

Howard Mizel

2331 Pristine View Rd, Charleston, SC 29414

(843) 763-3210

March 16, 2016

Mr. John Magill, Director
South Carolina Dep't of Mental Health
2414 Bull Street
Columbia, SC 29202

Dear Mr. Magill:

I am the Power of Attorney for Mr. Ralph Whitehill, who currently resides in the Veterans Victory House in Walterboro, SC. Mr. Whitehill is disabled due to experiencing two strokes and having dementia. Because of his limitations, I manage all of his affairs as well as being his patient advocate.

I recently received an undated flyer from you (see Attachment #1) announcing that SCDMH will automatically make itself "representative payee" and will unilaterally abscond with Mr. Whitehill's Social Security and/or Veterans Administration benefits under certain conditions:

- [1] "...if the resident is not able to act on his/her own behalf as such."
- [2] "...a balance that becomes 30 days delinquent"

Please be advised that, as a state agency, you **CANNOT** and you will **NOT** seize Mr. Whitehill's federal benefits under any conditions or under any circumstances.

You are hereby notified that I do **NOT** authorize you and further **FORBID** you and/or SCDMH from taking any such action against Mr. Whitehill's federal benefits and/or any other assets or accounts under his name without a court order.

Mr. Whitehill is neither mentally nor competently able "to act on his/her own behalf," which is why I manage all of his affairs. According to your demands, solely by item #1 above, you can and will automatically and instantly empower yourself to seize his funds according to some self righteous and self empowering concept.

Additionally, solely by item #2 above, if:

- The post office loses or delays your mail, as had happened in the past (see attachments #2 & #3), or
- I go on vacation or am hospitalized thereby causing a delay in his payment, or
- There is identity theft, a banking breach of security or bank fraud, thereby causing payment delays from his effected accounts,

then you will automatically and instantly empower yourself to seize his funds according to the same self righteous concept.

While you may personally or departmentally provide for an extension of the Veteran's payment due, your flyer's stipulations absolutely and unequivocally do not provide for this.

Since Mr. Whitehill's March 2009 admission into the Victory House, I have diligently seen to it that Mr. Whitehill's accounts are always paid in a timely manner. But I am outraged that this state government agency will impose such dictatorship style of operation without an opportunity for review or oversight. Additionally, you have no published procedures in place for:

- A. Dispute protocols so that patient's funds are not seized
- B. Providing for named special circumstances
- C. Reviewing of special circumstances, or
- D. Providing proper time for resolution depending upon those circumstances.

You will simply take what you want and when you want it. Well, I say **NO!**

I do recognize that you apparently have a problem of past due accounts. It is sad to bear witness to such irresponsibility when it comes to honoring (family's or friend's) financial obligations for a seriously disabled Veteran who requires the facility and care of a nursing home.

However, as I see it, the above does not grant you the right to automatically and unilaterally seize the Veteran's federal benefits according to wind conditions and mood swings.

Do **NOT** bully the Veterans!
Do **NOT** bully the disabled!
Do **NOT** bully the disabled Veterans!

I look forward to the retraction of your flyer until different and well thought out procedures can be arrived at and published. I also look forward to your reply.

Sincerely,



Howard Mizel, POA
For Ralph Whitehill

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- ATTACHMENTS:**
1. Undated flyer by SCDMH for "Representative Payee"
 2. SCDMH's reply to my 5/28/2014 letter acknowledging USPS delays
 3. SCDMH flyer (with your 7/10/2014 invoice) acknowledging USPS delays

P.S.

It is my recommendation that all written communications from SCDMH and the Victory House be dated. That includes flyers, bulletins and announcements. It is simply a sound basic business practice.

RECEIVED
FEB 2016

FROM VICTORY HOUSE



2414 Bull Street
Columbia, SC 29202
Information: (803) 898-8581

John H. Magill
State Director of Mental Health
(803) 898-8319

IMPORTANT NOTICE

- • Effective February 1, 2016, the South Carolina Department of Mental Health will submit an application to become representative payee of Social Security, Veterans Administration benefits, etc., if the resident is not able to act on his/her own behalf as such.**

- • If any resident has a balance that becomes 30 days delinquent, then application will also be submitted for representative payee.**

- If there are any questions, please feel free to contact the South Carolina Department of Mental Health, Reimbursement Office, at the following phone numbers:**

**Main Line
803/898-8405**

**Brandie Crider
803/898-0084**

**Kathy Bleakley
803/898-8440**

**Fred Jones
803/898-8523**

ATTACHMENT #2

Response to my letter of 5/28/2014



*State of South Carolina
Department of Mental Health*

MENTAL HEALTH COMMISSION:

Alison Y. Evans, PsyD, Chair
Joan Moore, Vice Chair
Beverly Cardwell
Jane B. Jones
Everard Rutledge, PhD
J. Buxton Terry
Sharon L. Wilson

2414 Bull Street • P.O. Box 485
Columbia, SC 29202
Information: (803) 898-8581

John H. Magill
State Director of Mental Health

June 5, 2014

Mr. Howard Mizel
2331 Pristine View Rd.
Charleston, South Carolina 29414

Re: Ralph Whitehill # 10178754

Dear Mr. Mizel:

Your recent correspondence has been referred to my division for review and response.

Regarding your concerns which include timely posting of payments, if a payment is rendered at the Cashier's Office at the Veterans Victory House, a VVH staff member in turn, mails payment to the Business Office in Columbia, South Carolina, for posting to the resident's account. Payment is posted within 24 hours of receipt from the facility. Payments mailed to the S.C. Department of Mental Health, Post Office Box 485, Columbia, South Carolina 29202, are posted within a 24 hour time period, upon receipt.

The SCDMH Central Office has experienced timely delivery issues with the U.S. Postal Service for the past 8 – 10 months. It is our understanding several Mail Processing Centers have been closed, causing mail to be diverted thru various other facilities. Unfortunately, this situation is beyond our agency's control. Other family members have expressed your same concern. We are not offering this as an excuse, but as a matter of information.

The attached documents will show that your payment of \$1,077.39, check # 1309, was received in our Business Office on 10/15/13. The General Receipt totaling \$6,044.74, of which a copy is provided, indicates your individual payment was included within the batch that consisted of payments for other residents as well, all of which were posted on 10/15/13. Likewise, your payment of \$1,098.50, check # 1335, was received in our Business Office on 5/20/14. The General Receipt totaling \$13,899.58 indicates your individual payment of \$1,098.50 was included within this batch. The Client Summary Ledger included specifies all payments and posting dates as of 6/2/14.

We apologize if our letter caused you concern, as that was not our intent. We implemented sending out follow-up letters as recourse to the delayed U. S. Postal Service delivery issues and subsequent later than expected posting of payments. We appreciate your willingness to care for Mr. Whitehill's personal and financial responsibilities. Should you have further questions, please do not hesitate to contact me at (803) 898-8405.

Sincerely,

Tracy L. Turner
Director of Reimbursement
Division of Financial Services

MISSION STATEMENT

To support the recovery of people with mental illnesses.



ATTACHMENT #3

REC'D w/ 7/10/2014 Bill

IMPORTANT NOTICE:

- Due to issues beyond our control with the U.S. Postal Service we are requesting all payments be sent directly to the following address:

SC Department of Mental Health

2414 Bull Street

Columbia, SC 29201 - 1906

- We now accept all major credit cards for payments Call our business office at 803-898-8471 and they will gladly accept your payment via telephone.

