
OFFICE OF GOVERNOR RONNIE MUSGROVE
INTEROFFICE MEMORANDUM

TO: GOVERNOR
FROM: RILEY
SUBJECT: BECKY FLOYD'S LETTER REGARDING REDESIGNATION OF CAP PROGRAM
ADMINISTRATION
DATE 7/24/00
CC: BUTTROSS
BOYD
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MADER
SIMMONS
TELL

Becky Floyd, Executive Director of Mississippi Protection and Advocacy System, Inc., wrote you on July 12 concerning the proposed redesignation of Mississippi's Client Assistance Program administration from Easter Seals Mississippi to Mississippi Society for Disabilities. As discussed in earlier memos on this matter, the organization known as "Easter Seals MS" will no longer bear that name as of August 10 because it will no longer be affiliated with the National Easter Seal Society. Because Easter Seal MS has been contracted by this office to administer the \$111,000 federal Client Assistance Program (CAP) grant, you must redesignate the administration of the program. Mississippi's CAP is a 100% federally funded statewide advocacy program. This CAP grant must be in operation in order for the Department of Rehabilitation Services to receive their federal funding which comprises approximately 80% of their total budget.

We sent the required letters of notification of the proposed redesignation to Easter Seals, the State Rehabilitation Advisory Council, the State Independent Living Council. We also sent letters to the Department of Rehabilitation Services (MDRS) and Mississippi Protection and Advocacy. We have published the required legal notice of the public hearings to be held this Thursday, July 27, and next Wednesday, August 2, in order to provide the public with the opportunity to comment on the proposed redesignation.

We have received letters of support of the proposed redesignation from Butch McMillan, Executive Director of MDRS; Lisa Avra, Executive Director/CEO of Easter Seals Mississippi; and, Jack Virden, Chair of the State Independent Living Council.

Ms. Floyd's concerns are discussed below:

Protection and Advocacy was not consulted concerning this redesignation: Protection and Advocacy is not one of the groups required to receive written notice of the proposed redesignation. However, we sent Protection and Advocacy such notice on June 28. Ms.

Floyd contacted Jayne Buttross on June 11 complaining that this was a done deal and that she had not been contacted. Jayne requested that she pull the federal regulations and then contact me. Ms. Floyd did contact me on the same day and said that, after reading the entire letter, she understood that the notice was of the proposed redesignation. I explained that we sent her the letter in order to obtain her comments and also informed her of the public hearings, which she plans to attend.

Mississippi Society for Disabilities has already been selected. CFR Section 370.11 (a) (1) requires the legal notice to include the name of the agency the Governor proposes to administer the CAP. Our legal notice of the public hearings and our written notice to the specified agencies stated that you propose to redesignate administration of the CAP grant to Mississippi Society for Disabilities. In addition, I discussed our proposed timeline with Doug Lawton of the Rehabilitation Services Administration on June 27 and he said that it was fine.

Easter Seals Mississippi/Mississippi Society for Disabilities is not independent of an agency that provides treatment, services or rehabilitation to disabled persons under the Act. CFR Section 370.2 does provide that the Governor designate an agency that is independent of any agency that provides treatment, services or rehabilitation to individuals under the Act. I spoke to Diane McQuen and Greg Paul of the Rehabilitation Services Administration in Atlanta this morning and neither think that the contractual arrangement presented by Protection and Advocacy would violate the federal regulations. McQuen pointed out that Easter Seals has handled the sale of aids and appliances to MDRS just as the Mississippi Society for Disabilities would and there has never been a problem. McQuen is confirming this with her legal staff.

The CAP under Easter Seals Mississippi does not have access to an attorney so as to be able to provide legal remedies for clients. Easter Seal's Annual CAP Report for fiscal year 1998-1999 reflects a line item in its budget of \$1,790 in 1998-99 and \$1,800 in 1999-2000 for legal services. According to Presley Posey, CAP Director, Easter Seals has always been able to provide legal resources to CAP clients in need of such services.

Ms. Floyd concluded her letter by pointing out that 32 of the 50 CAP programs are administered by Protection and Advocacy organizations. Ms. Floyd feels that Protection and Advocacy is a program with similar goals and objectives to those of the CAP and that Protection and Advocacy can ensure legal remedies for clients.