

Summary of Proceedings - January 26, 2009
Most Integrated Setting Coordinating Council (MISCC) Meeting
Empire State Plaza, Meeting Room 6
1:00 PM - 3:00 PM

MISCC Meeting Participants

Diana Jones Ritter, Chair

Commissioner, New York State Office of Mental Retardation and Developmental Disabilities

Michael F. Hogan, PhD

Commissioner, New York State Office of Mental Health

Nancy White Martinez

Director of Strategic Planning and Policy Development (representing Gladys Carrion, Commissioner, New York State Office of Children and Family Services)

Dr. Rebecca Cort

Deputy Commissioner, VESID (representing Richard Mills, Commissioner, New York State Education Department)

Dr. Edward Placke

Assistant Commissioner, VESID

Michael J. Burgess

Director, New York State Office for the Aging

Jane Lynch

Chief Operating Officer, Commission on Quality of Care and Advocacy for Persons with Disabilities

Mark Kissinger

Deputy Commissioner (representing Richard F. Daines, MD, Commissioner, New York State Department of Health)

Lorrie Pizzola

Deputy Commissioner for Intergovernmental Affairs (representing Deborah VanAmerongen, Commissioner, NYS Division of Housing and Community Renewal)

Thomas Vaughan

Special Assistant for Public Transportation (representing Astrid C. Glynn, Commissioner, New York State Department of Transportation)

Millie Figueroa

(Representing Karen Carpenter-Palumbo, Commissioner, New York State Office of Alcoholism and Substance Abuse Services)

Elise A. Melesky

Policy and Program Specialist, representing David A. Hansell, Commissioner of the Office of Temporary and Disability Assistance (Ex officio member of the MISCC)

Shelia M. Carey

Executive Director, Developmental Disabilities Planning Council (Ex officio member of the MISCC)

Mario Musolino

Executive Deputy Commissioner (representing M. Patricia Smith, Commissioner of the Department of Labor Ex officio member of the MISCC)

Public Members

Karen Oates

President and CEO of the Mental Health Association of Rockland County

Kimberly T. Hill

Director of NYS Assembly Task Force on People w/Disabilities

Harvey Rosenthal

Executive Director, NY Association of Psychiatric Rehabilitation Services

Judy Farrell

Associate Director of Government Affairs (representing Carol Raphael, President and Chief Executive Officer for The Visiting Nurse Service of New York)

Commissioner Ritter welcomed everyone to the MISCC meeting.

Commissioner Ritter apologized for the postponement of the January 5, 2009, MISCC meeting. She noted that the postponement was due to the early release of the Governor's proposed 2009 - 2010 Executive Budget. She noted that some people were not aware of the date change and came expecting to attend the meeting on January 5th. She shared with everyone present, that the MISCC tried to get the communication out using the Web site and she apologized to anyone who was inconvenienced by not receiving the communication.

Commissioner Ritter acknowledged Michael Seereiter, Program Director for Mental Hygiene Services for Governor Paterson's office, was in the audience for today's meeting. Commissioner Ritter noted that Seereiter has not missed a meeting and the MISCC are thrilled with his communication to the Governor.

Commissioner Ritter and the MISCC members sent their get well wishes to Constance Laymon who was at home recuperating.

Commissioner Ritter stated that there are three additional agencies present in an Ex officio status: the Office of Temporary and Disability Assistance, Department of Labor and the Developmental Disabilities Planning Council.

Commissioner Ritter said that legislation is being proposed to add these three agencies to the MISCC. She noted that this addition came from the realization that as the MISCC moved forward in 2008, there were three missing components and that these agencies were identified. Commissioner Ritter stated that even though they were present in an informal capacity now, their presence and comments were welcomed.

Commissioner Ritter stated since the last meeting, the MISCC completed the 2008 Annual Report to the Legislature, and it was delivered on December 16, 2008. She stated it was accomplished through a lot of hard work by staff in the agencies and the MISCC received amazing feedback and input from the broader community, and advocates. She stated all the agencies worked very hard to put together the first MISCC Annual Report. Commissioner Ritter stated that a separate meeting of the representatives from the member agencies having responsibility for putting together the report will be scheduled to design a seamless process for the 2009 MISCC Annual Report. She noted that the goal is to have a report that is concise, but powerful; and that clearly articulates what the MISCC has achieved and what it is going to work on next. A template will be created to allow agencies to fill in the report details throughout the year. When it is time to create the 2009 MISCC Annual Report, it will already be essentially complete, because agencies have been tracking accomplishments and also future direction.

Commissioner Ritter shared that this first effort was just awesome, but it came together with some struggles. However the report did represent much of what the agencies are thinking about and reflected the input stakeholders have provided with the goals of Olmstead in mind. Commissioner Ritter reported that the 2008 MISCC Annual Report is on the MISCC Web site, and is accessible.

Commissioner Ritter moved the constituent discussion to later in the Agenda. She noted the discussions will provide fresh feedback for the audience to respond to. Commissioner Ritter announced that she is specifically asking for comments on the annual report or anything commented on during the meeting.

Commissioner Ritter stated the expectation for the Budget Presentations. She noted that it is a really tough year; agencies are confronting a period of the most profound economic crisis in New York State's history. She noted, as Governor Paterson stated, the developments of the past year have been startling and this is not a time for fear and it is a time for more action, and courage to take on the hard tasks.

She said Governor Paterson outlined three pillars for his vision for New York State:

1. Balancing the Budget;
2. Strengthening New York's health care system, improving schools, creating jobs, building our infrastructure, cleaning up the environment, beginning a clean energy revolution; and
3. Even in these difficult economic times, we must be sure to respect one another, serve one another and protect one another.

Commissioner Ritter continued by saying, that these are exciting and challenging times. She said they are challenging because the state is facing unknown and uncertain financial situations, as well as growing competition for limited resources. Commissioner Ritter stated that it is exciting because, under the leadership of Governor Paterson, the MISCC has been reenergized. She noted that each member agency is actively engaging and will continue to engage with stakeholders, and particularly with persons with disabilities to develop, mainstream and implement initiatives consistent with the Olmstead decision for all persons with disabilities. She said that it's exciting due to the commitment and passion the chairs and participants of each of the cross-systems committees have, because there has been progress, because discussion moved forward because there is more focus on employment, transportation and housing. She said it's also exciting because the MISCC still has an opportunity to be creative and to think of ways to further the intent of the Council and the goals of Olmstead.

Commissioner Ritter asked if any of the member agencies would identify one item in the Executive Budget for their agency that advances the goals and intent of MISCC in the Olmstead decision.

Mark Kissinger said that the Executive Budget for the Department of Health is very challenging, but noted that one item that made it through was money to help develop a uniform assessment tool across the long-term care system. He said if DOH doesn't do that one uniform assessment tool project, there will never be true reform in the system. He noted there is money in the Budget to develop and to test, in the last fiscal quarter of the fiscal year, a uniform assessment tool.

Lorrie Pizzola reported on the item in the Executive Budget for the Division of Housing and Community Renewal (DHCR), which is in conjunction with the Department of Health (DOH); a nursing home transition and diversion waiver housing subsidy. DHCR

has been able to keep those resources intact. She said, DHCR received this funding about two years ago and the agency was successful over the summer by negotiating a Memorandum of Understanding with DOH for those resources to be transferred to DHCR. In cooperation with the DOH and the regional resource development centers, DHCR launched a Nursing Home Transition Diversion (NHTD) program with the section-eight local administrators. DHCR has conducted training around the State and has transitioned its very first person under the subsidy, and the family has just submitted the first voucher to the agency for payment of rent for February 1. Pizzola said that another item is the Housing Registry in which OMRDD has also been a partner, under the Real Choice Grant as well as the Department of Health's Money-Follows-The-Person Grant. The new Web site is nyhousingsearch.gov link available in the bottom right corner of DHCR's Web site. She noted the service is free for landlords to list property and it's free for tenants to search for properties. It was launched on December 15, 2008, and DHCR is planning a full launch the first week of February that will include marketing and advertising in local papers and newsletters, postcards, and mail blasts, as well as relying on MISCC partners to help spread the word. She said there were 43,000 listings on the site with 13,000 hits to-date and DHCR is averaging 400 hits per day. The resources are available going forward to maintain the registry.

Jane Lynch, CQCAPD, reported the agency will be holding its first Inter-Agency Coordinating Council for services for people who are deaf, deaf-blind or hard-of-hearing, on January 30th. She stated that CQCAPD is using existing resources to make sure that this happens.

Nancy Martinez, OCFS, stated that the proposed budget preserves the agency's commitment to juvenile justice reform, right-sizing, and reforming the juvenile justice system, maintaining uncapped entitlement funds to localities for community-based prevention and child protective services, supporting childcare and continuing support for the Commission for the Blind and Visually Handicapped. She stated that the CBVH program last year placed more than 400 people in jobs in the professions and services industries. She noted that the Bridges-to-Health Medicaid Waiver for children in foster care reflects necessary and tough decisions and also reflects OCFS' continued belief in the promise of this waiver program. Nancy Martinez stated that OCFS has delayed implementation, but is continuing to move forward. She noted that OCFS has a target of enrolling 610 children in this waiver program by the end of the fiscal year.

Michael Burgess, NYSOFA, reported on a grant from the Administration on Aging for a Nursing Home Diversion Project Pre-Medicaid and this will be in three counties: Onondaga, Oneida and Broome. He reported that NYSOFA will also be working for the first time with the Veteran's Administration, collaborating with them on vets in the local community in nursing home diversion projects. He stated that the program takes the people who would be most at risk, and uses some of the agency's other programs to keep people living in the community. It is about trying to keep people living in the community in any possible way, and NYSOFA, through the support of the Governor, will be going ahead with an RFP shortly in February to give out innovative grants to communities to come forward with ideas about how to help keep people living in their communities.

Michael Hogan, OMH, requested with Commissioner Ritter's approval, that OMH have time on the next Agenda to discuss the Medicaid Infrastructure Grant. He commended John Allen for working, with other people, to land a \$6 million Medicaid Infrastructure Grant from the federal government that targets employment of people with disabilities. He stated that this is of particular concern to OMH because the employment levels of people with mental illness are the worst among any disability. Commissioner Hogan stated that this grant will allow OMH to dispel some of the myths that are out there with respect to people losing benefits when they go back to work; and it will help OMH to try to get more people to use the benefits that exist, like Medicaid Buy-In, which is underutilized. He stated OMH will commence working, both with provider systems and also with the business community, about employment opportunities for people. This is a cross-disability effort. He noted that OMH is working with employment people at both Cornell and the Burton-Blatt Institute at Syracuse.

Rebecca Cort, SED/VESID, commented on a Memorandum of Understanding with OMRDD's Institute for Basic Research in Staten Island, which will put together a team of behavioral neurological specialists, psychologists and others, to work directly with school districts to prevent residential placement of students who are showing very severe behaviors within the classroom. She noted that VESID has a long-term commitment to work with teachers, schools and families to keep students in the classrooms versus sending them off to residential or day placements.

Cort stated that SED/VESID is very excited about this very high level-team that is being put together. She wanted to mention that the agency has been working very closely with CSAVR the National Organization of Vocational Rehabilitation Directors on the stimulus package regarding ARRA funding for vocational rehabilitation and independent living centers. She stated in the first version of the stimulus package, \$500 million was included for vocational rehabilitation and \$100 million for independent living centers on a national level.

Millie Figueroa stated that OASAS continues to propose funding for traumatic brain injury and for the hearing impaired. She noted that OASAS is currently developing 450 units of housing for individuals who have completed some form of treatment and recovery program. She said one of the things OASAS is doing is to develop 375 units of Permanent Supportive Housing for homeless individuals in recovery through the New York/New York III Homeless Initiative in New York City and at least 50 units of housing through our Upstate Permanent Supportive Housing Initiative (which will include bringing access to several rural counties where there are currently no such services). OASAS is looking at areas such as Steuben and Jefferson Counties, where the definition of homelessness is different than the definition for New York City. She stated that the roll-out of the 125 units will include developing the State Aid contracts, and with that service, OASAS is going to be funding, through State Aid, both case management and employment services.

Commissioner Ritter spoke about OMRDD. She stated that a few examples in the Governor's Executive Budget of things OMRDD is pursuing that really meet the intent and spirit of Olmstead, is that OMRDD has continuing resources to support families in helping to keep their loved ones at home in its family support services program, and

resources that will provide services to 2,100 individuals living at home. She stated that similar to Commissioner Hogan's No. 1 priority, is OMRDD's priority of employment for people with developmental disabilities. OMRDD does have resources in its Budget to provide enhanced supports to help people with employment goals.

Commissioner Ritter stated that OMRDD continues to help people who are still living in institutions and developmental centers to move into the community and pursue a community integrated life. She noted that she is thrilled that Governor Paterson did support OMRDD recommendations in the Budget to close Western New York Developmental Center in West Seneca, and to allow those individuals to move into the community. She stated that there are resources for placements outside of the institutions including a multi-disabled unit in Dutchess County, where there are specific resources targeted to help people to move out of those institutional settings and into the community, over the next several years.

Commissioner Ritter opened up the meeting for member comment.

Harvey Rosenthal, NYAPRS, stated when some people got into see the Governor, as a result of a rally, the Governor was very responsive to the idea of not cutting the safety net again. Rosenthal noted that he was pleased that there was not an across-the-board cut to the disability safety net. However, he stated, he is very concerned about the SSI cut. He asked the support of everyone present for the full restoration of that cut.

Rosenthal wanted to encourage the agencies to do some of the things they are starting to see coming from the Office of Mental Health:

1. Closure of hospital beds;
2. Shrinkage of sheltered employment;
3. Downsizing of day treatment (people staying in segregated settings);
4. Money being directed to grow peer services; and
5. Money in the Budget to help people move out into homes.

Rosenthal stated all the agencies need employment/housing campaigns. He referred to the Stimulus Packages' \$500 million, which could be used for sheltered employment, and he hoped that would not be the case. He noted that there were empty MISCC seats on the community side that needed to be filled and asked that the Council add more consumer seats to the MISCC.

Commissioner Ritter stated that the MISCC does have plans to fill the vacant seats, but it is moving very slowly. She noted that the MISCC will be enlisting the assistance of Michael Seereiter to help move those appointments.

Commissioner Ritter stated that she thinks it is important for the MISCC to share openly and in public about the things that support its agenda. She stated as the MISCC is moving forward, it will need to present the progress made. She noted that Budget deliberations will continue and Legislative Hearings on the Budget are starting.

Michael Burgess, NYSOFA, stated that he sent a letter to Governor Paterson regarding the SSI cuts. He asked that if money is available in the Budget, to please have that item be one of the first to be restored. He noted that the way it is being done would actually be a cut to the recipients because the federal COLA increase went into effect on January 1, 2009 and that it's important that the economic security of people of all ages in poverty situations be addressed. He noted that the President is entertaining the proposal to increase the SSI benefit by some amount, and all should encourage him to do so.

Judy Farrell, representing Carol Raphael from the Visiting Nurses Services of New York, stated that group appreciates the MISCC's enthusiasm, and the Governor's enthusiasm, for community-based care and for moving people out of institutions. She wanted to suggest that home care is community-based care and that there are deep cuts proposed in the home-care budget and she hopes that some of those cuts will be restored.

Commissioner Ritter reported that updates on housing, employment and transportation were not mandated for this meeting, and she asked if any of the committee chairs had anything they wanted to report.

Rebecca Cort, SED/VESID, shared with the group that Dr. Ed Placke has accepted a position elsewhere and this was the last meeting he would be attending. She asked that everyone thank him for his service to the MISCC. With that comment, she asked Dr. Placke to provide an update.

Dr. Placke reported that on December 8, 2008, the full Employment Committee met and the subcommittees have also met to push forward the five objectives proposed in the 2008 MISCC Annual Report. Dr. Placke stated he wanted to echo Commissioner Hogan's enthusiasm on the Medicaid Infrastructure Grant (MIG). He was happy to report that representatives from the Employment Committee will comprise part of the MIG steering committee. Dr. Placke stated the Employment Committee has the ability to close the gap of employment for people with disabilities.

Commissioner Ritter thanked Dr. Placke for his leadership.

Commissioner Ritter stated that the MISCC has identified two more high-priority areas through some of its deliberations over the last year.

Commissioner Ritter stated data collection, consistent with statutory requirements, will help quantify the number of individuals of all ages with disabilities who are currently institutionalized and are eligible for services in community-based settings or currently residing in the community or who are dependent on the assistance of community-based services to avoid institutionalization. She noted that the statute also calls on the MISCC to identify necessary improvements to current data collection systems or any new data collection initiatives necessary to obtain this information.

Commissioner Ritter stated that there are a myriad of regulations which impact the MISCC member agencies, some of which hinder the flexible use of fiscal and community based resources across systems to foster the goals of the MISCC. She stated that the MISCC needs to look at ways to simplify, modify or eliminate regulations to allow for a

holistic response to the needs of people with disabilities as a priority, particularly in time of limited resources. She noted that OMH and OASAS have undertaken an initiative to do just that. Commissioner Ritter asked Commissioner Hogan to briefly describe this collaboration.

Commissioner Hogan stated this initiative came about from OMH and Commissioner Karen Carpenter-Palumbo from OASAS trying to provide services for someone who is dealing with depression and is drinking too much. He noted that in the past in New York State there was a fight about which is the primary diagnosis, and that while there may have been a well-intended notion that there were good standards of care at the OMH, and good standards for care at OASAS, the agencies didn't want to get into the other agency's business. He noted as a result of this problem, people coming into receive care could get treated in either system and, except for some brave souls who were ignoring the rules and doing the right thing, they would get treated for half of their issue and not the whole problem.

Commissioner Hogan stated a task force advised OMH and OASAS on this one year ago and produced a report identifying many things that need to get done. OMH took a step in last year's Budget, and in regulation, to say that it was perfectly legitimate and expected that if someone is getting mental health care at a mental health clinic, and they are also dealing with an alcohol or drug problem, for that to be dealt with as part of the treatment of mental illness and vice versa. He said it was important to get away from the "just say no" approach and get to providing integrated care, and clarifying to people that, in fact, it was the expectation to provide integrated care. It was noted that the billing obstacles were largely perceived. The perception was, if a person has depression and is in a mental health counseling center and dealing with the alcohol/drug problem that the provider could not bill for the alcohol/drug problem. He stated if dealing with a drinking problem is essential to the treatment plan, than it should be treated and billed accordingly.

Commissioner Hogan stated that the NYS Health Foundation has approved a \$3 million grant for the next five years to help provide training and technical assistance to the people on the ground level who are doing this work. He said there is still some work to do to provide people with the practical support and guidance.

Commissioner Hogan said that regarding children, there is less research on what would be really effective treatments for adolescence who have both sets of problems. He stated this age group historically gets the "short end of the stick" with respect to federal research. He stated that there is a task force looking at evidence-based research for adolescence dealing with multiple problems. The agencies will act upon the task force recommendations soon. Harvey Rosenthal commended the inclusion of the need for Data and Regulation Committees. He said that in the past, agencies did not collect these types of data. He asked that regulations be made so agencies need to ask the individuals receiving services what they want and to review it with them every six months. He was encouraged that both items will now be done formally.

Commissioner Ritter reiterated OMRDD is looking at regulations to remove barriers and looking for data to determine unmet need.

Commissioner Hogan stated that person-centered planning does have different meaning for people in different circumstances. He said its strongest meaning is where people need a substantial amount of support. He reported that people in a home and community-based waiver, and that people with a mental illness are not entitled to a home and community-based waiver due to federal discrimination.

Commissioner Hogan stated OMH did promulgate through Dr. Sederer's efforts, a standard of care that it believes should be applicable to anybody getting mental health care. He stated it starts at the top with the expectation that an individual's plan is their plan and that it is shared with the therapist, and not just something done by the therapist, and kept in a file and not shared with the person.

Mark Kissinger said DOH is looking for data on its current systems. He stated DOH could, in fact, spend a lot of time and money and be in the same place they are now. He asked what sorts of data is to be collected.

Harvey Rosenthal overviewed the types of data that could be collected for the mental health consumer.

Kim Hill stated that who does the asking effects the response from the individuals who receive services.

Jane Lynch, CQCAPD, stated that their agency doesn't just look at regulations as barriers, but looks at regulation alignment. She stated that some of the regulations don't mesh well because of the lack of design, in terms of looking at barriers; sometimes it might actually be to develop a better alignment.

Jane Lynch reported that the Commission is working on a quality-of-life project where it is establishing focus groups, which may inform CQCAPD of what data it might want to collect.

Lorrie Pizzola, DHCR, stated that a part of it is trying to analyze the impediments within each individual programs or agencies, and to determine what can be done to affirmatively further options for people. She noted that one part is collecting information on the numbers, but the more important thing is what is done when information is gathered on the numbers. What should agencies do to improve programs so people have better access?

Harvey Rosenthal stated the numbers are compelling and he hopes all the agencies are moving in this area of data collection.

Commissioner Ritter said the MISCC should ask the members to take a look at the data that already exists. She stated that each member agency should go back to the 2008 MISCC Annual Report, and look at the priorities for 2009, and identify what data is available that supports each priority that meet the intent of Olmstead and what MISCC is doing and to be prepared to report back. She stated that correspondence will be sent out by the MISCC Chair to gather that information.

Commissioner Ritter encouraged open discussion on addressing the start up of a Regulations Committee.

Mario Musolino stated that the Department of Labor's regulatory framework is divided by what is federal versus state. He said if the MISCC is thinking about approaching a regulatory matrix, maybe it want to think of some cuts. He stated that has to do with reimbursement and with compliance. He noted that what is a state regulation really has more to do with how state agencies have determined how a human being should be treated, versus what might be a federal or compliance regulation. He noted that it is very complicated and sometimes agencies cannot share that information with other people.

Commissioner Ritter opened the Public Comment Portion of the Agenda.

Julie Bried, who resides in a state-run IRA, read her testimony to the MISCC. She stated that the behaviors of others stop her from doing things. She noted that the only times she feels like part of the community is when she takes the city bus to work and back home. She states she wants to get out of the "locked-up" group home and get her own apartment and have more freedom in her life.

Bruce Darling, ADAPT, asked the MISCC to move the report to a formal plan. He noted that it was the 10th anniversary of the Olmstead decision.

Mathew Mathai, NYAPRS, spoke about the need for data in moving forward. He stated that he was happy to hear that both data and regulations were being looked at by the MISCC. He thanked Dr. Placke for his leadership on the Employment Committee.

Brenda Allen, identified herself as a 23-year-old who has lived on the LIT at the Broome DDSO for 11 years, and she is not happy. She stated she went to a state-operated group home for awhile, but it did not work for her. She is asking for help to move back out of the LIT, but to still stay close to her family. She stated she is looking to go to a family care home and then wants to live in her own apartment. She would like to get her GED and go to college and get certified to work in childcare.

Lisa Loveland, who resides at Broome DDSO stated she wants to get out of BDDSO and live in her own apartment. She shared with the MISCC that she does not want to live in a group home, but wants to live in the community.

Frances Kimmes, stated he was an advocate for housing for deaf senior citizens. He asked the MISCC to assist in finding funding to hire more advocates, like himself, to assist the deaf community. He stated that the deaf seniors he visits feel lonely and isolated, and need a sign-language-friendly environment so they can meet other people like themselves.

Maria Dibble, Southern Tier Independence Center, presented her statement to the MISCC. (Ms. Dibble's statement is attached for your review.)

Darlene Dickinson, Community Integration Advocate for the Southern Tier Independence Center requested that her MISCC meeting comments be attached to the

January 26, 2009, meeting summary. She deferred from speaking to allow time for other STIC members to speak.

Andrew Kucharski spoke about the fact that 66 percent of the unemployed are disabled. He wanted to know why agencies like the Social Security Administration in Rochester don't hire deaf employees to work with the deaf and hard of hearing. He stated that when this is done individuals who come in to get their services will feel that their needs are being met.

Gene Spinney, President for the Center for Disability Rights, asked for representation on the Monroe County Long Term Care Program. He stated that some contacts were made, but the group still does not have representation.

Commissioner Ritter thanked everyone who came forward to share their concerns and comments. She wanted them to know that we understand that it affects peoples' lives and that it is very helpful to have the public come forward.

Commissioner Ritter stated last year's agenda included agency stakeholder presentations. She stated this year she would like to have the agencies seek a volunteer with a disability from each of their stakeholder groups to come talk about their experience, participation and involvement with that agency. Everyone concurred that the stakeholders will speak this year. Commissioner Ritter stated that each agency will be informed when it will present.

The next MISCC meeting is being held on Monday, April 6, 2009, at the Empire State Plaza, in Meeting Room 6, from 1:00 p.m. to 3:00 p.m.

Meeting was adjourned at 3:00 p.m.