

State agency ends energy \$\$ policy

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Mental Retardation followed suit, issuing a memorandum five days later instructing that the allowance should be split between SSI clients and their state-assigned community residence operators, private school operators or family-care providers.

Calling the state's policy "a classic sellout of the poor," an attorney for 12 Long Island adult-home residents sued the Social Services Department in state Supreme Court.

The attorney, John Castellano, argued that the allowance was strictly personal and could be used to purchase items like warm winter clothing or footwear for SSI recipients who were not directly responsible for fuel bills. The government should negotiate additional methods to alleviate hardships experienced by guardians because of spiraling energy costs, he said.

Castellano contended that the state's recommendation to split the allowance was not being carried out voluntarily but through coercion by guardians of clients incapable of defending for their rights.

Castellano's class-action suit, which could be applied to SSI recipients statewide, failed and now is under appeal. Social Services officials continue to uphold their policy, affecting about 16,000 adult-home residents.

Mental retardation officials, however, have retracted their initial policy, essentially conceding Castellano's analysis. The Office for Mental Health, a separate state agency, has joined mental retardation officials in the turnabout, for shared reasons.

"One thing is very certain," Litwak explained. "That money belongs to the resident unless there is a specific rea-

son for billing him for that money."

Ultimately, guardians' energy bills may be determined as the specific reason. The extent of the guardian's energy burden, however, will not be assumed, Litwak said. Guardians will have the opportunity to submit documentation that a mentally retarded client is causing their energy bills to rise, and they will be compensated commensurately, he said.

Meanwhile, OMRDD will recover the \$100 of each energy allowance already turned over to guardians. This will be done by withholding \$100 from regular SSI payments beginning next month.

The current rate of SSI payments is \$334 monthly, Litwak said. Of the total, \$38 is allotted directly to the mentally retarded person for such personal needs as clothing and transportation. The remainder is considered reimbursement for guardian services.

Each \$100 recovered will be deposited in a mentally retarded client's personal savings account, OMRDD officials said.

The revised policy was outlined in a Feb. 20 memorandum from Mental Retardation Commissioner James Introne. In the memo, Introne explained that guardians will be able to file at an unspecified future date for augmented government reimbursement due to increased energy costs.

Litwak yesterday said the procedure for filing evidence of increased energy costs has not yet been set up.

Community-bound guardians of mentally retarded persons affiliated with the Staten Island Developmental Center, Willowbrook, were informed of the changed state policy in a letter from the Willowbrook institution dated April 7. The number of SSI recipients associated with the institution was not available yesterday.

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