

Summary of Proceedings - April 9, 2008
Most Integrated Setting Coordinating Council (MISCC) Meeting

MISCC Meeting Participants

Diana Jones Ritter, Chair

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

Lorrie Pizzola

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

Nancy Martinez

Deputy Commissioner (representing Gladys Carrion, Commissioner, New York State Office of Children and Family Services)

John Allen

Special Assistant to the Commissioner (representing Michael F. Hogan, Commissioner New York State Office of Mental Health)

Dr. Rebecca Cort

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

Greg Olsen

Deputy Director of Policy Analysis, Research and Management (representing Michael Burgess, Director, New York State Office for the Aging)

Gary O'Brien

Chair, 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)

Ron Epstein

Director, Statewide Policy Bureau (representing Astrid C. Glynn, Commissioner, New York State Department of Transportation)

Bill Panepinto

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

Public Members

Debra Holland

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

Constance Laymon

Chief Executive Officer, Consumer Directed Choices

Harvey Rosenthal

Executive Director, New York Association of Psychiatric Rehabilitation

Patricia Frantangelo

Executive Director, Onondaga Community Living

Kimberly T. Hill

Director of New York State Assembly Task Force on People with Disabilities

Karen Oates

President and CEO of the Mental Health Association of Rockland County

- Commissioner Diana Jones Ritter welcomed all those in attendance. She reviewed the agenda noting that the Open Discussion item was moved to the beginning of the Most Integrated Setting Coordinating Council (MISCC) meeting as requested by the advocates at the previous meeting.
- Commissioner Ritter reiterated the support of the new Governor, David A. Paterson, and his administration's continued commitment to the MISCC.
- The introduction of MISCC members and guest speakers ensued.
- Commissioner Ritter welcomed Michael Seereiter from the Governor's Office and Lola Brabham-Harder, new Director of Human Services on Dennis Whalen's team.
- Commissioner Ritter presented the update on MISCC membership. She mentioned that three individuals have been identified as inactive participants, one appointee each by the Executive, Assembly and the Senate. Commissioner Ritter requested that Michael Seereiter and Lola Brabham-Harder work with MISCC and with the leadership of both houses for recommendations to replace those members. She also requested recommendations from MISCC members and hopes to have a full active MISCC by the next meeting.
- Commissioner Ritter invited members from the public to speak during open discussion.
- Chris Hilderbrant from ADAPT spoke first. He reminded the Council that the MISCC statute calls for a plan to be submitted for getting people out of institutions. Without a specific plan, he said that things like the New York State Budget move forward in a way that is easily influenced by lobbyists. He further stated that the Budget is a piece of legislation that the MISCC could influence by coming up with something better than putting more money into nursing homes and hospitals - facilities that people with disabilities don't want to be in.
- Commissioner Ritter responded by stating that one of the reasons for putting together the workgroups is to make sure that the MISCC would come up with Action Items with which to update the 2006 Plan. Commissioner Ritter explained that it was her expectation that the information from the workgroups would be used and that the stakeholders would take those concerns to their agencies. In turn, those agencies would plan around those issues. Commissioner Ritter stated that the question is how to take what is happening at the agencies around institutional issues and bring them back to MISCC. Commissioner Ritter affirmed that this was something MISCC should discuss.
- Harvey Rosenthal shared that he really appreciated the point brought forward by Mr. Hilderbrant and that an actual plan is a valid thought.
- Commissioner Ritter stated that putting together a plan would be an Action Item.

- Mr. Hayes from ADAPT stated he just got out of a nursing home in February and noted that many people are in those homes that do not need to be. Mr. Hayes asked MISCC the question, “when is it going to change for people who are in nursing homes that don’t belong there?”
- Commissioner Ritter stated that the Office of Mental Retardation and Developmental Disabilities has been working on an initiative to develop capacities to move people who don't belong in nursing homes out of them. Commissioner Ritter stated that there is a need to find a better way to communicate the message.
- Patricia Fratangelo stated she didn't want to see the MISCC get bogged down with policy and that MISCC needs to focus on what is really happening for people. Ms. Fratangelo said the Council needs to know what the impact is on individuals in different parts of the state.
- Commissioner Ritter noted that MISCC needs to report back to the Governor’s Office in the fall on its work with the stakeholders. MISCC also has to identify the work that is being done and the outcomes in that report.
- Commissioner Ritter stated that MISCC is a good forum for sharing what is being done, as well as things that are not, and having people share their thoughts on the MISCC mission.
- Commissioner Ritter stated the need to balance the MISCC agenda and include input and feedback on the outcomes of people.
- Gary O’Brien, Chairperson for the Commission on Quality Care and Advocacy for Persons with Disabilities, commented that the Council needs to promote strategies and that MISCC reasons need to be promoted well in order to succeed.
- Commissioner Ritter noted an example of the work being done behind the scene to downsize institutionalized populations, *i.e.*, the Budget, which supports OMRDD’s recommendations to close the West Seneca DDSO and move people off the campus.
- Constance Laymon recommends the MISCC look at the program side of community based supports.
- Lorrie Pizzola, Deputy Commissioner for Policy and Intergovernmental Relations for the Division of Housing and Community Renewal (DHCR), shared a victory. The Access to Home Program was created from internal funding at DHCR over three administrations ago. The current Budget provides \$4,000,000 for the program. Ms. Pizzola stated that this example speaks of collaboration between MISCC, Money-Follows-The-Person and the Housing Task Force. DHCR could not have done it alone and it was the community-based groups and not-for-profits that came forward and helped DHCR defend that request by going to the members of the legislature and the Governor’s office. Because of this collaboration, everyday people are transitioning and being diverted.

- Commissioner Ritter suggested shaping the MISCC Agenda differently so that the “impact on people” part comes out stronger.
- Mark Kissinger, Deputy Commissioner for the Department of Health, stated that the Department of Health is engaged with the activity of implementing the Berger Commission recommendations. Mr. Kissinger stated that Albany County has moved forward and put its money in community services. Whereas, Schenectady County is engaged in an exercise to make sure that the nursing homes in their county have as many beds as possible. The Department of Health is trying to encourage the county towards a holistic look of long-term care and to move services to the community. Mr. Kissinger said that every community has work to do, beginning at the community level because people are still oriented to long-term care in nursing homes. Mr. Kissinger further stated that counties consider their nursing homes part of the county employment base.
- Stuart Kaufer from the Center for Independence of the Disabled of New York commented on two contracts with the NYS Department of Health - the Traumatic Brain Injury (TBI) waiver for Brooklyn, Staten Island and Manhattan and the nursing home and transition and diversion waiver for all five boroughs.
- Mathew Mathai from the New York Association of Psychiatric Rehabilitation Services said he was very grateful that the MISCC workgroup for employment was a priority. Mr. Mathai noted the lack of collaboration between state agencies regarding employment and suggested policy integration across state agencies, as well as funding and data integration. Mr. Mathai indicated that there will be a policy effort among advocates to work on the eligibility process to connect people with employment supports. He recommended working to eliminate the number of hoops people have to travel through to get the supports needed to return to work when individuals say they want to go back to work. Mr. Mathai congratulated the MISCC for its efforts.
- Commissioner Ritter introduced Rebecca Cort, Deputy Commissioner for VESID. She provided the SED/VESID stakeholder group update.
- Rebecca Cort presented the VESID Most Integrated Setting Advisory Committee report.
- Commissioner Ritter introduced Greg Olsen, Deputy Director of Policy Analysis, Research and Management for the NYS Office for the Aging Family Caregiver Council.
- Greg Olsen noted that 2.2 million caregivers provide uncompensated services to people in New York State. This uncompensated care is valued at \$24 billion and saves the New York health care system \$12 billion. Mr. Olsen stated that public policy needs to recognize and support caregivers. He further noted that over the last couple of years, and certainly within this Budget, the Governor and Legislature have been embracing the fact that the Caregiver Council needs to move forward and look at ways to support caregivers. He stated that while the Family Caregiver Council was given its name in statute, it is more than just family; it is informal supports for persons of all ages with disabilities. The Family Caregiver Council is charged with the following areas:

- Completing a review of key policies and practices related to family care giving and care giving in general.
- Completing a comprehensive review of existing services and needs of caregivers.
- Proposing new and innovative services and policy changes to strengthen care giving and identifying ways to strengthening locally agencies' ability to reach, access and support caregiver needs.

Mr. Olsen reviewed items included in the Budget for the Family Caregiver Council, which included \$200,000 for direct respite services as part of an appropriate expansion of services. Mr. Olsen listed areas that the Family Caregiver Council will review: expansion of community services for caregivers, informational outreach, housing options, rights of caregivers and state and local infrastructure. Mr. Olsen noted the Medicaid savings that result from delaying nursing home placement.

- Patricia Fratangelo stated that supporting people at home would be less costly, more preventative and better for the system, as well as for people in the long run.
- Commissioner Ritter introduced Dr. Tim Feeney, Director of the Neurobehavioral Resource Project for the Department of Health.
- Dr. Feeney presented his report, "Supporting Individuals with Brain Injury and Co-Existing Disabilities in Community Settings."
- Bill Panepinto, Director, Bureau of Housing and Employment Services for OASAS indicated that a population with TBI may be found in homeless shelters. He believes there are many individuals who need supports and permanent housing.
- Gary O'Brien commented on an attitude shift where people are actually being looked at as people. Mr. O'Brien stated that it just makes sense and the cost effective piece underscores the whole thing.
- Commissioner Ritter notified those in attendance that she had asked Ron Epstein and Ed Placke to yield their time today to Dan Skulicz who has traveled from Buffalo to present. **(See Addenda A, B and C)**
- Ed Placke, Assistant Commissioner, VESID wanted to add that three partners were accidentally left off his PowerPoint presentation and he asked those in attendance to please add the following: Community Colleges and SUNY; CUNY; and the New York Association for Independent Living - three key contributors to the process.
- Harvey Rosenthal wanted to go on record that he was disappointed that he would not be hearing the employment presentation and was grateful that this group has kept its commitment.
- Ron Epstein from DOT quickly gave an overview of his presentation and agreed to provide an addendum to be included with the MISCC summary.

- Ron Epstein stated that he was pleased to yield his time to Dan Skulicz, Director of Operations of the Center for Transportation Excellence. Mr. Epstein mentioned that the Center for Transportation Excellence is a private sector program and is essentially the coordination of the family of services necessary to provide transportation services. He noted that the Center for Transportation Excellence is bringing together training and technical workforce development, as well as vehicle maintenance.
- Dan Skulicz shared his presentation, “Coordinating Community Transportation in Western New York the Center for Transportation Excellence approach.” Skulicz pointed out that his program was a locally created program initiative and was hopeful that his model would have some value for the people around the state.
- Commissioner Ritter asked the MISCC if the meeting could be extended 10 more minutes so that the audience could ask questions and make comments.
- Francis Kimmes introduced himself from the Deaf Elderly Around Rochester. Mr. Kimmes stated that he was trying to setup a housing project for senior citizens. He explained that many deaf senior citizens are being sent to nursing homes and become totally isolated since there are no sign services. Mr. Kimmes stated that he is trying to set up one facility with all deaf individuals so they can have a good time and enjoy the last part of their lives. Mr. Kimmes further commented that he is involved in and a member of Alcoholics Anonymous. Many deaf go through the rehabilitation process. He said that in Rochester there are sign programs and interpreters in halfway houses, but when individuals go back to their hometowns, sign services and interpreters may not be available. Often these people relapse and return to Rochester for services. Sometimes court orders will require people to stay in their hometowns but there are no facilities for them in Albany, etc. Mr. Kimmes stated many people are frustrated and are not able to get sign services. Mr. Kimmes commented that help is needed to solve the problem.
- Bill Panepinto from OASAS commented that they are very aware of the historically fine services for the deaf that exist in Rochester. Mr. Panepinto affirmed that they do not exist at that level in the rest of the state. Panepinto stated OASAS needs to identify those services that are the most essential to link people and see how the services that have been successful in Rochester can be replicated to the rest of the state. Panepinto invited Mr. Kimmes to contact OASAS at the Field Office in Rochester so the agency is able to learn from his experience. Mr. Panepinto said that one of the core services clearly needed is sign interpretation capacities in outpatient programs and not just residential treatment, but also some outreach where people can connect.
- Dr. Karen Oates noted that Rockland County has three residential sites specifically for people who are deaf and hard of hearing. She informed the group that they run a conference each year for professionals and this year it is in June and to please contact her for more information.

- Erica Von Nardroff identified herself as an adult home resident and wanted to thank the MISCC for putting adult home issues on the action item list.
- John Allen, OMH, stated that OMH has had discussions with representatives from CIAD. He noted that DOH is looking at a date now to come out and meet with the Executive Committee of CIAD and to work with them to create some resolution. Mr. Allen stated that OMH is working on several proposals to develop additional housing programs.
- Dean Russo from Rochester, New York stated that he is a Deaf Systems Advocate. He would like to see a deaf interpreter at the registration table to provide information.
- Mr. Russo noted that transitions is a big issue in the deaf community with so many IEPs, which are real diplomas and are not giving people a chance for an education. He commented that it is not just about work experience; he has experience and is having a hard time. Mr. Russo pointed out that many people are stuck; they have experience but are not progressing. Mr. Russo shared with the MISCC that deaf people want to be together whereas disabled people want independence.
- Gary O'Brien stated that legislation was passed last year to create the Inter-Agency Council for the Deaf, Deaf-Blind and Hard of Hearing, which would draw recommendations to create legislation to respond to the needs. Mr. O'Brien thanked the advocates for their hard work in creating the Council.
- John Allen reported that the OMH Multicultural Committee is seeking individuals from the deaf community to become part of the Multicultural Advisory Council. The input would help the committee assure that services are meeting the cultural needs of individuals who are deaf.
- John Allen raised an issue relating to the Native American community. He mentioned that Native Americans with disabilities have unique disadvantages to accessing services in traditional ways and informed the group that they would like an opportunity to address the MISCC and raise cross-cultural and cross-agency issues.
- Commissioner Ritter listed the action items: address the Native American topic; focus on a plan and how to move forward, including how to engage the stakeholder groups; reshape the agenda and have more people outcomes; and work on MISCC membership with the Governor's Office, Senate and Legislature to fill the inactive positions.
- Commissioner Ritter reminded those present that the next MISCC Meeting was scheduled for Monday, July 7 (Harvey Rosenthal's Birthday) at the Empire State Plaza in Meeting Room 6 and the following meeting is October 8.
- Commissioner Ritter stated that for the July 7 MISCC meeting, the State Agency Stakeholder Groups Updates will be provided by OASAS and OCFS.
- Meeting adjourned at 3:15 p.m.

**MISCC
Employment Workgroup**

- The goal of the Employment Workgroup is to close the employment gap between individuals with disabilities and individuals without disabilities.
- The employment rate in New York State for individuals with disabilities is 33.5 percent and for individuals without disabilities is 80.0 percent.
- The average hourly rate of pay for individuals with disabilities is approximately \$11 and for individuals without disabilities is approximately \$28.
- Dignity is correlated to employment; without employment there is no dignity.
- Barriers to employment have been identified by the Employment Workgroup and objectives are in development.
- The objectives will address the coordination of policy, procedure and date related to closing the employment gap.

**MISCC
Transportation Workgroup**

The MISCC Transportation Workgroup submitted a presentation to the full Committee for review/comment. The presentation specifically addressed:

- Background on the United We Ride and MISCC Transportation Workgroup efforts.
- Workgroup Mission Statement/Goals/Objectives.
- Better Practices/Models.
- CMS Medicaid Rule on Medically Necessary Transportation.
- Workgroup issues currently being deliberated, including but not limited to:
 - Quality public transportation in every county;
 - Mobility Manager/Coordinator in every County;
 - Paratransit - ¾ mile limitation;
 - Accessible Taxi Legislation;
 - 511 Travel Information/Human Service Agency Participation.
- Lessons Learned and Future Workgroup Direction.

In addition, NYSDOT provided information on transportation funding program opportunities/solicitations.

- Federal Transit Administration (FTA) Elderly Individuals and Individuals with Disabilities program (Section 5310):
 - Provides capital funding to address needs of elderly individuals/individuals with disabilities.
 - Available to not-for-profit organizations which serve elderly individuals and/or individuals with disabilities or public bodies (i.e. municipalities, County level governments) which can certify that **no** not-for-profit organizations are available in the area to provide these services.
 - Approximately \$8.0 million annually.
 - Competitive grant program.
 - Applications available @ www.nysdot.dov or 518-457-8343.
- Federal Transit Administration (FTA) Job Access/Reverse Commute Program (Section 5316):
 - Supports transportation services for eligible low-income individuals to/from jobs and job-related activities and to address reverse commute needs.

- Funds may be used for capital expenses (80 percent federal share) and/or operating expenses (50 percent federal share).
 - Eligible applicants awarded grant funding based upon competitive solicitation process.
- Federal Transit Administration (FTA) New Freedom Program (Section 5317)
 - Supports new transportation services and public transportation alternatives beyond those required by the Americans with Disabilities Act of 1990 (42 USC 12101).
 - Funds may be used for capital expenses (80 percent federal share) and/or operating expenses (50 percent federal share).
 - Eligible applicants awarded grant funding based upon competitive solicitation process.
- Approximately \$10 million (annually) available for JARC and \$6.0 million (annually) for New Freedom Statewide.
- Check for availability of applications @ www.nysdot.dov or call 518-457-8343.
- JARC, New Freedom and 5310 all require projects to come from a Coordinated Transportation plan.

**MISCC
Housing Workgroup**