



## Monterey County Behavioral Health Policy and Procedure

<b>Policy Number</b>	432
<b>Policy Title</b>	Adult Services/Case Management Representative Payee Services Delegation Of Authority For Representative Payee Services
<b>References</b>	Monterey County Board Of Supervisors 20 CFR, Chapter Policy 433 ABH Representative Payee Services Eligibility Policy 434 Adult Services/Case Management Representative Payee Services Intake Procedures Public Administrator – Public Guardian – Conservator Division Memorandum Of 12/1/2006 (Attachment1) Monterey County Board Of Supervisors Resolution No. 82-43 (Attachment 2)
<b>Form</b>	None
<b>Effective</b>	October 1, 1991 Revised: May 20, 2003 Revised: April 1, 2009 Revised: July 1, 2010

### 1 Policy

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3 The Public Guardian Memorandum dated 12/1/2006 delegates to designated Adult Services staff the  
4 authority to take action on certain matters associated with the execution of representative Payee Services  
5 for adult behavioral health consumers served by the Adult Behavioral Health Division. The authority for that  
6 action is contained in the Social Security Act, Code of Federal Regulations (20 CFR, Chapter III), and the  
7 Social Security Administrations Program Operations Manual (Chapter 005, Subchapter 01 and 02).

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9 The basis of the above action is staff of the Adult Behavioral Health Division has the specific knowledge  
10 and experience to handle those matters for their adult behavioral health consumers, and the clerical and  
11 accounting staff of the Office of Public Guardian has the experience and knowledge to provide necessary  
12 support services. Also, by prior action, the Monterey County Board of Supervisors designated the  
13 Department of Health, acting through the Public Guardian, as the Public Representative Payee for  
14 Monterey County. Their action allows the delegation of authority to designated Adult

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16 Behavioral Health staff, as authorized by the Public Guardian, to take actions involved in the execution of  
17 Representative Payee functions for designated adult behavioral health consumers served by that program,  
18 provided the Public Guardian retain managerial responsibility over such actions.

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20 The staff of the Public Administrator – Public Guardian – Conservator Division and the Adult Behavioral  
21 Health Division's staff will work cooperatively to implement the duties and responsibilities of the

22 Representative Payee Service in accordance with established Public Guardian accounting practices and  
23 procedures, as identified in the 12/1/2006 Memorandum.

## 24 25 **Procedure**

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27 1. The Office of the Public Guardian (support staff) and the Adult Services Program staff of the Behavioral  
28 Health Division (designated tasks) will work cooperatively to successfully implement the responsibilities and  
29 services of the Representative Payee Services.

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31 a. The support staff of the Office of the Public Guardian will provide clerical and accounting support  
32 services in the execution of the Representative Payee.

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34 2. The Office of the Public Guardian will continue to exercise the delegated role as the Public  
35 Conservator/Guardian Investigator as well as the Public Representative Payee for all cases other than  
36 designated Adult Behavioral Health consumers who receive only Social Security benefits and are served by  
37 the Adult Behavioral Health Division.

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39 3. The Adult Behavioral Health Division is delegated to sign documents on behalf of the Department of  
40 Health and execute other duties as Representative Payee for adult BHD consumers who receive only  
41 SSA/SSI subject to the policies, procedures, and restrictions indicated below:

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43 a. Provide information to assist the Office of the Public Guardian complete the following:

44 1) Make applications and requests for benefits on behalf of consumers from the Social Security  
45 Administration, Monterey County Department of Social Services, and other comparable agencies and  
46 organizations.

47 2) Complete reports and other documents that must be submitted to agencies concerned in connection with  
48 benefits being requested or received by the designated Representative Payee consumer.

49 3) Make requests for Social Security numbers, Medi-Cal cards and the like.

50 4) Make applications for health insurance benefits on behalf of designated Representative clients.

51 5) Complete Social Security Administration reports for determining continuing eligibility for SSA/SSI  
52 benefits, and the annual Representative Payee Report.

53 6) Co-sign admission agreements with residential care facilities with designated Representative Payee  
54 consumers.

55 7) Disbursements over \$2,000 for any one transaction from accounts will be approved individually by the  
56 Behavioral Health Director or the Adult Services Behavioral Health Program Manager in his/her absence.  
57 In their absence the Chief Public Guardian or designee will approve such transactions.

58 8) Representative Payee Services staff shall not sign any other documents/agreements on behalf of  
59 consumers which will and/or could obligate the Department of Health or the individual employee for  
60 payment of any consumer obligations other than as outlined above. Examples of such unauthorized  
61 documents include but are not limited to the following:

62 a) Hospital and Skilled Nursing Facility admittance forms;

63 b) Authorization for medical treatment;

64 c) Agreements to purchase or lease with vendors and utility companies;

65 d) Rental agreements with landlords;

66 e) Contractual agreements;

67 f) Bed hold notices;

68 g) Any document which requires the employee to sign as a responsible party.

69 4. Representative Payee staff will comply with the State and Federal laws and regulations that apply to the  
70 Representative Payee Services.

71 5. Any unusual or abnormal circumstances which, in the judgment of staff, warrants the attention of  
72 management staff will be reported.

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74 6. The Adult Services Unit Supervisor and/or Program Manager will be consulted when questions or issues  
75 arise, and through them with the Chief of Public Guardian, to obtain any assistance or advice which may be  
76 useful to the performance of their responsibilities. That would include every instance of complaint, from any  
77 source whatsoever, concerning the administration of the Representative Payee Services.

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**COUNTY OF MONTEREY**  
**HEALTH DEPARTMENT**

**MEMORANDUM**  
**PUBLIC ADMINISTRATOR - PUBLIC GUARDIAN – CONSERVATOR DIVISION**

**DATE:** December 1, 2006  
**TO:** Staff, Adult Services Program  
Staff, Public Administrator/Guardian/Conservator Program  
**FROM:** Richard G. Bishop, Public Administrator/Public Guardian/Conservator  
**SUBJECT:** Delegation of Authority for Representative Payee Services

The purpose of this memorandum is to delegate to designated Adult Services staff the authority to take action on certain matters associated with the execution of Representative Payee Services for adult mental health clients served by the Behavioral Health Division’s Adult Services Program. The authority for this action is contained in the Social Security Act, Code of Federal Regulations (20 CFR, Chapter III), and the Social Security Administrations Program Operations Manual (Chapter 005, Subchapter 01 and 02).

The basis of this action is that the staff of the Adult Services Program have the specific knowledge and experience to handle these matters for their adult mental health clients, and that the clerical and accounting staff of the Office of Public Guardian have the experience and the knowledge to provide necessary support services. Also, by prior action, the Monterey County Board of Supervisors designated the Department of Health, acting through the Public Guardian, as the Public Representative Payee for Monterey County. Their action allows the delegation of authority to designated Behavioral Health Division Adult Services Staff, as authorized by the Public Guardian, to take actions involved in the execution of Representative Payee functions for designated adult mental health clients served by the Adult Services Program, provided that the Public Guardian shall retain managerial responsibility over such actions.

The staff of the Public Administrator - Public Guardian – Conservator Division and the staff of the Behavioral Health Division’s Adult Services Program will work cooperatively to implement the duties and responsibilities of the Representative Payee Services in accordance with established Public Guardian accounting practices and procedures.

In view of the foregoing, Adult Services Program staff, as authorized and designated by the Public Guardian, are delegated authority to sign documents and otherwise take action on behalf of mental health clients served by the Adult Services Program with regard to the following matters, subject to the policies and restrictions indicated below:

1. Provide information to assist the Office of the Public Guardian in completing the following responsibilities:

- 152 a. Make applications and requests for benefits from Social Security, Monterey County  
153 Department of Social Services and/or other comparable agencies and organizations  
154 on behalf of Representative Payee Clients.
- 155 b. Complete reports and other documents which must be submitted to the  
156 agency concerned in connection with benefits being requested or received  
157 by Representative Payee clients.
- 158 c. Make requests for Social Security, Medi-Cal, Medicare Cards, and the  
159 like.
- 160 d. Complete Social Security Administration reports determining continuing  
161 eligibility for SSA/SSI benefits and the annual Representative Payee  
162 report.
- 163 e. Information necessary to obtain birth certificates or documents which  
164 provide proof of legal residence as may be required by entitlement  
165 agencies.
- 166 f. Complete Department of Health Services Reports determining continuing  
167 eligibility for Medi-Cal benefits and the annual Redetermination report.
- 168 g. Other information as may from time to time be requested to apply for  
169 or maintain benefits.
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- 171 2. Co-sign admission agreements with residential care facilities with designated  
172 Representative Payee clients, subject to such conditions as may be specified by  
173 the Public Guardian.
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- 175 3. Disbursements over \$1,000.00 for any one transaction from accounts will be  
176 approved individually by the Public Guardian, or in his absence by his designee.
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- 178 4 Adult Services Program staff shall not sign any document or agreement on behalf  
179 of clients which would or could obligate the Health Department, the individual  
180 employee or the client for payment of any obligations other than as outlined above.  
181 Examples of such unauthorized documents include but are not limited to the  
182 following:
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- 184 a. Hospital and Skilled Nursing Facility admissions form  
185 b. Authorization for medical treatment.  
186 c. Agreements to purchase or lease with vendors and utility companies.  
187 d. Rental Agreements with landlords  
188 e. Bed hold notices  
189 f. Any document which requires the employee to sign as a responsible party.
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- 191 5. With respect to all matters involving Representative Payee services, the Adult Services  
192 Program staff shall report through their unit supervisors to the Public Guardian, and  
193 the Adult Services Program staff shall comply with all directives from the Public  
194 Guardian regarding the conduct of their Representative Payee duties.
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- 197 6. Except in those cases where immediate action is necessary or appropriate, the  
198 Public Guardian will coordinate in advance with the Adult Services Program Manager  
199 any directives he or she proposes to issue to Adult Services Program staff concerning

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the conduct of their Representative Payee duties. The Public Guardian and the Program Manager for Adult Services will consult with one another on a regular or as needed basis to ensure that the overall goal of client services are being met and that the Representative Payee services are being performed properly and efficiently by the Adult Services Program Staff.

In exercising the responsibility which is hereby delegated to you for the discharge of these responsibilities, the Adult Services Program staff shall adhere scrupulously to the State and Federal laws and regulations which may apply. In addition I charge you to bring to my personal attention, through your unit supervisors, every instance in which you discover any unusual or abnormal circumstance which, in your judgment, warrants the attention of myself and the management staff of the Behavioral Health Division.

Further, I encourage you to consult freely with the Adult Services Supervisors and myself to obtain any assistance or advice which may be useful in the performance of your responsibility as an assigned Representative Payee case manager.

In exercising the authority I am delegating, authorized Adult Services staff will sign documents as follows when performing Representative Payee case management duties:

Monterey County Health Department  
Representative Payee Services

By \_\_\_\_\_  
Signature

This memorandum of delegation of authority supersedes all previous delegation of authority correspondence and documents with regard to the Public Representative Payee Services for mental health clients served by the Adult Services Program of the Behavioral Health Division.

In order that this document may serve as authority for designated Adult Services Program Staff to act, please affix your signature on the attached page that has been provided for that purpose.

\_\_\_\_\_  
Richard G. Bishop  
Public Administrator/Public Guardian/Conservator

Before the Board of Supervisors in and \_\_\_\_\_ the  
County of Monterey, State of California

RESOLUTION NO. 82-43

Authorization for Public                    )  
Guardian to Act as                            )  
Representative and Substitute                )  
Payee; County Operating                     )  
Budget Amended . . . . . )

WHEREAS, there are residents of Monterey County who are recipients of income and benefits from the Social Security Administration, Veterans Administration, from public and private retirement systems and from private and public agencies, who are incapable of applying for such income and benefits, or incapable of properly managing such income payments to their own best advantage, or who are denied the payment of such income and benefits because of mental and/or physical disability; and

WHEREAS, the Office of the Public Guardian by reason of experience is qualified to apply for, receive and manage such income and benefits for such persons; and

WHEREAS, the Office of the Public Guardian is contained within the Health Department of Monterey County; and

WHEREAS, it is found and deemed necessary to meet the social needs of these physically and/or mentally handicapped persons; and

WHEREAS, it is deemed desirable not to unnecessarily duplicate functions within different Monterey County departments;

NOW, THEREFORE, BE IT RESOLVED that pursuant to the authority granted by Government Code Section 26227:

1. The Health Department of Monterey County, through the Office of Public Guardian, is authorized to apply for, receive, manage and disburse income and benefits from the Social Security Administration, Veterans Administration, from any public or private retirement system and from any other private or public agency to which any resident of Monterey County is entitled, but which are withheld and not paid by such agencies because of a determination by such agencies that the person concerned is not mentally or physically capable of handling such funds, or are not obtained by such person because of mental or physical disability. The Health

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Department is further authorized to disburse such benefits and income for the care and maintenance of such persons in such manner as in the professional judgment of the Public Guardian is in the best interests of the person. The Office of the Public Guardian is authorized to make such reasonable charges for its services and collect such fees as may be allowed by the agencies disbursing the income and benefits, or by the Court. The Health Department is also authorized to receive for administration for the persons referred to above, such income and benefits which have been previously received by some other person or office from the public and private agencies described in this resolution; and further, is authorized to take possession of and use for the benefit of such persons, money in their possession or control, if authorized by such persons. In acting under the authority of this resolution, the Health Department may exercise appropriate professional judgment and discretion in accepting such cases, so as to remain within the capacity of the Office of the Public Guardian to properly administer such cases.

2. The FY 1981-82 County Operating Budget Unit 415 - Mental Health is amended to add one (1) Account Clerk position.

Upon motion of Supervisor Petrovic, seconded by Supervisor Shipnuck, the foregoing resolution is hereby adopted this 19th day of January, 1982, by the following vote:

- AYES: Supervisors Shipnuck, Petrovic and Peters.
- NOES: None.
- ABSENT: Supervisors Del Piero and Moore.

I, ERNEST A. MAGGINI, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page 47 of Minute Book 47, Jan. 19, 1982.

Dated: Jan. 19, 1982

*to  
Pu Health  
Admin*

ERNEST A. MAGGINI, County Clerk and ex-officio Clerk of the Board of Supervisors, County of Monterey, State of California.

By Nancy Lokenhill Deputy.