

Exchange

“Protecting the Rights of Persons With Disabilities”

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MICHIGAN



PROTECTION & ADVOCACY
SERVICE, INC.

MPAS Ramps Up Representative Payee Program

On April 13, 2018 “*The Strengthening Protections for Social Security Beneficiaries Act of 2018*” was signed into law. One of the requirements of this law is to reinforce the monitoring of representative payees. This law allows all state Protection & Advocacy agencies to, conduct reviews, develop corrective action plans, Report to the Social Security Administration (SSA), and conduct assessments of fee-for-service (FFS) organizations.

This law allows reviews of individual (including family members) and organizational payees.

What is a Representative Payee?

A representative payee is a person or an organization SSA appoints to receive the Social Security or the Supplemental Security Income (SSI) benefits for anyone who can't manage or direct the management of his or her benefits.

Payees include both Individual and Organizational payees.

What is the Role of a Representative Payee?

A representative payee plays

a vital role in serving SSA beneficiaries. A representative payee decides how to spend benefits to help create a stable living environment for the beneficiary and ensure that the basic current needs of food, shelter, clothing, and medical care are met. Once current needs are met, the payee must save any leftover funds for the beneficiary's future use.

In late 2018, MPAS began conducting representative payee reviews as a result of the new act. These reviews involve an in-depth interview with the representative payee regarding their responsibilities and how beneficiaries' SSA benefit payments are managed. Some of the areas reviewed during a representative payee review include:

- Ensuring beneficiaries' current needs (food, clothing, shelter, medical expenses and personal items) are met.
- Using beneficiaries' benefits to meet their needs;
- Reporting to SSA any changes that may affect beneficiaries' benefits; and

- Retaining financial documentation (bank statements, ledgers, bills/statements, receipts, cancelled checks for 2 years.

Beneficiaries, legal guardians, or third parties are also interviewed during the representative payee review process to ensure beneficiaries know who their representative payee is, how their benefits are being managed, and that beneficiaries' current needs are being met.

Between the end of 2018 and 2019, the MPAS Representative Payee Team conducted 100 representative payee reviews. These reviews have had a large impact on the beneficiaries being served by their payee. Of the 100 reviews conducted MPAS:

- Interviewed 277 beneficiaries.
- Reviewed 685 beneficiary records.
- Interviewed 8 legal guardians.
- Interviewed 77 third parties.
- Identified 308 deficiencies.
- Submitted 43 Corrective Action Plans to SSA.

The total number of beneficiaries being served by the representative payees reviewed totaled 6,192.

Jail Task Force Releases Report

The Michigan Joint Task Force on Jail and Pretrial Incarceration released its final report on January 10. On average, over 16,000 people were in Michigan jails on any given day in 2016, and screenings suggest that 23 percent of those entering jail have a serious mental illness, with higher proportions among women and rural residents. The Task Force recommended improvements in the law and in state funding to increase use of deflection and diversion, and also recommended crisis response training for law enforcement and jail personnel.

State Reduces Waiting List for Competency Services

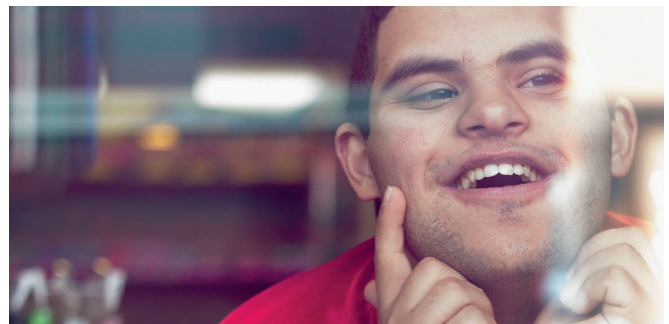
MPAS and other advocates have expressed concern about the long wait for services for individuals deemed “incompetent to stand trial” in criminal cases. Over the past two months, the waiting list has been reduced from over 400 days in some cases to less than 200. The Michigan Department of Health and Human Services (MDHHS) and advocates have set a target of 30 days for receiving such services.

MPAS Collaborates on Voting Rights Information

With the 2020 elections coming, access to voting for people with disabilities is critical. MPAS is working with the Bureau of Elections, Michigan State University, and the ACLU to develop voting access guides for individuals and polling place staff. MPAS is also working with “Rooted in Rights” to produce a video series on voting access and voter suppression.

State Proposes Changes in Community Mental Health Services

The Governor vetoed budget language that authorized private mental health pilot projects under the so-called “Section 298” program. In December, MDHHS proposed a new system with multiple “specialized integrated plans,” including a public option, a floor level of services, a public safety net, and other features. MPAS has signed on to an advocate’s letter expressing concerns about some of the plan’s features.



Did you know?

- MPAS posted 39 news items on its Facebook page last quarter, and also publishes a monthly electronic newsletter.
- MPAS completed its federal reporting early again this year, completing 16 Federal financial reports and 9 Federal program reports.
- MPAS contracted with KMotion in Grand Rapids and Michigan State University’s Usability/Accessibility Research and Consulting department to begin rebranding efforts that include a redesign of the website, with completion estimated in July.

Employment First Report Update Released

The Developmental Disabilities Network (MPAS, the state Developmental Disabilities Council, and the Michigan Developmental Disabilities Institute) released a report in January updating the information on progress made by Michigan adults with disabilities toward competitive, integrated employment. The report found some encouraging progress, as more people were competitively employed and fewer people were paid subminimum wages, but also found continued and significant disparities between the percentage of adults who want to work versus adults who are actually working or have work-related goals.

Employment Support Bills Introduced

State Representatives Hoadley and Marino introduced HB 5150 and HB 5151 to provide grants for employers who provide accommodations for people with disabilities at work. Funding for the grants would come from surplus state workers' compensation funds. The bipartisan bills have 24 co-sponsors and came from ideas developed in a workshop of Disability Network summer interns. MPAS Executive Director Michelle Roberts provided supportive testimony in the bills' initial committee hearing.

MDOC Accessibility Improvements Under Way

MPAS has conducted advocacy in the state prison system for improvements in physical and sensory accessibility. As a result, work has started on facility lifts and elevators in at least three correctional facilities, and a number of inmates have received new or repaired wheelchairs.



MPAS Files Education Complaint in Federal Court

In December 2019, MPAS filed a complaint in federal court on behalf of a 10-year-old student with a disability against the Michigan Department of Education (“MDE”). The student lives in a very small, very rural school district, which restricted him to a partial-day program in a resource room. At times, the district only provided an hour a day of services in-person, with little to no interaction with other students. This lack of appropriate educational supports and services and interaction with non-disabled students persisted for over three and a half years due to the student’s disabilities and the district’s limited resources. The complaint alleges that although MDE was on notice that the district could not provide the student a free appropriate public education, MDE:

- failed to appropriately supervise the district
- failed in its monitoring duties
- failed to provide the student with the necessary special education supports and services

These failures resulted in violations of the Individuals with Disabilities Education Act, American with Disabilities Act, Section 504 of the Rehabilitation Act, and Michigan’s special education laws. An answer to the Complaint is expected at the end of February.

Department of Education Releases Report on Special Education Outcomes

The Michigan Department of Education released its report on “The Path Forward,” responding to Michigan’s low rating in special education outcomes (academic achievement, dropout, graduation, and participation in assessments). The report makes several recommendations, including an enforceable “early warning system” for dropout prevention and changes in graduation standards, educator preparation, and other areas. MPAS staff served on the steering committee and report subcommittees.

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Michelle Roberts
Executive Director

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