



2012

Legislative & Policy Agenda

Supporting communities and systems that
effectively foster life enrichment opportunities
for all New Yorkers.





Dear New Yorker,

The Board of Directors of the New York State Rehabilitation Association, on behalf of our more than 100 members and affiliates, presents NYSRA's Legislative and Policy Agenda for 2012.

For nearly 35 years NYSRA has worked to ensure that opportunities for work and community integration are available to all New Yorkers. As a leader in advocacy for people with disabilities and not-for-profit providers who serve them, NYSRA considers the shaping of legislation and policy as critical components of those goals.

That theme drives all of our efforts toward a stable, expansive and effective community, involving all stakeholders, including state officials, legislators, providers, parents/families and self-advocates.

Our efforts to advocate for broad-based work opportunities and to serve as a collaborator and partner with those stakeholders will continue as we face the considerable challenges of the coming year.

The following pages address NYSRA's general priorities, the policy areas with which it is most concerned, and a breakdown, by discipline, of our legislative and policy goals.

This document is intended to be dynamic: NYSRA prides itself on being a nimble organization that constantly monitors policy matters and asserts its energies accordingly.

We hope anyone with questions or comments regarding NYSRA and its work will feel free to contact us at any time.

We welcome the opportunity to work on behalf of individuals with disabilities and the not-for-profit agencies that play such a critical role in their lives. And we thank you for your interest.

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MISSION

To advocate for and support communities and systems that effectively foster opportunities for independence, inclusion, employment, and life-enrichment for people with disabilities.

VISION

To be the leader in New York State in convening and collaborating with all stakeholders, effectively advancing the interests of people with disabilities and the organizations that support them.

VALUES

Credibility

We cultivate a culture based on credibility, with all actions governed by placing the highest of values on our organization's commitment to accuracy, sound reasoning, and rationally based positions.

Integrity

We are responsible and accountable to each other and to all with whom we interact.

Collegiality

We strive for consensus and collaboration among ourselves and our colleagues in dealing with the challenges we face.

Respect

We consider others' situations and needs at all times and are mindful of and embrace diversity.

Excellence

We strive to achieve the highest levels of excellence in all interactions.

Innovation

We welcome challenges that provide opportunities to find new paths to positive change.



NYSRA Priority: Meeting the Challenge of Fiscal Uncertainties

During 2011, New York and the nation continued to feel adverse effects of the national and global economic recession. Although some signs of recovery may be present, signs regarding the depth and duration of recovery appear mixed, at best.

In its mid-year budget report released in early November 2011, the state Division of the Budget indicated the current fiscal year shows a deficit of some \$350million, due largely to revenues falling short of expectations. Moreover, the upcoming state fiscal year starting April 1, 2012 is said to carry a structural deficit at this time of some \$3 billion or more.

While this is a vast improvement in condition over last year, when the state faced a deficit some three times larger, Governor Cuomo, the Legislature, and all New Yorkers face serious challenges in the coming months as further work is done to return state finances to a more secure footing.

We believe it behooves us all to work together to face the challenges these deficits pose.

NYSRA has always pledged to work with the Executive in any way we can to maximize fiscal support from Washington while at the same time working to find the most efficient ways to support New Yorkers in need. We also have pledged to work with all interested parties and the Legislature to find ways to **ensure that those who receive needed services do not find themselves left out** as policy and fiscal decisions are crafted.

We recognize the serious fiscal challenges we all face. However, we cannot and will not abandon our mission. We will work zealously to seek fiscal policies that find efficiencies wherever they can realistically be found, while ensuring services are available to individuals with disabilities. These supports produce positive outcomes for the New Yorkers served.

That means positive outcomes for *all* New Yorkers.

NYSRA Priority: Opportunity for All

The community of individuals of differing abilities is a dynamic one. More than ever, discussion involves informed choice, individualized supports, community integration, independence, and a broad range of work opportunities.

NYSRA supports these concepts. And as we renew our commitment to playing a constructive role in their development, we constantly review our role as leader, partner, and as an agent of change.

Within that framework, our agency members are also committed to this dynamic and evolving community, recognizing that offering the broadest range of services is the best way to ensure that New Yorkers discover the opportunities they deserve, access the assistance they need, and realize the potential they hold. No individual should be left behind.

As partners with many entities – government at every level, community leaders, and experts along the entire range of services – NYSRA’s efforts are focused on continuing what works, changing what doesn’t, and reaching the best possible outcomes for everyone our NYSRA member agencies serve.

NYSRA Priority: Working with and for individuals with disabilities, and having work for individuals with disabilities

NYSRA advocates on behalf of the *more than one-in-five New Yorkers* with differing abilities and the agencies who serve them.

Our members are community providers who, collectively, offer the broadest range of services and supports to adults and children throughout New York State with developmental disabilities, learning disabilities, mental illness, hearing impairments, vision impairments, physical disabilities, addictions and traumatic brain injury.

NYSRA members assist people in their efforts toward full integration and participation in their communities. No other association brings such a comprehensive perspective to the disability policy debate: Not only does our membership encompass the widest range of providers in New York, we also count among our number parents, individuals with differing abilities, regional organizations, and voices of the self-advocacy community.

While our members and affiliates are diverse, they are not detached; NYSRA views today’s disabilities community as an integrated one and strives to find issue resolution across disciplines while never losing sight of the individual challenges that face all New Yorkers.

In the policy arena, representing a diverse population through an integrated approach provides a strong foundation on which to continue our proud tradition of advocacy on behalf of New Yorkers with differing abilities and the agencies and partnerships that serve them.

NYSRA's highest priority is to advocate for people with differing abilities by ensuring they are offered opportunities toward community integration relating to competitive employment -- including self-employment -- as well as seeing they receive supports to pursue individual interests, to participate in activities within their communities, and to offer their talents and energy as contributing members of their communities. As an organization that endorses the concept of person-centered services, NYSRA is mindful that the richness of opportunities in such a system can also bring greater costs, and shifting of systems, that add to the magnitude of the challenges we face. We remain always open to new models, while also recognizing that the existing infrastructure cannot be rapidly abandoned. Existing programs such as work centers -- for in both the mental health and the developmental disabilities fields -- are key to individual choice and opportunity and, indeed, to the economic fabric of their communities. Changes to this area of service, if pursued, must be done with an eye toward preserving the positive impacts they provide. An entrepreneurial approach, reinvestment, and community support must all play a role in the continued evolution of employment opportunities for people.

These over-arching priorities guide our vision, our goals, and our practice.



NYSRA's Main Themes for 2012

NYSRA will pursue legislation and policy directives in these three main areas, as well as others. Greater detail on these three priority areas follows.

Budget/Fiscal Issues

For the past several years, a faltering economy has forced policymakers to make difficult decisions regarding the amount of fiscal resources that can be committed to services and supports of all kinds. The disabilities community has not been spared. And, while we acknowledge the need for our sector to share in the sacrifices that have been necessary in recent times, the impact of serial budget reductions cannot be overlooked. NYSRA and providers have worked hard with policymakers and legislators to see that sound fiscal practices are followed while ensuring that services and supports are not compromised.

We believe that continued fiscal reductions will visit adverse impacts on the disabilities community. Already waiting lists for some types of services have grown to large numbers. The cost of providing services increases while fiscal resources stagnate or are reduced. The strain is starting to show.

We urge that the state's 2012-13 Fiscal Year budget contain sufficient resources to ensure our systems become no less stable. While increases are needed, a budget that holds spending at current levels would, at least, provide some relief from the serial reductions that have been absorbed over recent years.

Difficult times mean all must make hard decisions and sacrifices. NYSRA urges the Governor and the Legislature to consider revenue-side actions and not just cost-cutting as they work to balance the next SFY budget.

Both the developmental disabilities and the mental health systems in New York are starting to undergo extremely dramatic change as the state converts all services to a managed care environment. The fiscal necessity of the conversion is clear, but it also clear that fiscally strong systems will weather the change far more effectively.

Widest Array of Employment Options

NYSRA supports community integration as a major goal for people with mental health issues and/or developmental disabilities who are receiving services. Our providers are absolutely committed to assisting individuals in attaining that goal of integration.

However, NYSRA providers also are committed to providing the widest range of employment opportunities, including center-based employment, as a way of ensuring individual choice and offering options that mean the widest possible range of individuals find the tangible and intangible benefits of work available to them. As we work to transform the work environment and move toward “the most integrated setting appropriate” for each individual, we must take care that all people in the system have work settings available to them and that no level of employment is abandoned.

Regulatory/Compliance Issues

NYSRA and its agency members strongly endorse all efforts to ensure that agencies operate efficiently, lawfully, and in full compliance with all adopted regulations and procedures. We have emphasized these values over and over again through training programs, informational sessions, conference workshops and more.

However, we strongly believe that formal and prompt study of the myriad regulations – some of them seemingly in conflict – must be undertaken if the disabilities field is to find the efficiencies necessary to ensure services and supports are not compromised. Agency resources can become so tied up in compliance issues that services for people in need become unnecessarily more expensive. And, paradoxically, the encumbering effect of regulations can actually put strains on agencies that theoretically can lead to reduced quality of service. These times of fiscal austerity are the proper moment to genuinely study regulatory requirements with an eye toward discarding those that add costs to services while adding nothing to quality of care.



SPECIFIC NYSRA PRIORITIES FOR 2012

DEVELOPMENTAL DISABILITIES

In New York State an individual with intellectual/developmental disabilities (I/DD) is offered choices. It is fundamental to the design of services available in New York. The New York State Office for People with Developmental Disabilities has initiated embarked upon a Section 1115 Medicaid Waiver process and the system faces the challenge of becoming acclimated to the features of such a waiver. We must advocate for funding to sustain comprehensive services and supports as this transition occurs over the coming years. At the same time we must strive to provide services to those who have none and acknowledge that resource allocation will vary depending on individualized needs.

NYSRA's advocacy seeks to ensure that quality services prevail and that New York State understand the role, value and need for the not-for-profit service providers in the overall service delivery system in our state.

NYSRA advocates for services for people with I/DD that are coordinated – vocational as well as day and residential opportunities provided with a full offering of supports.

NYSRA urges the Governor and State Legislature to adopt policies, fiscal and otherwise, that will support the needs of people with I/DD in sustainable ways that they choose, by:

- Requiring review of present standards and development of a new statewide standards defining practice and process for service eligibility in any region of the state.
- Insisting that pilot design within the 1115 Waiver process coordinate with local government priority setting and planning. There must be particular emphasis on the underserved – people with autism, traumatic brain injury, dual diagnoses.
- Turn-keying services from state operations to not-for-profit community providers in an organized and rational fashion, while being consistent across all services and based on a rational rate formula that meets administrative costs and addresses the 'wait list.'

- Ensuring that a rational residential development process is managed to meet the ongoing needs of all people in the OPWDD system of care.
- Allowing community providers that offer work center and employment supports to reinvest state funds now designated as Long Term Supported Employment and state local assistance funding to initiate entrepreneurial development as well as other services fostering integrated work opportunities.
- Requiring a review of and recommendations for statewide standardization by OPWDD of eligibility determination practices, along with local priority setting - recognizing in particular the need to serve people with dual diagnoses, autism, and all other differing abilities
- Providing the funding necessary to prepare, place and train people with I/DD in community jobs with the necessary supports for long-term success. This will mean New York raises the employment rate of people with I/DD.
- Committing to funding based on rates that ensure direct care workers' salaries are fair and based on the responsibilities of the position as well as sufficient to address the recruitment and retention needs of providers.
- Committing to reimbursement schedules that address the salary requirements of the professional staff and clinicians that are necessary in the DD field to ensure quality long term care needs are met.
- Supporting a re-examination of OPWDD policy-driving amendments and elimination of current regulations and ensuring rates that foster true administrative efficiencies.
- Monitoring and analyzing direct effects of changes to Medicaid Service Coordination and finalizing electronic reporting for efficiencies that will allow people to have necessary services.
- Ensuring that, as the implementation of OPWDD 1115 Waiver begins, there is funding for all costs of doing business for service providers – service delivery, quality assurance and compliance and integration of technology systems to manage it all.



VOCATIONAL REHABILITATION

People work. People with disabilities choose to work. The workforce in New York State will be strong if it is diverse and includes people with disabilities. NYSRA member agencies will be part of the solution - transforming systems, changing the design and how services are offered - with both efficient and effective allocation of existing funding.

NYSRA's 30 + year career in leading advocacy efforts for people's access to VR services and employment continues especially in the coming year during our State's ongoing economic crisis. New York in its attempt to capture the "federal match" to fund necessary services and supports must not compromise an individual's plan for independence and self-sufficiency.

Attention and assistance must be focused on small and mid-sized businesses, secondary education institutions and vocational educational training programs as they seek to retool and accommodate the needs of our future workforce.

NYSRA advocacy will be successful if:

- Funding designated for Long Term Sheltered Employment and state aid programs is maintained to accommodate transformation to and reinvestment in business models that are self-sufficient. State agencies must be prepared to reinvest these state funds to allow existing systems to transform while offering flexibility and a broad range of employment choices for all people.
- Rates paid by any state agency to fund contracted supported employment services are maintained.
- All VR funds are allocated and used to maximize federal matching dollars.
- The New York State ACCES-VR component of the State Education Department's budget designates sufficient resources from state case service funding to guarantee each of its regional offices meets the minimum staffing patterns required to meet the needs of individuals with disabilities, eliminating wait lists for vocational services and supports.

- The State Education Department budget allocates adequate resources to school districts to fund the supports needed to offer federally mandated transition planning, and supports for students with disabilities for school-to-work acclimation, or for school-to-college supports.
- All future TANF funding at the county level requires the involvement of community rehabilitation providers to job-match and place people with disabilities
- All employment systems achieve collaboration promoting quality assurance with evident service gap avoidance with all services offered to people seeking work in New York State.
- There is a demonstrated coordination of vocational outcome reporting and data collection under Chapter 515 between ACCES-VR, OPWDD, OMH and other state agencies as necessary. Implement the NYESS system fully.
- All students, even those with the severest of disabilities can, if offered the supports meeting their needs, accomplish goals that others never thought they would. “Alternative diploma” options that may be put in place must not prevent them from achieving what they and their natural supports have established as goals for themselves and are willing to work with them and others to achieve.
- As New York State transitions to a managed care environment it is imperative that day supports are offered to assist individuals obtaining and maintaining the highest levels of independence and self-sufficiency to realize their life goals.



MENTAL HEALTH/ RECOVERY SERVICES/

Community mental health services are critical to a coordinated service system in New York. Networks of support must exclude no one. New York State's recovery system needs to ensure access to supports and services when necessary, when needed and at the level of assistance meeting an individual's needs for recovery.

The recovery system in New York State must be managed by those who have the greatest knowledge of the whole – including those with “high touch/high needs.” Our system must support those with the most significant disabilities who desire to live inclusively in their communities.

NYSRA strongly supports a comprehensive and cross-system recovery model supported by all for all ages. It must be a system that has people in valued life roles, addresses acute issues and reduces hospitalization and supports employment as a motivator for recovery and self-sufficiency. NYSRA works collaboratively with all the other mental health/recovery associations to advocate on the issues that provide quality behavioral health to New York residents.

NYSRA respectfully requests the Governor and Legislature focus on the following points in the 2012-13 SFY budget in relation to mental health recovery:

- A restructuring plan for OMH/OASAS services that emphasizes a collaborative approach to Medicaid payments with all state agencies that prevents individual and system regression away from the principles of recovery. The system restructuring process needs to prioritize building technical capacity throughout the existing provider network to assure the availability and access to service in a managed care environment.
- Ongoing funding allocated for PROS with an emphasis for employment supports and services, as well as other employment models that support individual recovery.
- Commitment to community based funding that sustains a qualified workforce and employed by community mental health providers.
- In a managed care behavioral system ensure regular, rational rate adjustment processes to assure sufficient cost reimbursement for quality services.

- Using the NYESS system, identify opportunities for OMH, OASAS and DCOS collective vocational rehabilitation services to foster integration and collaboration of these agencies' systems, with an emphasis on producing positive employment outcomes throughout our state.
- Expect a design of BHO services offering areas for blending of service funding designed specifically to assist individuals who are dually diagnosed, MH and DD, a growing population that is overlooked.
- Preservation and reallocation of funding for supported education that is vital to both adult students and school age children that will ensure proper accommodations for those in need of supported education.
- Procurement of an ongoing commitment to children's recovery success by funding for OMH Children's Reform initiatives that allows for expansion of support to students transitioning from high school to college and vocational training programs prior to 18 years of age providing a better chance for success.
- Prioritize the development of system wide service delivery models that offer the peer supports and services that a medical model will not be able to embrace.



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