

The Resource

February 13, 2005

FOR PERSPECTIVE AND ANALYSIS

The Source of information for providers of community-based services for people with differing abilities.
A member service of NYSRA.

NYSRA LEGISLATIVE FORUM 2006

By Jeff Wise, NYSRA President & CEO

Winter may not have fully arrived this year, but there is no doubt that the legislative season is in full swing.

As we mentioned in our last report, Albany in the first weeks of the year is a busy place. State budget discussions are constant – NYSRA has been at numerous budget briefings and relevant hearings and had literally dozens of meetings with legislators and their staff regarding the good and bad in the proposed Executive Budget. And with the prospects of another “on-time” budget apparently quite strong – two years in a row! – there are earlier-than-usual discussions on other legislative items of interest, from Timothy’s Law for mental health parity in insurance coverage to the issue of sexual predators and various proposals that attend the release of such offenders from prisons, perhaps leading to some of them being sent into the mental health system.

NYSRA has just completed its annual gathering in Albany and we are pleased with a strong turnout for our 2006 Legislative Forum. We also are pleased that representatives from seven state agencies were good enough to join us for part of the afternoon on Monday, February 6, to discuss state budget and other issues.

We appreciate the participation of OMRDD Commissioner Thomas Maul; Office for the Aging Commissioner Neal Lane; Commission on Quality of Care Chair Gary O’Brien; OMH finance representative David Woodlock; Department of Labor Employment Services Director Karen Papandrea; State Education Assistant Commissioner Ed Placke; and Office of Temporary & Disability Assistance Deputy Commissioner Rus Sykes. Had he not fallen ill, Brian Daniels of CBVH would have joined the panel.

State Budget Director John Cape also was unable to attend due to illness, but we were fortunate to have Deputy Director Al Kaplan sent in his stead. His outline of the Governor’s proposed State Budget was a helpful snapshot of the types of things Governor Pataki aims to leave in his last spending plan – a so-called “legacy budget.” We are grateful that Al was able to join us on very short notice.

The move in the governor’s plan to create a consolidated Office of Inspector General for Medicaid, as well as his plans to enroll new populations, including SSI recipients, into Medicaid managed care plans and his new efforts to root out fraud, waste and abuse are all that much more

critical in light of what is happening in Washington. On February 1 the House gave final approval, by just two votes, to a budget reconciliation bill that will see cost-sharing increases for beneficiaries. And as NYSRA members met at our Legislative Forum on Monday, February 6, the White House released its proposed budget for the fiscal year to begin October 1. Many more cuts are involved in the president’s plan.

As for Albany, NYSRA members had the opportunity on Tuesday, February 7, to meet with their legislators and staff to discuss local issues and to express our concerns over Medicaid changes, the long overdue cost of living adjustment for many community programs funded with state dollars, and the overall direction of programs funded by the state budget.

As those discussions took place, the state Senate joined the Assembly in unanimously over-riding the governor’s veto of a program passed last week that will offer a state “wraparound” payment to Medicare/Medicaid dual eligibles who find certain prescription medication not covered under the new Medicare Part D program. The governor had chosen to take an incremental, week-by-week approach to the program through Executive Order on extending the wraparound protection under the current fiscal year budget, with a proposal to fund three months of such protection in his proposed budget that would take effect April 1. The Legislature voted last week to instead enact a wraparound for an indefinite period and, when the governor vetoed that measure, every member of the Legislature voted to over-ride that veto.

INSIDE THIS ISSUE

LEGISLATIVE FORUM CONTINUED...PAGE 2

FEDERAL UPDATE...PAGE 3

ANNOUNCEMENTS/OPPORTUNITIES...PAGE 3

NYSRA/RRTI CALENDAR...PAGE 4

JOB OPPORTUNITIES...PAGE 5

NYSRA member meetings produced other interesting discussion, including a newly apparent theme to the COLA proposed by Governor Pataki. While there is virtually no doubt that the Legislature embraces the governor's proposal - an approximate 2.5 percent COLA that kicks in on October 1 of this year, then is applied twice more, on April 1 of the next two years - we heard that there is some discussion over the governor's directive regarding how that increase can be used by programs receiving new dollars. Discussions with members of both houses of the Legislature suggested that, while the governor's language notes the need for increases in workforce wages or other important non-personnel needs, there is some sentiment with lawmakers that the COLA should be dedicated to the workforce only.

This discussion seems ready to bloom during the budget negotiations and we are monitoring where that discussion may start to go, and how we can best influence that discussion to ensure tht these dollars may be received with the greatest flexibility permitted to the programs who receive them as to how they are spent.

Discussions also touched on the need for mental health residential beds in the upstate area - the NY/NY III agreement between the state and New York City calls for 9,000 new

beds over 10 years within the five boroughs. NYSRA board members and staff have discussed this with key people in the Capitol, including Assemblymember Peter Rivera and Senator Thomas Morahan, chairs of the mental health committees in their respective houses. It is apparent that both legislators understand that the need for such services and housing does not end at the New York City limits. Senator Morahan is working to see if he can find funding for perhaps 500 beds in the coming budget and we pledged to work with him on trying to see that effort through.

This and all other budget issues are definitely on a fast-track, in any event. With all 212 members of the Legislature up for re-election, with a gubernatorial race ready to materialize, and on the heels of the Republican Party's lost seats in the State Senate in 2004 keeping on the minds of many, there is a strong sense that the budget will, as we mentioned, be on time again this year. We try to influence that accelerated process in the interests of NYSRA members every way we can and will continue to do so.

We will keep you posted and advised on what you can do as well.

A LOOK AT LEGISLATIVE FORUM 2006



NYSRA President/CEO, Jeff Wise greets Stephen Friedman, Executive Director of UCPA of Greater Suffolk Inc. as Patricia Caso, Director of Adult Day Services at UCPA of Greater Suffolk looks on.



Pictured L to R on NYSRA's Legislative Forum Panel are Neal Lane, Office for the Aging Commissioner; Gary O'Brien, CQC Chair; David Woodlock, OMH; Commissioner Maul, OMRDD and OTDA Deputy Commissioner, Rus Sykes



Forum attendees listen as NYSRA President/CEO, Jeff Wise present on the NYS State Budget.

JAVITS-WAGNER-O'DAY ACT & RANDOLPH SHEPPARD ACT SQUARE OFF

Below you'll find a message from Tony Young of NISH regarding a Federal Register notice seeking comments on a plan to resolve the dispute over military dining facilities between blind entrepreneurs and nonprofits that employ people with disabilities under the JWOD Act.

This is important to every community rehabilitation program, regardless of whether or not you participate in the JWOD program. The blind interests have a variety of special programs benefiting only them, and they are seeking to expand these programs potentially at the expense of people who have other disabilities. The government needs to hear from us about the interests of all people with disabilities being served.

From NISH: Section 848 of the National Defense Authorization Act for Fiscal Year 2006, requires the Department of Defense (DoD), the U.S. Department of Education (DoED), and the Committee for Purchase From People Who Are Blind or Severely Disabled to issue a joint policy statement and report relating to contracting with employers of persons with disabilities at military dining facilities by April 1, 2006.

They placed a notice in the Federal Register on Friday, February 3, 2006 (attached) **seeking comments until March 1, 2006** that will assist in identifying appropriate policy solutions for implementation of the Randolph-Sheppard Act (20 U.S.C. 107 *et seq.*) and the Javits-Wagner-O'Day Act (41 U.S.C. 46 *et seq.*) as they pertain to both the operation and management of military dining facilities.

HEARING AIDS TAX CREDIT PROPOSED

Courtesy New York Able Newspaper

The House Ways and Means Subcommittee on Select Revenue measures recently held a hearing on individual tax proposals introduced in the 109th Congress. Congress person Jim Ryun (R-Kan.) was one of seven members of Congress selected to testify. He focused his testimony on H.R. 414, the Hearing Aid Assistant Tax Credit Act. The act was reintroduced by Ryun in January and currently has 81 co-sponsors. The legislation would provide a tax credit of up to \$500 per hearing aid, once every five years. The credit would be available either for people age 55 and older or for parents purchasing a hearing aid for a dependent child.

The legislation is important to people with moderate incomes, given the costly nature of most hearing aids, which averaged \$1800 per aid in 2004 and the fact that there is almost no third party insurance coverage. Unfortunately, many people defer having their hearing loss treated because they cannot afford hearing aids. If passed, this legislation represents the first step toward improving access to hearing aids technology. According to advocates, this proposed tax credit is not the solution to coverage for hearing aids, but rather a starting point that will make it possible for many more people with hearing loss to obtain hearing aids.

PUBLIC WELFARE FOUNDATION MAKES GRANTS AVAILABLE TO NON-PROFITS

The foundation will award grants ranging from \$25,000 to \$50,000 to non-profit organizations for youth leadership development, violence prevention, early intervention and employment, training and education. The grants are designed to address needs in disadvantaged communities, with emphasis on organizations that include service, advocacy, and empowerment. For information contact Charisse Williams at (202) 965-1800. Non-profit organizations are eligible to apply. Deadline: Open

COLLEGE SCHOLARSHIPS FOR INDIVIDUALS WITH PARENTS WITH DISABILITIES

In recognition of the more than nine million parents with disabilities in the U.S. and their families, Through the Looking Glass (TLG), a non-profit organization, is pleased to announce the 2006 College Scholarship Fund specifically for graduating high school seniors who have parents with disabilities.

Scholarships funds are available to graduating high school students who:

1. Demonstrate academic and personal achievement;
2. Have grown up with at least one parent with a disability
3. Will be a high school graduate or graduating senior by Summer 2006

Up to ten separate \$1,000 awards will be given out in Summer 2006. These awards are one of several projects of Through the Looking Glass' National Resource Center for Parents with Disabilities. This National Center is funded by the National Institute on Disability Research and Rehabilitation (NIDRR), U.S. Department of Education.

More information and application forms are available on Through the Looking Glass' website: www.lookingglass.org. Forms may also be requested by calling 1-800-644-2666.



NEW TRUSTS HELP DISABLED PLAN FOR THE FUTURE

Disabled individuals and their families have two new unique options when planning for their financial needs and it's never been easier.

People Inc. and Legal Services for the Elderly, Disabled of Disadvantaged of WNY have collaborated to create a one-of-a-kind supplemental needs trusts.

- Trust II provides for gifts from third parties and offers a wonderful tool for planned giving.
- Trust I provides a way for disabled persons under the age of 65 to use their own money to enhance their quality of life.

Both are available without risking government benefits.

The money deposited into the trusts can be used on items that enhance the quality of life for individuals with disabilities.

- Obtain additional care, travel, and more in addition to life's basic necessities.

Learn more about this new service! For more information call Tracy Harrienger, Esq., General Counsel, People Inc., at (716) 817-7458.

CONFERENCES

Title: **Finding Your Future**

March 23, 2006, 8:30 a.m. to 3:30 p.m.

Keynote: Jonathan Mooney, Author
Buffalo State College - Bulger Hall

This Conference is designed for students (and their families) transitioning from high school. For more information contact People Inc. Educational Advocate, Elizabeth Assad-Penner at (716) 880-3702.

Title: **Balancing Discipline, Motivation and Behavior with Best Practice**

April 6, 2006, 8:30 a.m. to 3:30 p.m.

National Speaker: Eric P. Hartwig, Ph.D.

Millennium Airport Hotel Buffalo, Cheektowaga

Contact People Inc. for more information. (716) 817-7484

Suicide Prevention Conference

June 16, 2006

Rye Brook, NY

Sponsored by Mental Health Associations, Geriatric Mental Health Alliance Four Winds Hospital & New York

Presbyterian

NYSRA AND RRTI CALENDAR

February 2006

February 15

Waiver Services Committee (formerly the Service Coordination Committee) (DD Division), Albany

February 15

NYSRA OPTS TA Conference Call, 3pm

February 16

'Special' Clinic Conference call to prep for 2/23 Meeting

February 23

'Special' Clinic Coordination Committee, 10:30 - 2:30

Topic: Joint venture conversion with Jim Moran,

Gary Lind and Karen DeRuyter

NYSRA Office, Albany

February 28

RRTI Audio Conference: *Job Creation/Job Carving as a Job Development Technique*

March 2006

March 1

RRTI Seminar: Compliance Issues for Medicaid and Mental Health, Syracuse

March 6

Employment Options Committee (formerly the joint meeting of Workcenter Services & Community Employment Committee (Voc. Rehab Division), Albany

March 7

Vocational Rehabilitation Division - Lobby Day, Albany

March 8

DD Division - Lobby Day, Albany

March 9

MH Division - Lobby Day, Albany

March 9

RRTI Seminar: Creating a Positive Work Environment, Albany

March 21

RRTI Audio Conference: *Resource Ownership & Job Obtainment*

March 15

NYSRA OPTS TA Conference Call, 3pm

March 16

Partnerships for Youth in Transition (Voc. Rehab Division), Albany

March 22

RRTI Board Meeting, Albany

March 23

NYSRA Board Meeting, Albany

March 24

Clinic Coordination Committee (DD Division), Albany

JOB OPPORTUNITIES

Director of Operations: PEOPLE, Inc. is seeking a qualified candidate for a full-time position to work in the main office at 378 Violet Avenue, Poughkeepsie, New York. The Director of Operations is responsible for directing and coordinating operations of PEOPLE, Inc. mental health advocacy and service programs and other special services in multiple counties. Position reports directly to executive director. Qualifications: Candidate must be a current or former recipient of mental health services with at least two years of management experience. Higher education desired. Candidate must also have a clean, valid NYS Drivers License. Responsibilities include but are not limited to: 1) Supervises and coordinates the activities of the staff, recommending measures to improve performance and increase efficiency. 2) Recommends and initiates personnel actions such as hiring, promotions, transfers, discharges, and disciplinary measures, trains new and current employees. 3) Assists in planning, directing, coordinating and ensuring quality programs. 4) Establishes and maintains close working relationships-partnerships with agencies and community groups. 5) Prepares and submits management reports and all statistics reports which include contract deliverables to the counties and contract agencies. 6) Creates and maintains self-help/peer support groups in the community. 7) Organizes and establishes continuing internal communications through the use of bulletin boards, employee publications and committee meetings. 8) In conjunction with the executive director, develops input into long-range plans of PEOPLE, Inc. 9) Maintains budgets for programs. 10) Performs related duties as assigned. 11) Completes special projects as assigned by the executive director. This is a challenging position which values recovery, self-determination and empowerment. Salary: \$43,000 - \$50,000 commensurate with experience. If you feel it is the right position for you, send your resume at the earliest to: Executive Director, PEOPLE, Inc. , 378 Violet Avenue, Poughkeepsie, NY 12601 Fax: (845) 452-2793, E-mail: PEOPLEHQP@aol.com.

Social Security Staff Attorney: The Mental Health Project of the Urban Justice Center (MHP) seeks a Staff Attorney to represent individual Social Security claimants with psychiatric disabilities in administrative hearings, administrative appeals, and Federal Court. In addition to representing individuals, the Staff Attorney will work to make Social Security benefits more accessible to low-income people with psychiatric disabilities in general.

MHP aims to break the cycle of hospitalization, homelessness, and incarceration for low-income New Yorkers with psychiatric disabilities. For hundreds of individual clients each year, our small team of lawyers, social workers, and advocates stops evictions, wins Social Security, Food Stamps, Medicaid and Public Assistance, enforces the Americans with Disabilities Act, finds mental health treatment, and forces jails and hospitals to plan discharges so that psychiatric patients and inmates are not released to the street without housing, benefits, and ongoing treatment. Based on what we learn from our clients, we educate, organize,

and litigate for systemic change. Our groundbreaking systemic reforms have been covered by the New York Times, El Diario, Telemundo, the Daily News, Newsday, Rolling Stone, New York 1, WNBC, WABC, WNYC, WBAI, Inside Edition, and the Boston Globe.

The ideal candidate will be an attorney with at least 2 years' experience representing Social Security claimants; experience working with social workers and an understanding of the importance of interdisciplinary work; excellent legal research and writing skills; and a passionate commitment to fighting for low-income people with psychiatric disabilities

Housing Staff Attorney: The Mental Health Project of the Urban Justice Center (MHP) seeks a Staff Attorney to work on issues arising from the concurrence of housing crises and severe mental illness among low-income and/or homeless people in New York City. Though representation of tenants with mental illness in Housing Court will be significant part of the Staff Attorney's efforts on behalf of individuals, he or she will take a broad view of housing, and will also enforce Mental Hygiene Law 29.15 for psychiatric patients and advocate for clients with the Department of Homeless Services and Adult Protective Services.

MHP aims to break the cycle of hospitalization, homelessness, and incarceration for low-income New Yorkers with psychiatric disabilities. For hundreds of individual clients each year, our small team of lawyers, social workers, and advocates stops evictions, wins Social Security, Food Stamps, Medicaid and Public Assistance, enforces the Americans with Disabilities Act, finds mental health treatment, and forces jails and hospitals to plan discharges so that psychiatric patients and inmates are not released to the street without housing, benefits, and ongoing treatment. Based on what we learn from our clients, we educate, organize, and litigate for systemic change. Our groundbreaking systemic reforms have been covered by the New York Times, El Diario, Telemundo, the Daily News, Newsday, Rolling Stone, New York 1, WNBC, WABC, WNYC, WBAI, Inside Edition, and the Boston Globe.

The ideal candidate will be an attorney with at least 2 years' experience litigating in Housing Court; experience working with social workers and an understanding of the importance of interdisciplinary work; excellent legal research and writing skills; and a passionate commitment to fighting for low-income people with psychiatric disabilities

To apply for Social Security Staff Attorney and Housing Staff Attorney, please send a cover letter, resume, brief writing sample, and contact information for three references to Bill Lienhard, Project Director, Mental Health Project, Urban Justice Center, 666 Broadway, 10th Floor, New York, NY 10012. Please do not contact us by email, fax or phone. Salary DOE, excellent benefits, vacation and leave package.

Human Services - Services Coordinator - FT: MA plus 1 year experience or BA plus 2 years experience. Car necessary. EOE. Resume to: Phoenix Frontier - JG, 2095 Kensington Avenue, Amherst, NY 14226