

The ReSource

July 25, 2007

FOR PERSPECTIVE AND ANALYSIS

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

STATE LEGISLATIVE SESSION OVER OR NOT?

By Jeff Wise, NYSRA President & CEO

The Legislative Session appeared over when the Senate did a one-day session on Monday, July 16. But recent agreements among the leaders and the Governor indicate that more lawmaking is on the way before too long. In fact, as I write this, word is the Assembly will be in Albany on Thursday, July 26.



While it's not precisely clear when things might pick up again, we at least can take a look at what's happened up to this point.

As expected, once the State Budget was out of the way the Legislature and Governor turned their attention to other matters of policy. NYSRA did the same.

This year's session was undoubtedly affected by the February tragedy in which 13-year-old Jonathan Carey died while a resident at the O.D. Heck Center in Schenectady County. NYSRA has worked on every level to assist and augment the efforts of state policy-makers and legislators as they discussed responses to this tragedy. Several have been discussed, some have won legislative approval, and all have been studied by NYSRA as we work to respond in effective ways.

Chief among the responses, of course, was the May 5 enactment of a bill known as "Jonathan's Law." The measure amended the Mental Hygiene Law to make investigative records and notifications of incidents involving minor children more accessible to parents of minor children and guardians of adult residents. NYSRA strongly supports the notion that parents and guardians deserve information, but we have expressed our view that the response to these issues have to be carefully measured to protect confidentiality considerations involving the individual receiving services.

We expressed our concerns directly to the Senate Committee on Mental Health, Mental Retardation and Developmental Disabilities at a March hearing.

The law's passage has moved OMRDD and OMH to work on new regulations regarding incident reports. We have kept in touch with those efforts and expect regulatory

guidance soon. Meanwhile, NYSRA conducted a statewide conference call to discuss the ramifications of the law. We will do additional briefings if demand warrants, and we plan to devote a session at the upcoming Leadership Training Summit to the latest developments.



Other developments in this area during the legislative session:

Jonathan's Law retroactivity: Amends the May 5 enactment to permit request for incident reports to be made accessible to qualified persons (parents, guardians) seeking information as to incidents occurring on or after January 1, 2003. Requests must be submitted by December 31 of this year. Status: Passed both houses. Governor signed July 18.

Elevate abuse convictions to felony status: Each house passed a bill that would essentially make abuse – as defined in the penal law – of a person with a disability a felony offense. These provisions would apply to direct-care staff and NYSRA has raised many concerns over the actual implementation of such provisions. Status: The two bills are not identical and are, therefore, "one-house" bills for the moment that cannot become law.

People-first language: A bill sponsored by Senator Thomas Morahan and Assemblymember Harvey Weisenberg has been sent to the Governor. Former Gov. Pataki vetoed the bill in the past, lauding its intentions but expressing reservations as to the effectiveness of legislating speech and language usage. Status: Passed both houses; sent to Governor Friday, July 20.

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NYSRA LEADERSHIP TRAINING SUMMIT REGISTER ON-LINE

NYSRA is pleased to unveil its new on-line registration system for the Leadership Training Summit at www.nyrehab.org.

NYSRA's online registration system offers an easy and convenient method for allowing you to view the vast listing of sessions being offered this year. From there, you are able to sign-up, make payment and receive confirmation of your registration in a matter of minutes - all at your desktop.

Leadership Training Summit activities will kick off on Monday, September 24, 2007 with a Special Session on intergenerational workforce presented by Judi Clements, President, of Judi Clements Training and Development. Additionally, the Leadership Training Summit offers several concurrent sessions that will allow to you select an assortment of sessions to specifically cater to your professional development interests.

Mixed in with all the high powered leadership sessions of the Leadership Training Summit, NYSRA is pleased to provide brilliant awe-inspiring addresses from Keynote Speaker Linda Ellerbee and Plenary Speaker, Richard Pimental.

Ellerbee's life is one of integrity, excellence, independence and an industrial-strength sense of humor. Ellerbee has educated and informed all age groups through her work as a journalist, author, producer, breast cancer survivor and one of the most sought-after speakers in American.



Pimental is an entertaining, poignant and thought provoking speaker. In his own words "We all have times in our lives that can make a huge difference in the lives of others, and, as an inevitable result, in ourselves. It is by making a difference that we truly realize our own genius, our *Music Within*." A movie inspired by his passion to make a difference in the lives of others will premier this Fall.

Just a few topical sessions that you will want to be sure to include on your must attend list are "Understanding the World of Autism", "How Leaders Develop Workforce Excellence", "Return to Work: Best Practices in Serving Veterans", "Good Governance", "Geriatric Mental Health & Developmental Disabilities: Policy Issues" and everyone will want to hear from state agency commissioners and representatives during the Leadership Training Summit's closing session "Partners for Changing Times" on September 26, 2006.

Someone once said good design is a lot like clear thinking made visual. Topics and workshops offered at the Leadership Training Summit have been designed to meet the needs of Senior Executives, Financial Officers, HR Personnel, Managers, Supervisors, Service Coordinators, Employment Specialists, All Clinicians and Direct Support Professionals. It offers an enormous professional and personal development for all in the rehabilitation field.

NYSRA staff look forward to seeing you there and invite you to go online today at www.nyrehab.org to register and confirm your attendance at this year's Leadership Training Summit.

Questions about the Leadership Training Summit and on-line registration system can be emailed to nysra@nyrehab.org or you may call us at (518) 449-2976.

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Autism measures: A bill by Mr. Weisenberg and Senator Thomas Libous to create a separate Deputy Commissioner for Autism Services at OMRDD, as well as autism deputy directors at all state DDSOs, received much discussion, but little support. Status: Failed in each house. A separate measure to authorize creation of a Task Force on Autism, sponsored by Mr. Weisenberg and Senator Morahan was approved by the Legislature, but not by the Governor. Status: Passed both houses; vetoed by Governor.



Special education hearings

burden of proof issue: Ms. John and Senator Carl Lanza introduced a bill to establish that school districts bear the burden of proof hearings regarding special education issues. In the absence of such legislation, the burden lies with the parents in such hearings, according to the U.S. Supreme Court's *Schaffer v. Weast* decision. Status: Passed both houses; as yet, undelivered to Governor.

Workplace violence planning: A bill by Senator Serphin Maltese and Assemblymember Susan John was passed, amending state law to subject not-for-profits that receive more than 50 percent of their funding from government sources to workplace violence prevention planning. NYSRA voiced its opposition directly to members of the Governor's staff as one of the first associations contacted for comment on the measure. Status: Passed both houses; vetoed by the Governor.

NYSRA MEMBER STAFF WINS PACE 2007 BUSINESS PLAN COMPETITION

The Fourth Annual Pace Business Plan Competition took place at Pace's downtown New York City campus. Almost 150 Pace students, alumni, and guests attended the panel discussion with venture capital experts. Sheri Muth, Director of Employment & Community Day Services at Jawonio Inc. was selected by the panelists as the overall winner of the competition, and she received a monetary prize plus a private meeting with a venture capitalist for her winning business plan, "Independence Painting." The event was presented by Entrepreneurship@Lubin, in association with the MIT Enterprise Forum of New York City, Inc.



Independence Painting (IP) will be an interior painting service focusing on recurring contracts for commercial office complexes, school, and not-for-profit organizations. IP will provide intensive job training prior to hire and supports on the job through social service funding to facilitate a reliable labor pool. In the summer IP will collaborate with the Youth Bureau for an employment program for special needs youth and college interns for work leadership/service learning. The collaboration will provide work leadership and role modeling for youth, and leadership skill-building/service learning for the college students while in a real life work setting of painting. Crews of 2-4 workers with a skilled painter as work crew leader will be scheduled onto worksites in the community.

NYS ACCESSIBLE HOUSING REGISTRY IS NOW ONLINE

If you are a person with a disability looking for housing, or you are helping someone look for accessible housing, CIDNY's improved housing registry, www.nysaccessiblehousing.org can help. The easy-to-use Registry supplies extensive information concerning affordable and market-rate housing throughout New York State, including information on accessibility features.

The Registry allows you to search for housing by:

- location, including by town, zip code and major cities
- income, age or disability requirements

Each development listing contains contact information for the sites owners and property managers.

By entering some basic search criteria, people with disabilities can obtain information about:

- Vacancies
- Developments known to have accessible and affordable units
- Active wait lists and lotteries

If you have any questions or need help in accessing the site, please contact access@cidny.org.

This project is managed by CIDNY (Center for Independence of the Disabled in New York). Support for this project comes from the New York State Division of Housing and Community Renewal and the New York State Developmental Disabilities Planning Council.

NYS OCFS BID SOLICITATION

The NYS Office of Children and Family Services (OCFS) invites community-based organizations including faith-based organizations working in partnership with local elementary, middle and high schools and other organizations or businesses (Partnership Agreement required) to submit proposals for the creation of quality youth development programs after school.

Eligible Applicants: Non Profit 501(c)(3) (Not Higher Ed.), Non profit(not501(c)(3)

Bid Profile Name: Advantage After School Program

Application Due Date: 8/6/2007

Estimated Funds Available: \$3,400,000

To view the complete Bid Profile and the solicitation document for this Bid Solicitation, if you have Internet access, go to <https://ocfsws.ocfs.state.ny.us/obl/index.asp?menu=28&grantid=252> If you do not have Internet access you may contact Judy Mills at (518)473-4463 or Judy.Mills@ocfs.state.ny.us

PARENT TO PARENT OF NYS - LINKS DIGEST

As a part of the Family to Family Health Care Information and Education Center, Parent to Parent of NYS has established the Links Digest to provide links relevant to the issues of health care.



To access this resource visit Parent to Parent of NYS on the web at www.parenttoparentnys.org.

CMS HOSTING NPI NATIONAL ROUNDTABLE

CMS will host a NPI National Roundtable on August 2, 2007 at 2:00 p.m. focusing on common billing errors for Medicare Fee-For-Service providers. The Conference Title: Fee For Service Medicare NPI Q&A Session: Common Billing Errors.

It is recommended that you review a recent MLN Matters article on this topic prior to participating in this call. You can download and print a copy of this article at <http://www.cms.hhs.gov/MLNMattersArticles/downloads/SE0725.pdf> on the CMS website.

In order to receive the call-in information, you must register for the call. It is important to note that if you are planning to sit in with a group, only one person needs to register to receive the call-in data. This registration is solely to reserve a phone line, NOT to allow participation. If you cannot attend the call, replay information is available below.

Registration will close at 2:00 p.m. on August 1, 2007, or when available space has been filled. No exceptions will be made, so please be sure to register prior to this time.

To register for the call participants need to go to: <http://www2.eventsvc.com/palmettogba/>

For those who will be unable to attend, a replay option will be available shortly following the end of the call. This replay will be accessible from 5:30 p.m. on August 02 until 11:59 p.m. on August 8, 2007. The call in data for the replay is (800) 642-1687 and the pass code is 7025327.

As always, more information and education on the NPI can be found at the CMS NPI page www.cms.hhs.gov/

HOUSE AND SENATE MOVING FUNDING FOR FY 2008

The appropriations committees in the House and Senate have already published their respective recommendations for funding programs in the departments of Labor, Health and Human Services, and Education. Both House and Senate committees have recommended level funding or only a mandatory cost of living increase in the case of vocational rehabilitation state grants. While level funding continues to hurt many programs it is preferable to the cuts that the Bush Administration wanted to make, including not funding Projects with Industry and supported employment.

Some of the highlights include:

- A cost of living increase for VR state grants. Both committees at \$2.874 billion
- Level funding of \$19.54 million for PWI

- Level funding of \$29.7 million for supported employment
- Level funding of \$130 million for various independent living programs
- A small increase (\$3 million) for adult WIA funding instead of the substantial cut the President would make.
- A small increase in the dislocated worker program at DOL

Earmarks by members of Congress are not dead yet. The earmarks now include the name of the Senator who requested the funds be added. In the Senate bill there were ten projects singled out under the Rehabilitation Act demonstration authority. They were:

- Alaska Center for the Blind \$250,000 by Sen. Ted Stevens
- Darden Rehabilitation Foundation in Gadsen, AL \$150,000 by Sen. Sessions
- Kenai Independent Living Center \$200,000 by Sen. Stevens
- National Ability Center in Park City, UT \$250,000 by Sen. Bennett
- Rainbow Center for Communicative Disorders in Blue Springs, MO \$300,000 by Sen. Bond
- Southeast Alaska Independent Living in Juneau \$200,000
- U. of Northern Colorado Center for Low Incidence Disabilities \$200,000 by Sen. Allard
- Deaf Blind Service Center in Seattle, WA \$400,000 by Sen. Murray
- Enable America, Tampa, FL \$600,000 by Sen. Harkin
- Special Olympics of Iowa \$100,000 by Sen. Harkin

There were 78 earmarks for Department of Labor training programs. They totaled over \$27 million. Only one, to Goodwill Industries in Milwaukee for \$250,000, appeared to be specific to needs of persons with disabilities.

Even after a vote by the full House and Senate later this summer and the relatively small differences worked out by the House and Senate, the funding bill faces a threatened veto by the President. The use of a continuing resolution may be needed yet again to keep programs funded.

For PWI programs, it is important to note that the funds needed for the third year (October 1, 2007 to September 30, 2008) of the current grant cycle is already in place. The funding being considered by Congress now would be the funds for the first year of the next grant cycle. That RFP is expected late 2007 or early 2008.



Saratoga Bridges offers the following employment opportunities:

Assistant Residential Manager
 Behavior Specialist
 Individual Support Aides
 Summer Physical Therapist Temp.
 Program Coordinator
 Program Coordinator II
 Registered Professional Nurse
 Residential Counselors

Saratoga Bridges offer a pleasant work environment, paid training, and excellent full-time/part-time benefits (health/dental insurance, generous time off, retirement plan, and more). For more information, visit www.saratogabridges.org or contact Human Resources at 518-587-0723.

PHOENIX FRONTIER, INC.



Business Office Coordinator: Supervision of P/R & A/P. Assists CFO w/ preparation of financial reports, budgets, & audits. Associates Degree or 5+ years of experience. EOE. Resume to: Phoenix Frontier—PS, 100 Leroy Ave, Buffalo, NY 14214.

Direct Care—Work w/individuals w/traumatic brain injury. PT, days/eve/wknds. Buffalo, Niagara Falls, and suburbs. HS diploma/GED & car required. PCA/HHA certification preferred but will train. EOE. Call 332-5008 ext. 262

Direct Care—Provide transportation to disabled adults & assist w/ skills dev. HS diploma; min. 1 year exp. Working w/ people w/ dbi; clean, valid driver's license. EOE. Call 285-7000 or apply at 1319 Pine Ave, N. Falls, NY 14301.

Secretary—FT. Computer skills a must including Word and Excel. Resume to- TM, 100 Leroy Ave., Buffalo, NY 14214.

NYSRA'S 2ND ANNUAL ART EXHIBIT AT IT'S LEADERSHIP TRAINING SUMMIT



*NYSRA's 2006 Art In Motion Winner
 Larry Neals, Fedcap*

Join NYSRA at its
 Leadership Training Summing

September 24-26, 2007

Register online at
www.nyrehab.org

NYSRA

NEW YORK STATE REHABILITATION ASSOCIATION, INC.

CALENDAR OF UPCOMING MEETINGS JULY 2007

25: OPTS CONFERENCE CALL - 3:00PM

AUGUST 2007

2: EMPLOYMENT OPTIONS COMMITTEE - ALBANY

3: VOC REHAB DIVISION MEETING - ALBANY

7: DD DIVISION MEETING - ALBANY

8: MENTAL HEALTH DIVISION MEETING - ALBANY