

# **COMMISSION ON QUALITY OF CARE AND ADVOCACY FOR PERSONS WITH DISABILITIES**

## **MISSION**

The Commission on Quality of Care and Advocacy for Persons with Disabilities (CQCAPD) reflects the proposed merger of the former Office of Advocate for Persons with Disabilities (APD) and the former Commission on Quality of Care for the Mentally Disabled (CQC). The new entity recognizes that both APD's and CQC's missions focused, in large part, on outreach, information and referral and advocacy services, and that a combined agency would unify and enhance the qualities and purposes of both, thereby strengthening advocacy for all persons with disabilities.

The new Commission builds on the success of last year's "host agency" initiative which consolidated certain aspects of APD's administrative and support functions under CQC, including human resources, procurement services and grants management. The new agency will more efficiently and effectively serve New Yorkers with disabilities. Importantly, as a result of this merger, the recommended Budget for 2005-06 incorporates new Federal revenues to support advocacy for individuals with disabilities as some of APD's 100 percent taxpayer-funded activities will be eligible for Federal reimbursement in the new Commission.

The mission of the Commission on Quality of Care and Advocacy for Persons with Disabilities essentially reflects the former responsibilities of the stand-alone agencies, namely:

- To promote the inclusion of persons with disabilities in all aspects of community life. Accordingly, the new entity will ensure that persons with disabilities are afforded the opportunity to exercise the full range of rights and responsibilities accorded to all residents of New York State.
- To play an active role in developing innovative opportunities and supports that respond to the needs of New Yorkers with disabilities.
- To provide oversight of the Department of Mental Hygiene that collectively spends more than \$5 billion annually.

With respect to Department of Mental Hygiene oversight, the new entity will continue to:

- Monitor conditions of care for people with mental disabilities in State institutions, licensed residential facilities, and outpatient programs;
- Report to the Governor and Legislature on how the laws and policies established to protect the rights of people with mental disabilities are being implemented; and
- Make recommendations to improve quality of care.

## **ORGANIZATION AND STAFFING**

The Commission on Quality of Care and Advocacy for Persons with Disabilities will be comprised of a full-time chairman and two unsalaried members, each appointed by the Governor and confirmed by the Senate to serve staggered five-year terms. During 2005-06, the combined agency will continue to have a workforce of 105 positions funded by the General Fund, Federal grants and other Federal revenues related to oversight of Medicaid programs.

## **FISCAL BACKGROUND AND BUDGET HIGHLIGHTS**

The new Commission's State Operations appropriation is supported by the General Fund (27 percent), Federal grants (46 percent) and other funding, primarily receipts from the Medicaid program related to program oversight activities (27 percent). The State operations recommendation expands the new Commission's ability to disseminate comprehensive information on services and programs available to persons with disabilities and to collaborate

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with other agencies, businesses and organizations to increase the effectiveness of public and private sector services. In order to increase employment opportunities for individuals with disabilities, the Commission will utilize \$2.6 million in Federal funds advanced in 2004-05 to create a revolving loan fund to assist individuals with disabilities to purchase equipment that will enable them to telework from home or other remote locations.

The Aid to Localities appropriations support:

- Private, non-profit service provider agencies that provide advocacy services to residents of adult homes and adult care facilities; and
- Non-profit Community Dispute Resolution Centers, which provide support services for the Surrogate Decision Making Committee program.

The Executive Budget recommendation of \$15.9 million fully supports existing program and service levels that were funded under the separate agencies prior to merger. In addition, the new Commission results in a more fully aligned and strengthened agency that can more effectively serve persons with disabilities through its eligibility on a full annual basis for approximately \$320,000 in new Federal reimbursement for certain functions formerly performed by APD at 100 percent taxpayer cost. A major focus in 2005-06 will center on streamlining administrative efforts, including consolidating such activities as hotlines and other clearing-house type activities.

### **PROGRAM HIGHLIGHTS**

#### **TECHNOLOGY SERVICES TO PERSONS WITH DISABILITIES**

The new Commission will continue to operate a statewide clearinghouse through which individuals can access information and obtain referrals to a variety of disability-related services. Key components of the system are a statewide telephone hotline (800-522-4369) and a website ([www.advoc4disabled.state.ny.us](http://www.advoc4disabled.state.ny.us)). It is anticipated that more than 116,000 individuals will utilize these services in 2005-06.

The new Commission's federally funded Technology-Related Assistance for Individuals with Disabilities (TRAID) Project supports a statewide system that helps New Yorkers with disabilities access technology devices and services to strengthen their ability to participate in the mainstream workplace and community. This program is coordinated through an Interagency Partnership on Assistive Technology and 12 Regional TRAIID Centers at 15 sites. During 2004, the Regional TRAIID Centers provided awareness training, device demonstrations, information, education and referrals to over 24,800 persons with disabilities. TRAIID activities will be complemented by the Commission's \$2.6 million Federal grant to assist consumers with disabilities to purchase technology that will enable them to work from home.

The Commission's Disability and Business Technical Assistance Center grant funding will continue to be used to provide comprehensive education, public awareness, and technical assistance programs which promote increased voluntary compliance with the Americans with Disabilities Act (ADA). Training activities for 2005-06 will continue to focus on accessibility requirements for local code enforcement personnel, architects, and engineers, in addition to customizing technical assistance for individuals, employers, and State agencies.

#### **OVERSIGHT OF SERVICE DELIVERY IN THE MENTAL HYGIENE AREA**

The new Commission will continue to provide independent oversight and review of State- and voluntary-operated programs serving individuals with mental illness, developmental disabilities, and alcohol and substance abuse problems. Most importantly, it investigates complaints including allegations of patient abuse or mistreatment in facilities operated or licensed by these agencies.

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## **PROTECTION AND ADVOCACY**

Using State staff and contracts with non-profit agencies, Federal funding provides statewide protection and advocacy services for individuals with disabilities through the following programs: Protection and Advocacy for the Developmentally Disabled; Client Assistance; Protection and Advocacy for Individuals with Mental Illness; Protection and Advocacy of Individual Rights; Protection and Advocacy for Beneficiaries of Social Security; Protection and Advocacy for Assistive Technology; Protection and Advocacy for Traumatic Brain Injury; and Protection and Advocacy Help America Vote Act. These programs assist the Commission in strengthening the non-profit contract network by providing individuals with severe disabilities with protection and advocacy services under Federal law.

## **ADULT HOMES**

The new Commission will continue to contract with local non-profit organizations to provide advocacy services to residents of adult homes who have received services through the mental hygiene system. These services focus on protecting and promoting residents' rights. The Commission's dedicated team will continue to work collaboratively with the Department of Health and the Office of Mental Health to conduct programmatic and fiscal investigations into the quality of care provided to individuals living in adult homes. The Commission's efforts have been expanded to assist in the implementation of the new State initiatives already underway to improve the quality of life and safety of adult home residents. This includes the reallocation of existing Commission to create an Adult Homes Death Investigations Team.

## **SURROGATE DECISION MAKING COMMITTEE**

The Surrogate Decision Making Committee (SDMC) program reviews recommendations for medical services on behalf of individuals receiving mental hygiene residential services who have neither a legal guardian nor the ability to make decisions for themselves. Volunteer teams comprised of medical, legal and health care professionals and advocates work via local dispute resolution centers located throughout the State to represent these individuals. The 2005-06 Executive Budget provides \$123,000 in new funding to support continued growth in the SDMC caseload.

### **ALL FUNDS APPROPRIATIONS (dollars)**

<b>Category</b>	<b>Available 2004-05</b>	<b>Appropriations Recommended 2005-06</b>	<b>Change</b>	<b>Reappropriations Recommended 2005-06</b>
State Operations	18,679,000	15,157,000	(3,522,000)	13,937,000
Aid To Localities	588,000	711,000	123,000	0
Capital Projects	0	0	0	0
Total	<u>19,267,000</u>	<u>15,868,000</u>	<u>(3,399,000)</u>	<u>13,937,000</u>

# QUALITY OF CARE AND ADVOCACY FOR PERSONS WITH DISABILITIES

## ALL FUND TYPES PROJECTED LEVELS OF EMPLOYMENT BY PROGRAM FILLED ANNUAL SALARIED POSITIONS

Program	Full-Time Equivalent Positions (FTE)		
	2004-05	2005-06	FTE Change
	Estimated FTEs 03/31/05	Estimated FTEs 03/31/06	
Administration			
General Fund	34	46	12
Special Revenue Funds - Federal	0	2	2
Special Revenue Funds - Other	30	31	1
Client Assistance			
Special Revenue Funds - Federal	2	2	0
Protection and Advocacy for Beneficiaries of Social Security			
Special Revenue Funds - Federal	1	1	0
Protection and Advocacy for the Developmentally Disabled			
Special Revenue Funds - Federal	9	9	0
Protection and Advocacy for Individual Rights			
Special Revenue Funds - Federal	3	3	0
Protection and Advocacy for the Mentally Ill			
Special Revenue Funds - Federal	11	11	0
Total	<u>90</u>	<u>105</u>	<u>15</u>

## STATE OPERATIONS ALL FUNDS FINANCIAL REQUIREMENTS BY FUND TYPE APPROPRIATIONS (dollars)

Fund Type	Available	Recommended	Change
	2004-05	2005-06	
General Fund	3,751,000	4,012,000	261,000
Special Revenue Funds - Federal	11,400,000	7,249,000	(4,151,000)
Special Revenue Funds - Other	3,483,000	3,851,000	368,000
Enterprise Funds	45,000	45,000	0
Total	<u>18,679,000</u>	<u>15,157,000</u>	<u>(3,522,000)</u>

### Adjustments:

#### Transfer(s) From

Advocate for Persons with Disabilities, Office of	
General Fund	(860,000)
Special Revenue Funds - Federal	(3,066,000)
Special Revenue Funds - Other	(364,000)
Enterprise Funds	(25,000)
Special Pay Bill	
General Fund	(81,000)
Special Revenue Funds - Federal	(75,000)
Special Revenue Funds - Other	(98,000)
Appropriated 2004-05	<u>14,110,000</u>

# QUALITY OF CARE AND ADVOCACY FOR PERSONS WITH DISABILITIES

## STATE OPERATIONS ALL FUNDS FINANCIAL REQUIREMENTS BY PROGRAM APPROPRIATIONS (dollars)

Program	Available 2004-05	Recommended 2005-06	Change
Administration			
General Fund	3,751,000	4,012,000	261,000
Special Revenue Funds - Federal	3,366,000	760,000	(2,606,000)
Special Revenue Funds - Other	3,483,000	3,851,000	368,000
Enterprise Funds	45,000	45,000	0
Client Assistance			
Special Revenue Funds - Federal	1,017,000	745,000	(272,000)
Protection and Advocacy for Beneficiaries of Social Security			
Special Revenue Funds - Federal	406,000	326,000	(80,000)
Protection and Advocacy for the Developmentally Disabled			
Special Revenue Funds - Federal	2,646,000	2,149,000	(497,000)
Protection and Advocacy Help America Vote Act			
Special Revenue Funds - Federal	37,000	200,000	163,000
Protection and Advocacy for Individual Rights			
Special Revenue Funds - Federal	1,480,000	1,025,000	(455,000)
Protection and Advocacy for the Mentally Ill			
Special Revenue Funds - Federal	2,104,000	1,702,000	(402,000)
Protection and Advocacy for Persons with Traumatic Brain Injury			
Special Revenue Funds - Federal	85,000	90,000	5,000
Technology Related Protection and Advocacy			
Special Revenue Funds - Federal	259,000	252,000	(7,000)
Total	<u>18,679,000</u>	<u>15,157,000</u>	<u>(3,522,000)</u>

## STATE OPERATIONS - GENERAL FUND SUMMARY OF PERSONAL SERVICE APPROPRIATIONS AND CHANGES 2005-06 RECOMMENDED (dollars)

Program	Total		Personal Service Regular (Annual Salaried)	
	Amount	Change	Amount	Change
Administration	3,066,000	111,000	3,066,000	111,000
Total	<u>3,066,000</u>	<u>111,000</u>	<u>3,066,000</u>	<u>111,000</u>

## STATE OPERATIONS - GENERAL FUND SUMMARY OF NONPERSONAL SERVICE AND MAINTENANCE UNDISTRIBUTED APPROPRIATIONS AND CHANGES 2005-06 RECOMMENDED (dollars)

Program	Total		Supplies and Materials	
	Amount	Change	Amount	Change
Administration	946,000	150,000	205,000	150,000
Total	<u>946,000</u>	<u>150,000</u>	<u>205,000</u>	<u>150,000</u>

Program	Travel		Contractual Services	
	Amount	Change	Amount	Change
Administration	157,000	0	557,000	0
Total	<u>157,000</u>	<u>0</u>	<u>557,000</u>	<u>0</u>

Program	Equipment	
	Amount	Change
Administration	27,000	0
Total	<u>27,000</u>	<u>0</u>

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## STATE OPERATIONS - OTHER THAN GENERAL FUND SUMMARY OF APPROPRIATIONS AND CHANGES 2005-06 RECOMMENDED (dollars)

Program	Total		Personal Service	
	Amount	Change	Amount	Change
Administration	4,656,000	(2,238,000)	2,077,000	196,000
Client Assistance	745,000	(272,000)	130,000	(1,000)
Protection and Advocacy for Beneficiaries of Social Security	326,000	(80,000)	60,000	2,000
Protection and Advocacy for the Developmentally Disabled	2,149,000	(497,000)	416,000	(4,000)
Protection and Advocacy Help America Vote Act	200,000	163,000	0	0
Protection and Advocacy for Individual Rights	1,025,000	(455,000)	150,000	(4,000)
Protection and Advocacy for the Mentally Ill	1,702,000	(402,000)	606,000	15,000
Protection and Advocacy for Persons with Traumatic Brain Injury	90,000	5,000	0	0
Technology Related Protection and Advocacy	252,000	(7,000)	0	0
<b>Total</b>	<b>11,145,000</b>	<b>(3,783,000)</b>	<b>3,439,000</b>	<b>204,000</b>

Program	Nonpersonal Service		Maintenance	Undistributed
	Amount	Change	Amount	Change
Administration	1,408,000	(2,459,000)	1,171,000	25,000
Client Assistance	615,000	(271,000)	0	0
Protection and Advocacy for Beneficiaries of Social Security	266,000	(82,000)	0	0
Protection and Advocacy for the Developmentally Disabled	1,733,000	(493,000)	0	0
Protection and Advocacy Help America Vote Act	200,000	163,000	0	0
Protection and Advocacy for Individual Rights	875,000	(451,000)	0	0
Protection and Advocacy for the Mentally Ill	1,096,000	(417,000)	0	0
Protection and Advocacy for Persons with Traumatic Brain Injury	90,000	5,000	0	0
Technology Related Protection and Advocacy	0	0	252,000	(7,000)
<b>Total</b>	<b>6,283,000</b>	<b>(4,005,000)</b>	<b>1,423,000</b>	<b>18,000</b>

## AID TO LOCALITIES ALL FUNDS FINANCIAL REQUIREMENTS BY FUND TYPE APPROPRIATIONS (dollars)

Fund Type	Available	Recommended	Change
	2004-05	2005-06	
General Fund	170,000	293,000	123,000
Special Revenue Funds - Other	418,000	418,000	0
<b>Total</b>	<b>588,000</b>	<b>711,000</b>	<b>123,000</b>

## AID TO LOCALITIES ALL FUNDS FINANCIAL REQUIREMENTS BY PROGRAM APPROPRIATIONS (dollars)

Program	Available	Recommended	Change
	2004-05	2005-06	
Adult Homes			
General Fund	170,000	170,000	0
Surrogate Decision Making			
General Fund	0	123,000	123,000
Special Revenue Funds - Other	418,000	418,000	0
<b>Total</b>	<b>588,000</b>	<b>711,000</b>	<b>123,000</b>