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Summary of Proceedings – March 15, 2012
Most Integrated Setting Coordinating Council
Empire State Plaza, Meeting Room 6

Agency Members

Commission on Quality of Care and Advocacy for Persons with Disabilities
Department of Health
Department of Transportation
Homes and Community Renewal
Office for the Aging
Office For People With Developmental Disabilities
Office of Alcoholism and Substance Abuse Services
Office of Children and Family Services
Office of Mental Health
State Education Department

Ex-officio

Department of Labor
Developmental Disabilities Planning Council
Office of Temporary and Disability Assistance

Public Members

Bruce Darling
Center for Disability Rights, Inc.
Patricia L. Fratangelo,
Onondaga Community Living
Kimberly T. Hill,
NYS Assembly Task Force on People with Disabilities
Lisa Holmes,
Tompkins County Office for the Aging
Constance Laymon,
Consumer Directed Choices
Dr. Karen Oates,
Mental Health Association of Rockland County
Carol Raphael,
Visiting Nurse Service of New York
Harvey Rosenthal,
New York Association of Psychiatric Rehabilitation Services

Members

Courtney Burke, Chair	OPWDD
Mark Kissinger	DOH
Greg Olsen	NYSOFA
Lisa Irizarry	HCR
Kathleen Caggiano-Siino	OASAS
John Allen	OMH
Roger Bearden	CQC-APD
Nancy White Martinez	OCFS
Kevin Smith	SED
Stanley Gee	DOT

Ex Officio Members

Elizabeth Berlin	OTDA
Sheila Carey	DDPC
Colleen Gardner	DOL

Public Members

Kimberly T. Hill	NYS Assembly Taskforce
Bruce Darling	Center for Disability Rights
Patricia Fratangelo	Onondaga Community Living
Constance Laymon	Consumer Directed Choices
Chacku Mathai	NYAPRS

Welcome and Introductions

- Commissioner Burke welcomed everyone in attendance and introduced Bruce Darling from the Center for Disability Rights, the most recent legislative appointee to the MISCC.
- Commissioner Burke acknowledged the work of advocates over the last ten years to get the MISCC to created an Olmstead Plan. She highlighted Governor Cuomo’s State of the State speech and his commitment to developing a comprehensive Olmstead Plan for NYS.

- Commissioner Burke also reviewed the agenda for the meeting which focused on the role of MISCC in providing recommendations to the Governor on the components of the Olmstead Plan and a process for public engagement.

Olmstead Background

Roger Bearden from the CQCAPD provided attendees with a general overview of the Olmstead decision, federal guidance, and the actions taken by other states.

In *Olmstead v. LC*, the Supreme Court ruled that it was a violation of the Title II of the ADA to keep people with disabilities in institutional settings when their needs can be met in the community. The ADA requires public entities to serve individuals with disabilities in the least restrictive setting and each state is required to have an Olmstead plan.

In June 2011, the Department of Justice (DOJ) issued guidance to all the states on what constitutes a comprehensive Olmstead Plan. Olmstead Plans must contain the following four components:

- 1) An analysis of the extent to which services are provided in the most integrated settings,
- 2) Concrete and reliable commitments to expand integrated opportunities,
- 3) Specific and reasonable timeframe and measureable goals, and
- 4) Funding to support the plan.

DOJ has not specified which type of services or activities should be included in the plan, however; state commitments should cover each group of persons who are unnecessarily segregated, such as individual in “facilities for people with developmental disabilities, psychiatric hospitals, nursing homes and board and care homes, or individuals spending their days in sheltered workshops or segregated day programs.”

Recommendations for the NYS Olmstead Plan

Commissioner Burke thanked Roger Bearden for his overview and asked the MISCC membership for recommendations that could be made to the Governor. Feedback was requested on areas of focus in addition to housing, employment and transportation. Possible suggestions included assessment or transition and diversion and livable communities.

MISCC members provided the following feedback:

- At its core the Olmstead Plan needs to improve systems that can support people in the community.
- For the Olmstead plan development process, MISCC could follow a similar process as the Medicaid Redesign Team (MRT). There could be committees on employment, housing, transportation, etc., used to create portions of the plan. It is important that all public suggestions are considered.
- NYS and other stakeholders involved should first review the legislation that created the MISCC. The legislation highlights some areas that could be included in the Olmstead Plan.
- In 2003, the Center for Disability Rights distributed a policy paper that is still relevant. Many of the discussion points could be included in the Olmstead Plan.
- The concept of livable communities needs to be more clearly defined but overall, there was agreement that a community has to be livable in order for community transition to work well. Individuals need to access housing, transportation, home services, healthy food, etc., for community living to be viable.
- The Olmstead Plan should have reliable goals that move from process to real commitments. It needs to quantify how many individuals are living in segregated settings and then begin to target moves into the community.
- Since this is a culture shift, we need to define “segregated” and “integrated” because everyone does not have the same definition. Just because people are moving out of institutions does not necessarily mean that they are moving into the most integrated setting.
- For assessments, it’s important to base them on what people really need as opposed to what programs are available. The services provided do not necessarily need to be expensive or tied to property. We need to respect the rights of individuals with disabilities and support their desire to live a life of fulfillment.
- When determining the components of the Olmstead Plan, we need to consider the whole health care system, both acute and long-term care.

- The State needs to pursue Community First Choice. We should not separate community services from nursing home services. We need to restructure services and work across systems.

Commissioner Burke asked the MISCC to move the discussion to data and performance measures that could be recommended for inclusion in the Olmstead Plan:

- We need an inventory of various funding mechanism.
- It is important to engage advocates who are experts and have lots of ideas about how to create opportunities for people with disabilities to live in the most integrated settings.
- In the past, the data committee focused on too many complex measures. As a first step, the State should evaluate the funding streams and how money is allocated to institutional vs. community-based settings. We should review the 2009 data.
- The plan should focus on outcomes that are person-centered. It is also important to address the needs of people who are at risk of being institutionalized.
- Data needs to be collected on people who want to leave institutional settings. To make informed decisions, we need to know where people are living right now, where they want to live in the future, and what we have to do system-wide to help them.
- There are many good existing programs but they may lack funding. We should inventory what is working and then consider the amount of resources those programs need.
- The plan should include measureable goals with benchmarks along the way.

Recommendations for Public Engagement Process

Commissioner Burke asked MISCC members for recommendations on the process for obtaining stakeholder input. Members offered the following suggestions:

- Engage a diverse and inclusive group of multiple stakeholders.
- The process should be meaningful. When MISCC began, there were public hearings and committees, but it did not reach people with disabilities.
- It would be helpful to have a place online to obtain feedback from the public.
- Expand the MRT process and include social media like twitter, facebook, YouTube, etc. It is important that all suggestions are equally considered.
- We need to expand participation to people working at the grassroots or local level. We need to hear from people who are currently receiving services.
- Most individuals do not know what Olmstead and the MISCC are. To reach people living in rural areas, it's important to bring the process to them and have focus groups. Not everyone utilizes the internet, we need radio and TV spots.
- Review the Independent Living Center state planning process. There are a lot of questions/issues that the plan addresses that would be relevant to Olmstead. This could be a model.
- Don't think about the plan as a one-time process. The process and plan could be expanded over time.
- Before starting a public outreach process from scratch, the State should go over all the public outreach efforts that previously occurred with the MISCC and use that information for developing the plan.
- If we want people to be integrated in the community, we have to make a policy decision to stop filling institutional beds.
- A document outlining the components of the Olmstead Plan should be drafted and published so the public can respond to it.
- We should be asking people what they do and don't want and, what they need to be able to stay in their homes.
- Need more accountability across agencies that result in proposals that can impact the budget process.
- There should be a report card on our progress in reaching goals.
- MISCC members should be getting the word out thorough their various networks and utilize these networks to solicit feedback.

Commissioner Burke summarized the overall discussion and detailed the actions steps for the next MISCC meeting:

- Create a problem summary -Inventory the problems based on prior efforts to obtain public comments and solicit public input on the solutions. Also an inventory of current strategies.

- Outline recommendations for the components of the Olmstead Plan.
- Determine recommendations for how to engage stakeholders.

Public Comments

- It is time to get serious about developing meaningful goals and objectives for the Olmstead Plan. Olmstead must focus on addressing the institutional bias in special education, schools, day treatment programs, PROS models, clinics, sheltered workshops, group homes, adult homes, nursing homes, etc. People in these programs have the right to go into integrated settings. Employment should be the first outcome for transition age youth.

The content and structure are an important part of the plan. There needs to be Specific, Measureable, Attainable, Realistic and Timely (SMART) goals that are bold. The goals of a good plan should make us feel uncomfortable if they are bold and challenge us. Our role is to help people to help themselves. The State and its partners need to update antiquated systems and structures.

We do not want a plan that sits on the shelf and gets dusty. We need a three year plan with benchmarks to help evaluate its effectiveness.

- While the plan is being developed, it is important to be bold and continue the efforts of agencies like OMH and the work they are doing around NYESS and employment including their commitment to closing sheltered workshops.
- A self-advocate was very excited about the development of the Olmstead Plan. She lives in an integrated setting and has all of her services come to her home. She hopes that the plan is implemented during her lifetime.

Closing Remarks

Commissioner Burke thanked everyone for attending. The next MISCC meeting is scheduled for April 18th.