

human  
development  
services

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Administration on Developmental Disabilities

1. Log No. ADD-PI-84-4

2. Issuance Date: 11/9/84

3. Originating Office: Administration on Developmental  
Disabilities

4. Key Word: Assurances/P&A

5.

6.

7.

PROGRAM INSTRUCTION

TO : Directors, State Protection and Advocacy Agencies

SUBJECT : New Assurances Required From States for Protection  
and Advocacy Systems - FY 1985 Instructions and  
Allotments to States.

LEGAL AND  
RELATED

REFERENCES : Public Law 98-527, Developmental Disabilities Act  
of 1984

45 CFR Part 1386, dated March 27, 1984

CONTENT : Public Law 98-527 was signed October 19, 1984 and  
went into effect on the date of enactment. Among  
the new requirements were five provisions that  
require State action.

This instruction provides guidance to States  
relative to the new requirements imposed in  
Section 142 of the Act. This interim guidance is  
being provided in order to minimize any disruption  
in the operation of the Protection and Advocacy  
Program due to the implementation of these changes  
in the Act.

INSTRUCTION : States are advised that all requirements referred  
to in this guidance are in effect as of October  
19, 1984 (enactment date of Public Law 98-527).  
States are required to submit the assurances  
listed below. These assurances must be signed by  
the Governor or other State official empowered to  
provide such assurances for the State and  
submitted to the appropriate Regional Office not  
later than March 15, 1985. A Regional Office  
listing is attached for your information. Third  
and fourth quarter formula grant awards will not  
be issued to any State which has not submitted the  
following assurances:

- 1) Assurance that the Protection and Advocacy Agency has the authority to provide information on and referral to programs and services addressing the needs of persons with developmental disabilities. (Section 142(a)(2)(A))
- 2) Assurance that the Protection and Advocacy System is able to obtain access to records of a person with developmental disabilities who resides in a facility for persons with developmental disabilities if: a) a complaint has been received by the system from or on behalf of such person; and b) such person does not have a legal guardian or the State or the designee of the State is the legal guardian of such person. (Section 142(a)(2)(D)(i) and (ii))

The assurance above does not apply prior to October 1, 1986 to any State in which the laws of the State prohibit the Protection and Advocacy System from obtaining access to the records of a person with developmental disabilities under the conditions described in the assurance.

- 3) Assurance that the funds allotted to the State for the Protection and Advocacy Program will be used to supplement and increase the level of funds which would otherwise be made available for the purposes for which Federal funds are provided and not to supplant such non-Federal funds. (Section 142(a)(3))
- 4) Assurance that the Protection and Advocacy Agency will be provided with a copy of each annual survey report and plan of corrections for cited deficiencies made pursuant to Section 1902(a)(31)(B) of the Social Security Act with respect to any intermediate care facility for the mentally retarded in the State within 30 days after the completion of each such report or plan. (Section 142(a)(4))

- 5) Assurance that the Protection and Advocacy Agency implementing the system will not be redesignated unless there is good cause for the redesignation and unless notice has been given of the intention to make such redesignation to persons with developmental disabilities or their representatives.  
(Section 142(a)(5))

If the mentioned assurances are not received by March 15, 1985, we will assume that there is non-compliance with the Act and the State will be subject to disallowance of expenditures in Fiscal Year 1985. Furthermore, if the State fails to implement the actions required by the Act and described in the assurances, the State will also be subject to disallowances of Fiscal Year 1985 expenditures.

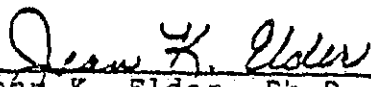
The assurances described in this Program Instruction are in addition to all the other assurances and requirements of Public Law 98-527.

ATTACHMENT : List of HDS Regional Offices for the Developmental Disabilities Program.

Federal Allotments to States for Developmental Disabilities, Fiscal Year 1985

EFFECTIVE  
DATE : Date of Issuance

INQUIRIES TO : Regional Administrators, HDS, Regions III, VI, VIII, IX.

  
\_\_\_\_\_  
Jean K. Elder, Ph.D.  
Commissioner  
Administration on Developmental  
Disabilities

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE OF HUMAN DEVELOPMENT SERVICES  
ADMINISTRATION ON DEVELOPMENTAL DISABILITIES  
REGIONAL OFFICES

EASTERN REGION

States : Connecticut, Delaware, District of Columbia, Maine,  
Massachusetts, New Hampshire, New Jersey, New York,  
Pennsylvania, Puerto Rico, Rhode Island, Vermont,  
Virgin Islands, Virginia, West Virginia

Contact: Eileen Bradley  
Regional Administrator, OHDS, Region III  
Post Office Box 13716  
3535 Market Street  
Philadelphia, Pennsylvania 19101  
Commercial (215) 596-6818  
FTS (8) 596-0351

SOUTHERN REGION

States : Alabama, Arkansas, Florida, Georgia, Kentucky,  
Louisiana, Mississippi, New Mexico, North Carolina,  
Oklahoma, South Carolina, Tennessee, Texas

Contact: William Acosta  
Regional Administrator, OHDS, Region VI  
1200 Main Tower Building  
Dallas, Texas 75202  
Commercial (214) 767-4540  
FTS (8) 729-4540

MIDWESTERN REGION

States : Colorado, Illinois, Indiana, Iowa, Kansas,  
Michigan, Missouri, Montana, Nebraska, North  
Dakota, Ohio, South Dakota, Utah, Wisconsin,  
Wyoming

Contact: Linda Carson  
Regional Administrator, OHDS, Region VII  
601 East 12th Street  
Room 384  
Kansas City, Missouri 64106  
Commercial (816) 374-3981  
FTS (8) 758-3981

WESTERN REGION

States : Alaska, Arizona, California, Guam, Hawaii, Idaho,  
Nevada, Northern Mariana Islands, Oregon, American  
Samoa, Trust Territory of the Pacific Islands,  
Washington

Contact: Lucy Ellison  
Regional Administrator, OHDS, Region IX  
50 United Nations Plaza  
San Francisco, California 94102  
Commercial (415) 556-4027  
FTS (8) 556-4027

CORRECTED November 14, 1984

FEDERAL ALLOTMENTS TO STATES FOR DEVELOPMENTAL DISABILITIES  
FISCAL YEAR 1985

	<u>BASIC SERVICES</u>	<u>PROTECTION &amp; ADVOCACY</u>
Alabama	\$ 1,023,954	\$ 245,202
Alaska	300,000	150,000
Arizona	516,693	150,000
Arkansas	589,942	150,000
California	3,895,087	933,918
Colorado	464,807	150,000
Connecticut	535,785	150,000
Delaware	300,000	150,000
District of Columbia	300,000	150,000
Florida	1,882,240	451,210
Georgia	1,253,436	300,307
Hawaii	300,000	150,000
Idaho	300,000	150,000
Illinois	2,038,121	488,207
Indiana	1,158,886	277,602
Iowa	610,316	154,696
Kansas	444,661	150,000
Kentucky	960,245	229,883
Louisiana	960,424	230,003
Maine	300,000	150,000
Maryland	729,189	174,725
Massachusetts	1,086,087	260,098
Michigan	1,835,905	439,636
Minnesota	793,857	190,165
Mississippi	716,651	171,652
Missouri	1,064,448	254,952
Montana	300,000	150,000
Nebraska	322,749	150,000
Nevada	300,000	150,000
New Hampshire	300,000	150,000
New Jersey	1,275,808	305,552
New Mexico	312,923	150,000
New York	3,404,585	815,074
North Carolina	1,445,393	346,203
North Dakota	300,000	150,000

CORRECTED November 14, 1984

-2-

	<u>BASIC SERVICES</u>	<u>PROTECTION &amp; ADVOCACY</u>
Ohio	\$ 2,230,294	\$ 534,116
Oklahoma	617,553	150,000
Oregon	499,569	150,000
Pennsylvania	2,519,301	603,155
Rhode Island	300,000	150,000
South Carolina	798,108	191,207
South Dakota	300,000	150,000
Tennessee	1,134,058	271,640
Texas	2,699,501	647,023
Utah	351,024	150,000
Vermont	300,000	150,000
Virginia	1,076,325	257,830
Washington	719,502	175,302
West Virginia	578,203	161,912
Wisconsin	986,659	236,285
Wyoming	300,000	150,000
Puerto Rico	1,680,064	402,445
American Samoa	160,000	80,000
Guam	160,000	80,000
No. Mariana Islands	160,000	80,000
Trust Terr. Pacif. Is.	197,701	80,000
Virgin Islands	160,000	80,000
TOTAL	\$50,250,000	\$13,750,000