in locating and transferring to appropriate alternative settings. This plan may involve contacting local districts to obtain information about housing resources in the community, or for assistance in arranging appropriate assessments and placements.

When an adult care facility, other than a Family-type Home for Adults, is closing involuntarily because of an enforcement action, the Regional Office of the Division of Adult Services will coordinate with the local district when necessary to assure the provision of Assessment and Placement Services for eligible residents.

As indicated above, a situation may arise in which a resident of a facility which is about to close may refuse Assessment and Placement Services. In these cases the same standards that were described for family-type home residents apply. If the resident does not have the capacity to make decisions and there is no one else willing and able to assist the resident in a responsible manner, PSA must be provided, including the use of appropriate legal interventions, until the person is placed in an appropriate level of care.

C. Component C: Supervision of and Services to Residents in Family-type Homes

Local districts must provide supervision and services to eligible individuals residing in Family-type Homes, and who are in receipt of SSI or HR or whose income does not exceed 150% of the poverty level as reported by the United States Office of Management and Budget.

Individuals with physical or mental impairments who require personal care and/or supervision need consistent monitoring of their condition and supportive services if they are to be successfully maintained in the community. Local district oversight assures that residents are provided with reasonable opportunities to enjoy normal family life, to maintain ties with family and friends, to participate in community events and to lead as fulfilling a life as possible.

These services require regular contact between local district staff and the family-type home operator and residents. Services include:

1. Ensuring that the resident is adjusting to his or her new living arrangement and is being treated as a family member.
2. Informing residents of supportive services which are available to them from the district or other community agencies;
3. Evaluating through periodic reviews the resident's continued need for this level of care and the appropriateness of his current placement;
4. Providing or arranging for casework counseling services to assist resident with personal problems which the operator is unable to address;
5. Assessing the resident's need for financial management services and providing or arranging for those services, such as representative payee, in situations where there is a need and the Family-type Home operator is not capable or willing to perform this function. Guidelines for the provision of financial management services are set forth in 83 ADM-15.

Local districts must assure that sufficient contacts are made with the operator and residents to meet the specific service needs of all eligible residents. While some of these resident specific services may be provided during the semi-annual inspection visit to the Family-type Home, other services such as casework counseling and financial management services require that more frequent visits be made. If the district is providing casework counseling or financial management services, a services case must be opened since these activities require ongoing contact between caseworkers and clients. A record and description of the services provided to each eligible resident must be maintained in a case file and progress note recording requirements must be met, as discussed above. If the district provided Assessment and Placement Services to the resident, then the existing record for those services must be consolidated into one resident file. If the client was placed by another agency or individual, then a record must be initiated as soon as the district becomes aware of the eligible resident's placement into the home. Districts should encourage operators to notify them prior to, or as soon as a placement is made, so that timely notification can be given to obtain the appropriate SSI Level I or HR rate. Prior notification of pending placement would enable the districts to review the client's appropriateness for family-type home care and avoid the problem of having to relocate an inappropriately placed resident.

D. Component D: Supportive Services to Eligible Residents in other Long Term Residential Care Facilities:

The responsibility for ongoing services and supervision of residents of other facilities certified by the Department, the Department of Health, the Office of Mental Health and the Office of Mental Retardation and Developmental Disabilities rests with the facility. However, the local district may determine that in specific situations, it is necessary to provide services to residents of those facilities upon request from the facility, or because district staff wish to continue monitoring residents they have placed. For example, if districts receive referrals for financial management services for clients placed in these facilities they may decide to provide this service. In addition, the follow-up visits/contacts made on behalf of State charge clients in residential care facilities, as set forth in Section 313.2 of the Department's regulations, shall be provided as part of this Component of Residential Placement Services unless the client is in need of Protective Services for Adults.

If a district is providing supportive services to eligible individuals in other long term residential care facilities, as part of Component D of Residential Placement Services for Adults, then they must maintain an open Services case for that individual and provide the level of follow-up, including visits to the client, necessary to meet the individual's needs. As stated above, a record and description of the services provided must be maintained for each -client and progress note recording requirements must be met.

E. Linkage with Protective Services for Adults

As discussed previously in this directive, districts may have to provide PSA to residents in uncertified homes or Family-type Homes that are closing involuntarily. In general, services provided to residents in certified Family-type Homes will be provided under Residential Placement Services for Adults, as outlined in this directive. However, in some cases the Family-type Home operator will be unable to meet the needs of the resident or protect the resident from abuse or exploitation by family members or others outside of the home. A resident may require medical or psychiatric treatment or need a transfer to a higher level of care, but refuses to accept services. The operator and local district casework staff must try to convince the resident to accept services which will alleviate the potentially endangering situation. If the resident continues to be resistant and the risk to the resident remains, then a referral must be made to PSA for an assessment to determine if the resident has the capacity to understand the consequences of his actions and the ability to make decisions on his own behalf. If the assessment indicates that the resident is incapacitated, i.e. unable to make decisions resulting in an inability to meet his essential needs, or protect himself from harm, neglect or financial exploitation, a PSA case must be opened for that individual. In these cases, legal interventions, such as applying for conservatorship, committee, order of protection, involuntary mental health commitment, or STIPSO, may be necessary in accordance with Section 457.6 of the Department's regulations. All legal interventions must be provided as part of a PSA Services Plan.

In other cases, a legal intervention may not be required, however, a client may require financial management services such as protective or representative payee. If the client agrees to these services and there is no one else willing and able to provide them, they should be provided under Residential Placement Services. If a resident objects to anyone becoming his protective or representative payee, a PSA case must be opened to provide this service involuntarily unless someone else is willing and able to act in this capacity. Similarly, if a resident in another facility certified by the Department or in a facility certified by another agency is receiving financial management services from a district, they may be provided under Component D of Residential Placement Services if the client agrees to the service. If services are being provided involuntarily, a PSA case must be opened. As indicated above, all legal interventions on behalf of impaired adults must be pursued as part of a Protective Services for Adults services plan.

V. SYSTEMS IMPLICATIONS

Discussed below are the WMS reporting requirements for Residential Placement Services for Adults

A. Component A.

1. Staff time spent on the Program Development activities of Component A of Residential Placement Services for Adults shall be reported to the Social Services Reporting Requirements (SSRR) system under aggregate time reporting code HOME-07, Residential Placement Services for Adults homefinding. These activities include recruitment and assessment of new homes, processing of new applications and orientation of applicants, on-going technical assistance to certified operators, and community education.
2. Staff time spent on the Supervision activities of Component A shall be reported under Information and Referral, in accordance with existing reporting procedures until the new reporting codes for Residential Placement Services for Adults are implemented. These activities include inspection visits and related follow-up, reviewing waiver requests, processing recertification applications and participating in enforcement related activities.

B. Component B

Staff time spent on activities included under Component B Assessment and Placement Services, shall also be reported under Information and Referral, in accordance with existing reporting procedures until the new reporting codes are implemented, although a case record must be kept for each client receiving these services. The case record must include assessment and placement forms and other supportive information. However, if a district already has an open services case such as Adult Preventive (15) or Adult Protective (16A or 16B) for a client who is living in his own home and the district has determined that a residential placement is now needed, the case shall remain open as Protective or Preventive, and the hours reported accordingly until the person is placed and stabilized in an appropriate level of residential care. Likewise, if an assessment and placement of an individual is accomplished through a protective intervention, such as in the case of a person who refuses to leave an uncertified facility, the case must be opened as Protective Services for Adults (PSA) in accordance with the provisions of 87 ADM-31.

C. Component C

Districts must open a Services case for those residents in certified Family-type Homes who are in receipt of SSI or HR or have incomes which do not exceed 150% of the poverty level and are receiving financial management services or casework counseling services. Therefore, caseworker time spent on Component C, Supervision of and Services to Residents of Family Type Homes, must be reported in SSRR under direct service type code 07, Residential Placement Services for Adults, in accordance with existing reporting requirements unless Protective Services for Adults are necessary in accordance with Part 457 of the Department's regulations. In those situations, the reporting requirements set forth in 87 ADM-31 would apply.

Districts will be advised when WMS reflects the re-naming of the direct service type Foster Care for Adults to Residential Placement Services for Adults. In addition, WMS will be modified to identify two sub-service types of Component C: Casework Counseling and Financial Management Services. Districts will be notified when these service codes are available.

D. Component D

When a district provides Supportive Services under Component D to individuals residing in other long term care facilities they must open a Services case for that individual and report casework activity time in SSRR under direct service type 07, Residential Placement Services for Adults, except when protective interventions in those situations are warranted in accordance with Part 457 of the Department's regulations. In that situation, the reporting requirements set forth in 87 ADM-31 would apply.

WMS will be modified to identify two sub-service types of Component D: Support Services to Residents in Other Facility Settings and Financial Management Services for Residents in Other Facility Settings. Districts will be notified when the new codes are available.

E. In New York City a system must be established to collect data similar to that which is required from the other districts through WMS. Quarterly reports must be submitted to the Division of Adult Services on a prescribed form that includes the following:

1. a description of the nature and scope of Program Development activities under Component A.
2. statistics on the Supervision activities of Component A.
3. number of clients served under Assessment and Placement Services (Component B).
4. number of clients served under Component C.
5. number of clients served under Component D.

Reports from New York City will be due three months from the effective date of this directive and quarterly thereafter.

VI. ADDITIONAL INFORMATION

- A. For questions concerning Enforcement actions as described under Local District Supervision in Section IV.A.2.(c) of this directive or Assessment and Placement Services for residents of adult homes as described in Section IV.B.6, district staff should consult the following list and contact the appropriate Regional Office of the Division of Adult Services. All other programmatic questions regarding Residential Placement Services for Adults should be addressed to the district's Adult Services program representative as listed on the first page of this directive.

Eastern Regional Office

New York State Department of Social Services
 Division of Adult Services
 488 Broadway
 Albany, NY 12243
 (518) 432-2873

Albany	Dutchess	Jefferson	St. Lawrence
Broome	Essex	Lewis	Saratoga
Chenango	Franklin	Madison	Schenectady
Clinton	Fulton	Montgomery	Schoharie
Columbia	Greene	Oneida	Ulster
Cortland	Hamilton	Otsego	Warren
Delaware	Herkimer	Rensselaer	Washington

Long Island Regional Office

New York State Department of Social Services
 Division of Adult Services
 Drawer 61
 1 Old Country Road, Suite 480
 Carle Place, New York 11514
 (516) 294-9002

Nassau
 Suffolk
 Queens

Metropolitan Regional Office

New York State Department of Social Services
 Division of Adult Services
 80 Maiden Lane - 6th Floor
 New York, New York 10038

New York City (except Queens)
 Orange
 Putnam
 Rockland
 Sullivan
 Westchester

Date: June 5, 1989

Trans. No. 89 ADM-022 Page No. 17

Western Regional Office

New York State Department of Social Services
Division of Adult Services
297 Monroe Avenue
Rochester, New York 14607
(716) 238-8185

Allegany	Ontario
Cattaraugus	Orleans
Cayuga	Oswego
Chautauqua	Schuyler
Chemung	Seneca
Erie	Steuben
Genesee	Tioga
Livingston	Tompkins
Monroe	Wayne
Niagara	Wyoming
Onondaga	Yates

- B. Copies of the Residential Placement Assessment Form (DSS-4055) can be ordered from:

New York State Department of Social Services
Forms and Publications
40 North Pearl Street
Albany, NY 12243

VII. **EFFECTIVE DATE:** September 1, 1989


Judith Berek
Deputy Commissioner
Division of Adult Services

APPENDIX A

RESIDENTIAL PLACEMENT SERVICES FOR ADULTS

DEFINITION: Services include arranging for or providing assessment, placement, supervision or support of persons 18 years of age or older who are physically or mentally impaired, in appropriate residential care programs which are licensed or certified by a state agency; and activities to recruit, develop and supervise family-type homes for adults in accordance with the requirements listed below.

Component A:

Family-type Home for Adults Program Development and Supervision: This includes the recruitment, supervision and training of family-type home operators, the inspection of family-type homes for adults, and cooperation with the State Department of Social Services in certification and renewal actions, and in enforcement actions against Family-type Home operators or homes which are required to be certified as Family-type Homes for Adults.

Component B:

Assessment and Placement Services: This includes providing or arranging for the assessment and, where appropriate, the placement of adults eligible for, or receiving services provided by the local district into residential care programs certified by the Department or other State agencies. The districts shall assure that the persons are placed in facilities which provide the level of care which corresponds to the person's identified needs. Such services shall also include assisting persons requiring family-type home care to recognize their need for placement and to choose a home which is most suitable to their needs.

Component C:

Supervision of and Services to Residents in Family-type Homes: This includes the provision of services to and monitoring residents of family-type homes to assure that each resident adjusts to their new living arrangements; receives proper care; is provided with reasonable opportunities for enjoyment of normal family and community life; receives assistance with personal problems; receives other necessary supportive services which are available from the district or other community agencies; and determining through periodic reviews the continued appropriateness of and need for placement.

Component D:

Supportive Services to Residents in other Facilities: This includes the provision of follow-up visits and contacts to State-charge clients in residential care facilities as set forth in section 313.2 of Department regulations and the provision of other ongoing services, as determined necessary by the local social services district, to persons in facilities certified by the Department, the Department of Health, the Office of Mental Health and the Office of Mental Retardation and Developmental Disabilities.

Component A is a mandated local district responsibility without regard to whether the family-type home is caring for SSI, HR or private pay residents. Components B, C, and D are required to the extent that State reimbursement is available for persons in receipt of SSI or HR, or for persons whose income does not exceed 150% of the poverty level as reported by the United States Office of Management and Budget.

DSS-4055

As these forms have been updated since the issuance of this 89 ADM-022, the five pages of DSS-4055 have been omitted as an attachment here.

Please refer to 95INF-034 for the updated DSS-4055 forms.