

MEMORANDUM

DATE: October 1, 2013

TO: Benjamin Barnes, Secretary, OPM

FROM: James McGaughey, Executive Director, OPA

SUBJECT: Impact of Federal Shut Down on OPA

OPA receives federal funds through eight discrete Protection and Advocacy (P&A) formula grants, as well as through the Legal Services and Adult Protective Services categories of the State's Social Services Block Grant. Collectively, these funds support 13 positions within our Office, as well as several subcontracts for advocacy and legal services.

The federal agencies that administer the P&A programs have indicated that they will not be staffed during the period of the shut-down. However, they have all indicated that grantees will be able to access established mechanisms to electronically draw-down funds that have already been awarded (e.g. funds that are carried over from the previous grant period). After conferring with the DAS Business Office, I am advised that, with one exception, sufficient carry-over funds exist in each of the P&A formula grant programs to fund current operations for at least the next several months.

The one exception is the Protection and Advocacy for Individuals with Mental Illness (PAIMI) program, which funds one of our busiest, most in-demand advocacy and safeguarding services. The PAIMI grant supports positions for two full-time Human Services Advocate, a FTE Secretary II (actually split 80/20 between two individuals) and 10% of two attorney positions. In addition, certain minimal costs associated with operations of our PAIMI Advisory Council are charged to the PAIMI account. The account ended FFY 2013 with almost no funds left to carry forward into the current year.

While the federal agencies that administer P&A grants may be able to suspend operations for a brief period of time, the ground level P&A programs supported by those grants are another matter. Across the country, P&A programs (most of which are operated by non-profit agencies) are being urged to utilize reserves and access lines of credit in order to ensure continuity. This is especially critical for the PAIMI programs, as they must respond quickly to new requests for representation and investigation (most of which originate from institutional settings), while also meeting deadlines for hearings and

consumer and family grievance proceedings on behalf of individuals we have already committed to represent.

In developing a plan for coping with this unfortunate shut down, we are attempting to balance between a need to fulfill commitments and minimize disruption for our clients and, at the same time, an equally compelling need to acknowledge the very real financial uncertainties inherent in the situation. Based on previous experience with similar uncertainties, it would seem the most prudent course is to maintain our current operations, including the PAIMI program, for at least the next several weeks, in anticipation that this crisis will be resolved and full funding restored. However, during this period we will avoid taking on cases that require long-term commitments of staff time and resources. In the event the shut-down continues beyond mid-October, we will need to reassess staff assignments.

If there are any questions about our situation, please feel free to contact me.