

Summary of Proceedings - April 6, 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 (OMRDD)

Michael F. Hogan, PhD

Commissioner, New York State Office of Mental Health (OMH)

Nancy White Martinez

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

Dr. Rebecca Cort

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

Michael J. Burgess

Director, New York State Office for the Aging (NYSOFA)

Rosemary Lamb

Representing Jane Lynch, Chief Operating Officer, Commission on Quality of Care and Advocacy for Persons with Disabilities (CQCAPD)

Mark Kissinger

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

Lorrie Pizzola

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

Thomas Vaughan

Special Assistant for Public Transportation representing Stanley Gee, Acting Commissioner, New York State Department of Transportation (DOT)

Bill Panepinto

Director, Bureau of Housing and Employment Services representing Karen Carpenter-Palumbo, Commissioner, New York State Office of Alcoholism and Substance Abuse Services (OASAS)

Elise A. Melesky

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

Shelia M. Carey

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

Mario Musolino

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

Public Members

Kimberly T. Hill

Director of NYS Assembly Task Force on People with Disabilities

Harvey Rosenthal

Executive Director, NY Association of Psychiatric Rehabilitation Services

Constance Laymon

Chief Executive Director, Consumer Directed Choices

Patricia L. Fratangelo

Executive Director, Onondaga Community Living

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. She acknowledged and thanked the advocates who were in attendance. She noted that Steve Longo from Assemblywoman Destito's office was in the audience as well.

Commissioner Ritter thanked Commissioner Gladys Carrion of OCFS for providing Braille translation for the available committee reports.

Commissioner Ritter welcomed Constance Laymon back to the table, noting that Constance has been watching the Web cast while she was out.

Commissioner Ritter introduced Ceylane Meyers as the new Director of Intergovernmental and Legislative Affairs and Kyle Sapkiewicz as her assistant who are on the Commissioner's MISCC team.

Commissioner Ritter stated that the Budget passed April 3, 2009, and several items were included that will come from the federal stimulus package bill that she believes will advance the MISCC agenda either indirectly or directly. She stated that a list of highlights will be pulled together of some of the Budget items that support the MISCC agenda. She noted that those items will be placed on the MISCC Web site within the next month and the Council will have a dialogue about those items at the next MISCC meeting.

Commissioner Ritter reported that legislation had been introduced in the Legislature to officially add the Developmental Disabilities Planning Council, the Office of Temporary and Disability Assistance and the Department of Labor to the MISCC.

She noted that we are also in conversation with the Legislature to expand the number of advocate members at the table as well.

Commissioner Ritter reported that the aging community representative for MISCC has been confirmed, and that Lisa Holmes from the Tompkins County for the Aging will be joining in July. She noted that Michael Seereiter of the Governor's office is still working to ensure that the other positions are filled, as well.

Commissioner Ritter reported the Senate Mental Health Committee reported the OMRDD name change legislation. She said there has been a desire in this agency and throughout the country to remove the "MR" from the OMRDD. She noted that a companion bill has been introduced in the Assembly.

Commissioner Ritter stated that at the January MISCC meeting the Council agreed it would work on the template for the Annual Report, with the goal of creating a user-friendly document that clearly and concisely shows MISCC goals, accomplishments and next steps. She noted that she was happy to report that a workgroup met on March 19th and created a draft template. Each member agency is being asked to share the draft template with its stakeholder group during the month of April to solicit feedback and share this information with the workgroup. The workgroup will be reconvening in May

with the goal of finalizing the Annual Report template by the July MISCC meeting. She noted the goal is to not have a report that sits on the shelf, but a report that is user-friendly, identifies priorities, our measurements and outcomes.

Commissioner Ritter stated that at the January meeting it was also agreed that actual members of the stakeholder groups would provide presentations on their involvement in the creation and implementation of their agencies MISCC agenda. A schedule of stakeholder presentations has been sent to MISCC member agencies for the July and October 2009 meetings.

Commissioner Ritter said that data was also discussed at the last meeting and acknowledged the important role it plays in guiding the work of MISCC. She stated that the focus on data was part of the original legislation and was a part of the 2006 report. She noted the need for MISCC to move forward in focusing on data as a result of the following:

- The 2008 MISCC Annual Report identified by each subcommittee what data was needed, was required, or what to track to monitor work on the goals. Ensuring that the Housing, Employment and Transportation committees are looking at the 2008 report, and the data requirements, and are using that as part of their reports as the MISCC moves forward. When the subcommittee provides a report it should be talking about that data and how it is being acquired or what is already known so the Council can manage working on looking at the outcomes in those subcommittees.
- The second part of the data is looking at the original legislation and looking at the 2006 report to identify the data requirements that were contained and driven by the MISCC statute.

Commissioner Ritter reported that each member agency received an email with a matrix of those data elements. Each agency has been asked to share its top three data sets that correspond to data requested in the MISCC Statute. This information will be compiled in June and reported on at the July MISCC meeting. The Council is hoping to use this material to start the dialogue of where the MISCC may be able to fill some gaps where the data might exist and what may need to be done from here on to hone in on those elements.

Harvey Rosenthal noted that he was aware that both the Housing and Employment committees were looking at data. He stated he would like to propose a third exercise instead of looking at last year's report and the matrix that has been provided. The Employment Committee identified services that the group deemed to be segregated and services that need to be most integrated. Agencies are being asked to compile data around how much money, and how many services and programs; how many are on the left column and how many are on the right column with the idea of how to move money and people from the left column to the right. He stated people should be moved from the segregated to the integrated column. He noted that Housing should be doing the same exercise.

Commissioner Ritter noted that when she spoke about the 2008 report that is what she meant. She stated that the three subcommittees, as they are moving forward, and are doing the work, they should be focusing on those data sets the Council said it would do and determine what gets added in the report as it is starting to outline data requirements so as the subcommittees move forward, that information would be included in the report.

Commissioner Ritter stated that before we move to the Stakeholder Presentations, she wanted to acknowledge that a request was made for a presentation on pending litigation involving adult homes. At this time the impact of the case is difficult to assess because a decision has not been made. She noted the Council will defer a presentation on this issue until there is a court decision. Commissioner Ritter said it is important that all member agencies hear what requests come directly to her as the MISCC Chair.

She also stated she wanted to share with the MISCC that there is a group that exists called Adult Cares Facilities Futures Group and if people are interested, it is a group that is looking to see how people that are in adult care facilities can be moved more rapidly and more efficiently out of those settings and into a more integrated setting. She said if anyone is interested in following up on that to please contact Bob Boehlert of CQCAPD at (518) 461-2081, as well as Michael Seereiter from the Governor's Office. They are available for anybody who wants to follow up on what that Futures Group is doing.

Commissioner Ritter stated that the public comment period has once again been moved to the end of the agenda to allow for feedback relevant to today's meeting. Commissioner Ritter reminded everyone of the sign-up sheet at the registration desk for those present who would like to speak. She noted that comments need to be limited to three minutes so that as many people as possible, who would like to speak, can do so in the time allotted for this meeting.

Commissioner Ritter stated that each stakeholder group has five minutes to share their role in the creation and implementation of their agency's MISCC agenda.

Commissioner Ritter turned over the meeting to Steve Holmes from SANYS to introduce the OMRDD stakeholder presenter. Steve Holmes teleconferenced David Liscomb, President of the Self Advocacy Association of New York State, as well as the consultant for the Jefferson Rehabilitation Center to introduce Shameka Andrews who would be speaking to the MISCC on behalf of OMRDD.

Shameka Andrews stated that SANYS and OMRDD have developed a unique working relationship, which includes partnerships on many activities and projects with advocacy on issues that are key to the hopes and dreams of self-advocates throughout New York State. She noted that the relationship has developed into a true grassroots capacity to allow self-advocates to give input to OMRDD on virtually every major decision, including the goals of the MISCC at both the regional and statewide levels.

Andrews stated that self-advocates participate on many councils and committees and have a major voice on the current transformation efforts. She noted that SANYS has informed and influenced some of the decisions that OMRDD makes about the directions and supports for people with developmental disabilities.

Andrews reported that at the Self-Advocates State Conference all of the workshops are run by and for self-advocates. Commissioner Ritter and members of OMRDD staff attend and volunteer at the Conference. She noted videoconferences are held to support many self-advocates in our region within large geographical areas and emerge as key supports in some regions. She stated that the Commissioner and OMRDD staff are frequent presenters at the SANYS Board and Executive Committee meetings, during which SANYS receive briefings and receive direct input on OMRDD activities and plans. All self-advocates are encouraged to participate in all statewide forums.

Andrews also commented that SANYS provided its input on Budget cuts that should not be across-the-board and the fact that individualized services and supports are important to the cornerstone and the present future of OMRDD. She was pleased to report that no individualized supports were cut in OMRDD's current budget.

Andrews stated that SANYS has direct input on housing and employment initiatives, and community participation of the MISCC. SANYS has participation on all MISCC committees. She noted that self-advocates, as members of key stakeholder groups, have enriched OMRDD's policy and development including MISCC goals by direct input and participation and ongoing dialogue. She stated the Self-Advocacy Board President David Liscomb often says "nothing about us without us." SANYS believes that idea is well represented in OMRDD's MISCC activities and plan.

Andrews stated OMRDD supports over 130,000 people in a very complex work of supports evolving from a facility-based to a person-based system. SANYS believes that there are too many people living in group-home living situations and there are too few people with disabilities employed at this point. The Self-Advocacy Association also believes that OMRDD's future plans highlighted by the MISCC goals continue to transform the system to one that offers everyone the opportunity to live in a place they call home, to work and do things that interest them everyday and to be full and contributing members of their community. SANYS is happy to say that getting rid of the "R" word in OMRDD is finally in process.

Constance Laymon suggested that it sounds like a model to be emulated with other State agencies. She stated that she would like to see something like that in the Department of Health and she stated she would volunteer to help them do it.

Michael Burgess asked if SANYS receives funding from OMRDD.

Stephen Holmes responded that SANYS does receive funding from OMRDD for projects with the expectation that self-advocacy will advocate and inform OMRDD about the changes that people with disabilities would like to see in the system.

Commissioner Michael Hogan introduced Trix Niernberger, Executive Director from NAMI of New York State.

Trix Niernberger stated she participates in the MISCC Advisory Council with OMH. Principally the group has met and talked about interagency issues because there are so many opportunities within OMH to provide feedback. She commented that those being the Mental Health Services Council, The Planning Council, Multi-Cultural Advisory Group, the Family Council and the Consumer Council.

Commissioner Hogan provided an overview of the Medicaid Infrastructure Grant. He stated he was providing a "heads up" for an upcoming formal presentation on the Medicaid Infrastructure Grant. He noted that John Allen, and some people in other agencies, secured a significant grant from the Center for Medicare and Medicaid Services to try to improve access to employment across the State government, which extends beyond OMH. He reported that OMH received the grant, in the Budget approval and authority was given to accept the grant, and John Allen is now in the process of working through the contracts in the grant.

Commissioner Hogan stated that the grant application involved OMH in contracting with the Industrial Labor Relations School at Cornell and the Britton-Blatt Institute in Syracuse to do a lot of the legwork involved in the grant which will be time-limited. Although it is expected to be for two-years or longer. He stated that with the Medicaid Infrastructure Grant the main accountability the State has during this grant is to increase the number of people on the Medicaid Buy-in Program which is small. Although the grant itself is designed to focus on integrating, making more accessible, retooling employment programs across many agencies so that they more realistically facilitate access to employment.

Commissioner Hogan commented that OMH will be going into more detail at the July MISCC meeting to begin to build the Council's commitment. Hogan asked for their support in promoting the "no wrong door" that people should receive information or tangible supports through any agency they come in contact with. He stated that the products with the grant will facilitate that by having available information and Web sites, etc. that will facilitate people's ability to navigate a complicated system on their own. He stated that if anyone has any questions please contact John Allen at OMH.

Commissioner Ritter asked if there was any information that can be sent out in advance of the July presentation so we can become more familiar with the outline to facilitate more of a discussion.

Commissioner Ritter commented that the statement "no wrong door" if you go back to the MISCC legislation, although described in different words, it means the same thing. She noted it is a perfect topic because it is about cross-systems work. She thought it a good topic to have on the agenda, to drill down on and have dialogue about to see how to make some advancement in this area.

Commissioner Ritter asked for everyone's comment to include the Medicaid Infrastructure Grant on the next Agenda. The consensus was to move forward on the topic.

Commissioner Ritter moved to the Committee Reports. She confirmed that the Housing, Transportation and Regulations Committee Reports will be presented and that the Employment Committee Report would report at the July meeting.

Lorrie Pizzola was reporting on behalf of the MISCC Housing Taskforce and on behalf of Commissioner VanAmerongen, who was called away to New York City to participate in a housing event with the Governor.

Lorrie Pizzola commented that DHCR was going to share a special video presentation it had prepared. This presentation centers on the Nursing Home Transition and Diversion Waiver Housing Subsidy Program that was created with the State Department of Health. She reported that DHCR transitioned its first participant under the Nursing Home Transition and Diversion (NHTD) Housing Subsidy Program. She welcomed and introduced Mr. Burton Aldrich, who was the first person to go through the program. She noted that Mr. Aldrich made the trip from Kingston to Albany to attend the MISCC meeting today.

Pizzola provided a brief overview of the Housing Committee report. (Please see attached handout material.)

Commissioner Ritter asked how many people will be supported by this program.

Mark Kissinger, DOH, responded that the program caps at 5,000 people. Pizzola stated it will also depend on the varying rent levels from person-to-person, which will also cause that number to be in flux.

Harvey Rosenthal wanted to commend both agencies for this wonderful initiative, and wanted to point out the same benefit Aldrich is enjoying, independence, can be afforded to some of the groups we talked about earlier today. He stated that some adult home residences meet the nursing home status by virtue of being in an assisted living program. He noted it may be a way for the State to move some of them out and provide them with that very generous rent stipend.

Constance Laymon stated that it is a perfect case-in-point of what the MISCC has been discussing over the years, that there are many people who are trapped. She said as advocates, we often feel we are spinning our wheels and this is a perfect case-in-point about getting programs like this to move forward so that we can actually see this change in someone's life.

Patricia Fratangelo stated sometimes we get optimistic because someone has a creative job or home. She stated what she likes to think about is the whole life and how

everything really blends together and we can't be satisfied because someone gets a piece of it when they should have the whole life experience.

Commissioner Ritter asked Burton Aldrich if he would like to say something at this time.

Aldrich stated his original injury was diving into a swimming pool. He stated that last year disability insurance hit him for an overpayment of \$10,000; his income was reduced over half last year and the housing program he was partially subsidized under, disappeared as well. He stated he felt like he was drowning. Aldrich stated how grateful he was to have a place to live where he could plant flowers and shared with the group he has begun to feel like he once again has a life.

Michael Burgess stated he was interested in getting the numbers up and asked if anyone had any suggestions. He also asked if there were referrals or did anyone have anything they could report on how we are doing on that or what processes are underway.

Mark Kissinger stated that DOH is working with the Regional Resource Development Specialist and working on referrals as much as possible and if there is a structure around the State. He said DOH is working with DHCR and there was a partnership that was established.

Commissioner Ritter stated that there is a list in the registration folder that describes the Housing Subsidy and has a list around the State.

Harvey Rosenthal asked if there was a simple form aimed at peers that would outline if you meet this criteria you can get this service. He said there is a need for something simple and clear that everyone can understand it. He and advocates could disseminate it at their meetings and on their Web sites.

Lorrie Pizzola stated that DHCR could work with DOH on developing such a form.

Commissioner Ritter stated that a simplified form on the Nursing Home Transition and Diversion (NHTD) Housing Subsidy Program would be developed as an action item from today's meeting.

Commissioner Ritter introduced Tom Vaughan, DOT, to present the Transportation Committee report.

Tom Vaughan wanted to thank Ron Epstein for all his work on the Transportation Committee. Tom provided a full report on the Transportation Committee. (A copy of the Transportation Committee report is attached.)

Commissioner Ritter noted on the Transportation Committee SAFETEA-LU Map that there were three counties with "no activity."

Vaughan stated that because there is not enough funding, some counties are choosing not to be involved. He noted that one of the stumbling blocks for these areas is the lack of public transportation to tack onto.

Bill Panepinto, OASAS, stated when you look at the counties with no activity, these are areas that have lots of services across our agencies. He stated you would think that with the replacement of vans and buses these are very concrete and doable services that make a normal quality of life change. It appears that people could get together and make those counties active.

Harvey Rosenthal stated he was a member of the Transportation Committee years ago. He commented at that time there was public transit, paratransit, not-for-profits vans not being used in the most effective way. He asked if it has reached the status that a dispatcher could coordinate around all these different kinds of transportation systems.

Tom Vaughan stated that DOT is working towards that goal.

Commissioner Ritter stated that maybe a transportation model could be developed to show other counties and stimulate some more creative approaches to transportation. She noted that transportation continues to be a priority. She stated, the MISCC should find a way to promote Best Practices and help with getting it out there.

Bill Panepinto stated that the agencies that have received the vans really focus on their own programs and services to their residences and their group home. Will you make the commitment to get people to employment and to education/training? He stated that if the requirements became integrated with the purchasing of a new van you would have some institutional motivation.

Commissioner Ritter asked Tom Vaughan if there was still an opportunity to impact the RFP. She asked if it is something you could consider taking it back to the Committee for follow through.

Tom Vaughan said there was some opportunity to do that. He also noted what they are trying to do with the RFP is to have someone who understands what programs are out there in the communities.

Patricia Fratangelo commented on the listing of transportation "czars." She wanted to know if each representative knows what's going on for their county.

Commissioner Ritter stated that the "czar" contact was for the MISCC member agencies to determine an individual in their agency who would work on this subcommittee because there was uneven representation and we were not helping enough with this task.

Constance Laymon wanted to stress the importance of paratransit even though it may be a problem and expensive. She told the MISCC members that without her use of a van she would not have gone to school and would have just stayed home.

Commissioner Ritter stated that this was a quality of life issue. She stated that transportation solutions need to be developed for all counties.

Michael Burgess spoke about Tom Vaughan's report on "Complete Streets." He noted that NYSOFA has been working on livable communities and this fits nicely into that and he would like to work towards issues like this.

Mark Kissinger asked what is a "Complete Street."

Tom Vaughan responded that the sidewalks are usable with enough room for people to pass by, curb cuts to cross streets and return to the sidewalk, pedestrian crossings are well-marked and attended to. He said these designs are not just for people with disabilities but for all people.

Commissioner Ritter stated to Mario Musolino, DOL, given the federal stimulus and lots of work that is already going on at DOL, are there any thoughts about this transportation need that are coming through all your myriad of programs, your agency needs to let the MISCC know that.

Mario Musolino said that the DOL has been thinking about transportation issues and have just begun that in-house, he said it was a key issue for the rural areas of the State and DOL should be involved.

Commissioner Ritter said she would like to have a transportation "czar" from the DOL on the Transportation Subcommittee.

Commissioner Ritter suggested that Shelia Carey from DDPC and her group is in a good position to pilot and test out some of these programs with their federal resources.

Shelia Carey commented that DDPC has been working together with DOT for a very long time. She noted the way they brought in DOT, because it was not one of their statutory agencies was as she remembers, one day watching her membership try to solve some of the transportation issues linked to housing and employment and no matter how hard you worked on this it is often fruitless.

Carey stated that they got DOT appointed to their Board and within the first 18 months they were awarded a \$5,000 grant. The DDPC worked with DOT in a rural part of the State. DDPC served as the coordinator and created a bus route that was very extensive and went through all the rural counties and brought individuals into the town and back. She noted that not only people with disabilities benefited from accessible buses, but everybody was able to ride and use the bus route. She said it proves that by talking to one another and reaching out to one another, things can happen and it doesn't always mean that you need a lot of money.

Commissioner Ritter requested a copy of the final report on the DDPC Best Practices to place on the MISCC Web site.

Commissioner Ritter deferred the Regulations Committee Report to the end of the meeting because she wanted to assure that enough time and attention was given to the audience and advocates.

Commissioner Ritter also commented that Michael Seereiter the Program Director for Mental Hygiene Services for Governor Paterson had joined the meeting. She noted that he has maintained perfect attendance for attending the MISCC meetings.

Commissioner Ritter stated she would be calling on the people who had signed up to speak during the Public Comment portion of the Agenda. She asked that everyone speak for no longer than three minutes in order to allow everyone an opportunity to speak.

Jason Planck wanted to speak about the lack of disability services in Schenectady County for persons with disabilities. He identified himself as an advocate for people with disabilities. He commented on the accessibility issues in Schenectady County. He stated that to do business with Schenectady County, one has to stand out in the street due to stairs and other barriers. He asked the MISCC to look into this problem statewide because he believes people need to be able to access services in the county which they live.

Commissioner Ritter stated that she would forward a copy of the material he provided her to OTDA.

Bruce Darling, NYS ADAPT, wanted to refer to the discussion on transportation. He stated because he comes from Monroe County and he happens to know a little bit about transportation. ADAPT was previously the American Disabled for Accessible Public Transit. He stated he came from a county where they refused to put lifts on buses and was told to buy lifts for the five individuals who use the Public Transit Authority instead of putting lifts on public buses. He noted there have been recurring difficulties, and that there had been three separate attempts to coordinate transportation services in his county. He said people still have problems accessing services to the point where ADAPT sued the Public Transportation Authority to get access to the paratransit services as required under the law. He commented that transportation for people with disabilities is still a problem. Darling stated that part of the problem is that transportation for people with disabilities is considered "Special" and just like you want to get rid of the "R" word, you may as well get rid of the "S" word. He stated that "Special" means different and something we have to go out of the way to do. He also commented about the struggle in the community regarding transportation. Darling commented that the stakeholder group reports should be stronger about what should be done regarding moving people from segregated to more integrated settings. Darling stated he appreciated the Council expanding to include more consumer representatives.

David Daktor shared his testimony on how he became involved with ADAPT. He stated that first he assisted a neighbor who was placed in a nursing home, and subsequently died there, because arrangements for modifications to his home were not available. Daktor spoke about how his mother who through reactions to medication changes prescribed by a doctor, ended up in the hospital numerous times. He stated that at one point the doctor wanted to put his mother in a nursing home. The family requested a change in doctors and was advised they could not have one. Finally, he brought her to live in his home. Daktor commented on the transportation in Ontario County. He noted there are Lift Lines and there are things you can go to. He said in the Town of Phelps, where he lives, there are none. He stated that this lack of service doesn't allow you to get employed in another county if you require transportation assistance.

Commissioner Ritter stated that Daktor has given four or five good reasons why the MISCC exists and that there are some services available. She stated that the Council needs to make sure that the community needs to know what they are, including environmental modifications. She thanked Daktor for reinforcing what the MISCC is working on.

Diane Coleman, Center for Disability Rights, Rochester ADAPT, spoke about pending litigation involving adult homes, and requested that the MISCC members read the case.

Glenn Liebman introduced himself as the Chief Officer for the Mental Health Association of New York State (MHANYS) and commented that they have worked with many of the MISCC members over the years. The organization does a lot of anti-discrimination work and advocacy training and education. He stated he wanted to talk about a discriminatory practice that maybe some of the MISCC were unaware of. He stated that there is an existing law in New York State that discriminates against parents with psychiatric disabilities and parents with developmental disabilities. He noted that the existing law states that the ground for permanently terminating parental rights fall within four criteria:

1. Abandonment;
2. Permanent neglect;
3. Severe and repeated abuse; or
4. Unable by mental illness or mental retardation to provide proper and adequate care for a child.

Liebman said the issue MHANYS has is with the fourth criteria. He noted this bill was written in the 1970's and was an archaic remnant from an era regarding how people with psychiatric disabilities and developmental disabilities are and what they are capable of. He stated that the group is hopeful that the MISCC will lend its support because legislation is coming out later this year. He noted that Senator Huntley introduced bill S2835 that would eliminate that discriminatory language. He also noted that Assemblyman Peter Rivera introduced a companion Assembly bill A668 that would eliminate the section about mental illness and mental retardation.

Lorraine McMullen, MHANYS, introduced herself as someone who coordinates the Parents with Psychiatric Disability Program and the impact it has on everyday life. She stated her job is to take phone calls across the State from people who find themselves ensnared in this law and who had no idea it existed. She explained that women who go in to deliver their first child, that someone flags their psychiatric history, and the Child Protective Service is called and the infant is removed from the parents who must then begin the process of going to court to try to regain custody of their child. She stated that if you took the law and replaced the mental illness or mental retardation with cancer or diabetes or any other health issues that parents or individuals face, you would realize the impact and how harsh and oppressive this is. She stated it does happen when women go to the hospital and their children are never given back. It not only affects the family but it has a permanent impact on people for their whole life. She noted another case is you have a mother with developmental disabilities and she has built wrap around supports with her family, the child fails to thrive, and the parent is charged with neglect and abuse. It turns out the child has a congenital disability and that child is never returned to its mother and her parental rights are terminated. There are women who cross state lines to Pennsylvania because that state does not have this law on its books. She stated its 2009 and we want to work to change this, some parents go through custody issues and their attorney advises them not to take medication, so they don't seek treatment. Families are afraid to access treatment in our State. MHANYS thinks it is very important legislation and it is time for change.

Commissioner Hogan thanked them for bringing this forward and said there is no reason for this provision to be in the law because the other provisions provide plenty of protection for children. He noted over the years many people have not sought treatment that was necessary because of the concern it would have on their children. He stated people lost their children at a point in time where they weren't taking care of them who entered treatment and are now ready to get them back.

Mathew Mathai, NYAPRS, wanted to thank everyone for their work thus far and we are moving forward in a number of areas specifically the Employment Subcommittee in their data and finance meetings. He stated we are meeting frequently. The most recent meeting is building on what are segregated services and what are integrated services and really starting to define that as a group together and our hope is ultimately that we have a Budget recommendation that MISCC is able to move forward with and demonstrates a transition from segregated supports and services into integrated supports and services. He noted that will be the strongest reflection in his mind and for those who are advocating for integrated services.

Lauren Tenney, We The People, informed the MISCC that her organization was born out of the death by neglect of Esmond Green at Kings County Hospital's Psychiatric Emergency Room, last June. She stated they are concerned about some of the mental health stakeholder groups that don't represent everyone. She stated we speak for ourselves and stand by the statement "Nothing About Us Without Us." She would like to have survivors of psychiatric services more involved in MISCC activities.

Commissioner Hogan thanked Lauren Tenney for her presentation. He noted that representatives of "We The People" have met with John Allen and him three times in the last couple of months and have ongoing meetings scheduled.

Marcie Kelly, Mental Health Peer Connection, stated that they are part of the Western New York Independent Living Center. Kelly shared her testimony with the MISCC and spoke about an individual's right to go to work. She stated it is a fundamental right that everyone should be able to work.

Commissioner Ritter thanked Kelly for her comments and noted there was a lot going on around employment. She stated there is an Employment Subcommittee working on that and she knows the presentation made next month will talk about that and the collaboration across member agencies. She noted that it is a huge priority even in these fiscal times and that our commitment to employment for people with disabilities still has to continue to be a priority.

Fran Wishnick, RCAL of Kingston, identified herself as a Public Policy Advocacy Director and a Benefits Counselor. She wanted to mention the Medicaid Buy-In and Medicaid general programs. She commented that in Ulster County if you were to call Medicaid last week for an appointment that the scheduling is already at the last week in June. She asked that we take a look at expediting these processes and improve the timeframes.

Harvey Rosenthal asked what can be done to expedite that process with the Medicaid Buy-In and which MISCC member agency is responsible for oversight.

Mark Kissinger stated that DOH realizes that Medicaid issues are complicated and this year's Budget that there are a number of initiatives to make the process easier. He stated he will take it back to Deb Bachrach and work through it with the MISCC.

Commissioner Ritter stated that we may want a report on the Medicaid Buy-In on the Agenda.

Donna Gillette stated that many years ago she reported in front of the MISCC and she appreciates being here today to listen to the progress being made. She stated that she wanted to urge this committee to be aware of legislation Bill A7277. She urged the Council to take a look at that legislation.

Commissioner Ritter provided the report for the Regulations Committee. She reported that the Regulations Committee met in March and that there is a Charter in the registration folders that she would like members to look at and get feedback to her as the Chair. She stated the point is to get each of the member agencies and their stakeholder groups to think of and identify any key regulations that are either preventing or enhancing a true integration. It is the goal to use the enhancers as Best Practices for everyone and to use those that are barriers to integrated services to focus on those as a priority to see if we can do something about them. The Regulations Committee met to discuss the process for

simplifying, modifying and eliminating regulations to allow for a holistic response to the needs of people with disabilities.

Commissioner Ritter stated that a very lengthy and productive discussion about the need for regulations that promote cross-system collaboration, use "people first" language and support public policy changes that assist individuals in living in the most integrated settings. The group drafted a Regulations Committee Charter which is being shared with MISCC member agencies. The Committee is asking agencies to work with their stakeholder groups to review regulations that may need to be simplified or modified in order to promote cross system collaborations that help individuals live more integrated lives or models of regulations that already accomplish this goal. In addition, the Committee will be reviewing the regulation recommendations from the 2006 MISCC Report and incorporate them as we move forward. The hope is to hear from agencies in June and provide an update on our progress at the July MISCC meeting.

Harvey Rosenthal stated as a member of the Regulations Committee that the last speaker pointed out the importance of person-centered planning.

Commissioner Ritter stated that she and Rosenthal have had discussions on transparency and that debates about if person-centered planning needs to be regulated or if there are other ways we can make it to the same goals without regulations. She stated that people-centered and people-focus is at the center of this administration and how we get there is the debate.

Harvey Rosenthal asked if in the October's meeting if we could have a budgetary meeting and he stated the stakeholder groups have not had enough information in the past. He asked if we could take the data where the money is currently being spent and where people are in segregated settings and independent settings shared with the stakeholder groups and ask them to make recommendations that could come back to the MISCC and eventually impact the Budget.

Commissioner Ritter stated the stakeholders should be engaged in those discussions already, and if not, it should be put on the table and the stakeholder and members should be having those discussions. She commented that the three subcommittees have been asked to do that and the recommendations get done in time to be considered around the Budget. The subcommittee Chairs make sure that is part of the dialogue that the MISCC members and stakeholders have.

Constance Laymon wanted a copy of the stakeholder presentation schedule.

Commissioner Ritter stated it would be on the MISCC Web site shortly.

Commissioner Ritter reminded everyone that the MISCC 2008 report is posted on the MISCC Web site, which can be accessed through any of the MISCC member-agency Web sites. She stated that a list of the MISCC meetings scheduled for 2009 are included

in the registration folders and the next MISCC meeting will be held on Monday, July 6, 2009, from 1:00 p.m. to 3:00 p.m. at the Empire State Plaza in Meeting Room 6.