



FOR IMMEDIATE RELEASE

HUMAN RIGHTS AUTHORITY METRO EAST REGION
HRA CASE # 15-070-9008
ADAPT OF ILLINOIS

INTRODUCTION

The Metro East Regional Human Rights Authority (HRA) has completed its investigation of complaints at Adapt of Illinois, a Community Supported Residential Program based in Belleville, Illinois that serves approximately 30 clients primarily in St. Clair County, Illinois. Adapt of Illinois receives patient referrals from Illinois state operated mental health facilities and provides consumer services with the goal of reducing the number of admissions to state operated mental health facilities. The allegation being investigated is that Adapt of Illinois, acting as representative payee, fails to provide adequate representative payee services when recipients are not provided adequate accountings and financial information. If substantiated, the allegation would be a violation of the Mental Health and Developmental Disabilities Code (405 ILCS 5/2-105), and the Social Security Administration's Code of Federal Regulations (20 C.F.R 416.665).

METHODOLOGY

To pursue the investigation, an HRA team interviewed Adapt of Illinois staff, obtained and reviewed records, case notes, masked records, agency policies, the Adapt of Illinois Community Support Program Consumer Handbook (which includes the complaint, grievance and appeals process) and interviewed the consumer and the guardian. A signed release of information was obtained from the guardian.

FINDINGS

In an interview, the consumer stated that staff of Adapt of Illinois failed to provide the consumer with monthly bank statements. The consumer, who has a guardian, was receiving Independent Living Support Services from Adapt of Illinois that assists adults to live independently in the community of his/her choice. These services incorporate training in life and independent living skills, case management, and referrals for needed services --- including education, vocational, mental health, substance abuse and health care. Services take place in the community and in the home of the consumer rather than in an office. Adapt of Illinois was assisting the consumer to obtain housing, and agreed to act as her representative payee when another agency could no longer do so. Adapt also acted as the consumer's representative payee from March 2014 until February 2015, at which time another community agency assumed the responsibility.

According to interviews with staff, each consumer (that Adapt acts as representative payee for) has his/her own, individual bank account. Direct deposit is utilized, when available, in order to reduce bank related fees to the consumer. Auto withdrawal is used for monthly bill payments when it is a feasible option. Case managers assist consumers with bill payment, monthly budgeting tasks, financial counseling and education. The case managers are trained using "A

Guide for Representative Payees” published by the Social Security Administration that oversees the Representative Payee program. Accounts are reconciled monthly by the assistant program director and quarterly by the program director. The assistant program director has check writing privileges and is on the account along with the consumer. The program director does not have check writing privileges and is unable to access the consumers’ accounts. A yearly audit is conducted by an outside auditing firm.

Adapt successfully assisted the consumer with obtaining housing, performed daily safety checks at the consumer’s residence, assisted with bill payment, and assisted the client with establishing and following a monthly budget. Adapt of Illinois stated that they were advised against providing the consumer with a copy of her bank statements by her guardian. Monthly bank statements were faxed to the guardian. After receiving notice of the complaint from the HRA, Adapt contacted the guardian and was advised that the consumer may have access to her account statements, but the account number must be masked to prevent the consumer from withdrawing all of her funds. This conversation was confirmed by the guardian.

Adapt stated that they then gave the consumer access to her bank statements as requested, with the account number masked.

According to the record, the consumer signed a Money Management Agreement on 4/15/2015 to allow the Community Support Director, and the Community Support Workers of the Adapt of Illinois Community Support Program to assist the consumer with managing money. The agreement was not signed by the guardian. The agreement stated that a practical and realistic budget would be made for her monthly income and that the consumer had the right to revoke the agreement at any time by giving written notice to the Adapt of Illinois Community Support Program. The Community Supported Residential Program Manual states, (page 103-38, 103-39) “upon admission, all consumers should meet with their primary support worker to establish a monthly budget.” All consumers should pay monthly rent to their respective landlords, and budget monthly food expenses, utilities, medical, and miscellaneous and personal spending/savings.

In November of 2014, Adapt of Illinois revised the Money Management Agreement to include the statement, “I understand that I have the right to look at my bank statements at any time.” The document text was also enlarged at that time. Adapt also now has a procedure in place that the consumers must sign any documents that are reviewed with the consumer and a support worker.

The HRA asked for copies of complaints from consumers utilizing the representative payee program through Adapt of Illinois and the program director and assistant director stated that there have been no complaints regarding the representative payee program. They have been providing this service for 10 years, with no complaints. The consumer in this case did not file a complaint with Adapt of Illinois. Adapt of Illinois acted proactively when they received notice of the complaint from the HRA and reviewed their policies and procedures regarding the representative payee program. The following changes were made; consumers are given the option to review their bank statements monthly and sign the bank statement upon review (November 2014).

MANDATES/REGULATIONS

According to the Mental Health and Developmental Disabilities Code (405 ILCS 5/2-105):

Sec. 2-105. A recipient of services may use his money as he chooses, unless he is a minor or prohibited from doing so under a court guardianship order. A recipient may deposit or cause to be deposited money in his name with a service provider or financial institution with the approval of the provider or financial institution. Money deposited with a service provider

shall not be retained by the service provider. Any earnings attributable to a recipient's money shall accrue to him.

Except where a recipient has given informed consent, no service provider nor any of its employees shall be made representative payee for his social security, pension, annuity, trust fund, or any other form of direct payment or assistance.

When a recipient is discharged from a service provider, all of his money, including earnings, shall be returned to him.

Federal Social Security Regulations (20 C.F.R 416.665) state the following:

How does your representative payee account for the use of benefits?

Your representative payee must account for the use of your benefits. We require written reports from your representative payee at least once a year (except for certain State institutions that participate in a separate onsite review program). We may verify how your representative payee used your benefits. Your representative payee should keep records of how benefits were used in order to make accounting reports and must make those records available upon our request. If your representative payee fails to provide an annual accounting of benefits or other required reports, we may require your payee to receive your benefits in person at the local Social Security field office or a United States Government facility that we designate serving the area in which you reside. The decision to have your representative payee receive your benefits in person may be based on a variety of reasons. Some of these reasons may include the payee's history of past performance or our past difficulty in contacting the payee. We may ask your representative payee to give us the following information:

- (a) Where you lived during the accounting period;*
- (b) Who made the decisions on how your benefits were spent or saved;*
- (c) How your benefit payments were used; and*
- (d) How much of your benefit payments were saved and how the savings were invested.*

[69 FR 60239, Oct. 7, 2004, as amended at 71 FR 61409, Oct. 18, 2006]

CONCLUSION

At the time the complaint was filed, the complaint was substantiated. Adapt proactively addressed the complaint, made changes in policies and reworded the Money Management Agreement to help consumers better understand their rights. Documentation of these changes was presented to the HRA during the site visit. No recommendations are being made at this time.

Adapt of Illinois has addressed the violations that were presented in this case in a satisfactory manner. The HRA respectfully acknowledges Adapt of Illinois for analyzing policies and procedures and making necessary changes in order to protect the rights of consumers.

RECOMMENDATIONS

No recommendations are being made at this time.

SUGGESTION

The HRA suggests that Adapt should ensure that documentation requiring a signature is signed by the Guardian, when appropriate.