

COMMISSION ON QUALITY OF CARE AND ADVOCACY FOR PERSONS WITH DISABILITIES

MISSION

The mission of the Commission on Quality of Care and Advocacy for Persons with Disabilities (CQCAPD) is to improve the quality of life for individuals with disabilities in New York State and to protect their rights and advocate for needed change by:

- Promoting the inclusion of persons with disabilities in all aspects of community life and ensuring that persons with disabilities are afforded the opportunity to exercise the full range of rights and responsibilities accorded to all New Yorkers;
- Ensuring programmatic and fiscal accountability and monitoring care and treatment of people with disabilities within the State's \$8 billion mental hygiene system, making recommendations for improvements, when warranted;
- Providing individual and systemic investigative and advocacy services;
- Advancing the availability and use of assistive technology for persons with disabilities; and
- Offering impartial and informed advice, training and recommendations on a broad range of disability issues.

A Commission priority has been to enhance advocacy services for all populations. The Commission's focus has been to increase its outreach efforts, provide a single point of access for disability information and expand disability rights and awareness training over the prior year. The Commission's Advocacy Council has expanded its membership to include individuals with a broader range of disabilities to better fulfill its mission in advising the Governor and Legislature regarding all New Yorkers with disabilities.

ORGANIZATION AND STAFFING

The Commission comprises 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 2008-09, the agency's workforce will consist of 124 positions funded by the General Fund, Federal grants and other Federal revenues related to oversight of Medicaid programs.

The responsibilities of the Commission are carried out through four major programmatic divisions:

- The Division of Quality Assurance and Investigation;
- The Fiscal and Policy Bureaus, coordinated by the Office of Counsel, which also provides legal support for all Commission initiatives;
- The Division of Protection and Advocacy Program Administration; and
- The Division of Advocacy and Outreach for Persons with Physical Disabilities.

BUDGET HIGHLIGHTS

The Executive Budget recommends **\$16.9 million All Funds (\$5.5 million General Fund; \$11.4 million Other funds)** for the Commission on Quality of Care and Advocacy for Persons with Disabilities (CQCAPD). This is an increase of **\$1.0 million All funds (\$872,000 General Fund; \$151,000 Other funds)** from the 2007-08 budget. This net

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change primarily reflects Non-Personal Service inflationary adjustments, annual personal service increases relating to performance advance awards, longevities and merit payments, elimination of the one-time relocation costs associated with the Commission's merger, and costs associated with additional positions that will be used to administer the Interagency Coordinating Council for Services to Persons who are Deaf, Deaf-Blind or Hard of Hearing, and comply with other new statutory requirements outlined in Jonathan's Law and the Special Housing Unit (SHU) Legislation. The SHU Legislation, anticipated to pass in 2008-09, establishes alternatives to solitary confinement for mentally ill inmates and expanded residential capacity to improve the quality and availability of prison-based mental health services.

The Executive Budget recommends a staffing level of **124 FTEs** for the Commission on Quality of Care and Advocacy for Persons with Disabilities, an **increase of 18** from the 2007-08 Budget, primarily reflecting positions needed to fulfill the Commission's responsibilities under the aforementioned new statutory oversight requirements.

PROGRAM HIGHLIGHTS

STATEWIDE CLEARINGHOUSE

The Commission operates a statewide clearinghouse through which individuals can access information and obtain referrals to a variety of disability-related services. The system features a 24-hour statewide telephone hotline and a dynamic full-featured Web site (www.cqcapd.state.ny.us), which has attracted more than one million visitors.

TECHNOLOGY SERVICES TO PERSONS WITH DISABILITIES

The 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 facilitate their full integration into 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 2007, the Regional TRAIID Centers provided awareness training, device demonstrations, information, education, and referrals to over 35,000 persons with disabilities. In May 2008, the Commission will host their biannual NYS Assistive Technology Expo in Albany, which will provide an opportunity for individuals with disabilities to see demonstrations of newly available assistive technology.

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 that promote increased voluntary compliance with the Americans with Disabilities Act (ADA).

OVERSIGHT OF SERVICE DELIVERY IN THE MENTAL HYGIENE AREA

The Commission provides independent oversight and review of State and voluntary programs serving individuals with mental illness, developmental disabilities, and chemical dependence. Most importantly, it investigates allegations of consumer abuse or mistreatment in facilities operated or licensed by these agencies. The Commission reviews approximately 13,600 reports of abuse, neglect, or death and conducts investigations on

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nearly 900 cases annually. The Children's Oversight and Technical Assistance team continues to efficiently carry out children's oversight activities and enhance the Commission's capacity to provide technical assistance to other agencies, enabling them to better respond to emerging issues.

PROTECTION AND ADVOCACY

Through a combination of staff resources 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 for Voting Access. These programs assist the Commission in strengthening the non-profit contract network by providing individuals with severe disabilities with Federally-mandated protection and advocacy services. Every year, more than 75,000 individuals with disabilities are served through the Commission's protection and advocacy programs.

ADULT HOMES

The Commission contracts with local non-profit organizations to provide advocacy services to protect the rights of residents of adult homes who have been consumers in the mental hygiene system. The Commission's dedicated team will continue to work collaboratively with the Department of Health (DOH) and the Office of Mental Health (OMH) 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 new State initiatives already underway to improve the quality of life and safety of adult home residents. Last year, Commission staff conducted comprehensive reviews of 17 adult homes serving over 1,300 people and collaborated with DOH and OMH in on-site monitoring of the closure of five homes serving approximately 300 people.

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 comprising medical, legal and health care professionals and advocates work via local dispute resolution centers located throughout the State to represent these individuals. More than 900 SDMC cases are resolved, and no less than 400 volunteers and providers are trained to utilize these services annually.

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ADVOCACY AND OUTREACH

The Division of Advocacy and Outreach coordinates the Commission's efforts to provide information, support and technical assistance to empower people with disabilities, family members, advocates, local government officials and others to identify and undertake the actions necessary to support people with disabilities in becoming fully participating members of their chosen communities. The main focus of this Division is improving inclusion, accommodations, and accessibility for individuals with disabilities. Recently, the Commission partnered with the State Board of Elections to conduct trainings statewide for local election officials to improve accessibility of the voting process.

ALL FUNDS APPROPRIATIONS (dollars)

| Category | Available 2007-08 | Appropriations Recommended 2008-09 | Change | Reappropriations Recommended 2008-09 |
|-------------------|----------------------|--|-----------|--|
| State Operations | 15,126,000 | 16,149,000 | 1,023,000 | 12,196,000 |
| Aid To Localities | 771,000 | 771,000 | 0 | 0 |
| Capital Projects | 0 | 0 | 0 | 0 |
| Total | 15,897,000 | 16,920,000 | 1,023,000 | 12,196,000 |

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

Full-Time Equivalent Positions (FTE)

| Program | 2007-08 Estimated FTEs 03/31/08 | 2008-09 Estimated FTEs 03/31/09 | FTE Change |
|--|---------------------------------------|---------------------------------------|------------|
| Administration | | | |
| General Fund | 47 | 65 | 18 |
| Special Revenue Funds - Other | 33 | 33 | 0 |
| 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 | 8 | 8 | 0 |
| Protection and Advocacy for Individual Rights | | | |
| Special Revenue Funds - Federal | 2 | 2 | 0 |
| Protection and Advocacy for the Mentally Ill | | | |
| Special Revenue Funds - Federal | 10 | 10 | 0 |
| Technology Related Assistance for Individuals with Disabilities | | | |
| Special Revenue Funds - Federal | 2 | 2 | 0 |
| Technology Related Protection and Advocacy | | | |
| Special Revenue Funds - Federal | 1 | 1 | 0 |
| Total | 106 | 124 | 18 |

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

| Fund Type | Available 2007-08 | Recommended 2008-09 | Change |
|---------------------------------|----------------------|------------------------|------------------|
| General Fund | 4,316,000 | 5,188,000 | 872,000 |
| Special Revenue Funds - Federal | 6,990,000 | 7,260,000 | 270,000 |
| Special Revenue Funds - Other | 3,775,000 | 3,656,000 | (119,000) |
| Enterprise Funds | 45,000 | 45,000 | 0 |
| Total | <u>15,126,000</u> | <u>16,149,000</u> | <u>1,023,000</u> |

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

| Program | Available 2007-08 | Recommended 2008-09 | Change |
|--|----------------------|------------------------|------------------|
| Administration | | | |
| General Fund | 4,316,000 | 5,188,000 | 872,000 |
| Special Revenue Funds - Federal | 300,000 | 300,000 | 0 |
| Special Revenue Funds - Other | 3,775,000 | 3,656,000 | (119,000) |
| Enterprise Funds | 45,000 | 45,000 | 0 |
| Client Assistance | | | |
| Special Revenue Funds - Federal | 651,000 | 677,000 | 26,000 |
| Protection and Advocacy for Beneficiaries of Social Security | | | |
| Special Revenue Funds - Federal | 344,000 | 333,000 | (11,000) |
| Protection and Advocacy for the Developmentally Disabled | | | |
| Special Revenue Funds - Federal | 2,010,000 | 2,062,000 | 52,000 |
| Protection and Advocacy Help America Vote Act | | | |
| Special Revenue Funds - Federal | 179,000 | 181,000 | 2,000 |
| Protection and Advocacy for Individual Rights | | | |
| Special Revenue Funds - Federal | 902,000 | 914,000 | 12,000 |
| Protection and Advocacy for the Mentally III | | | |
| Special Revenue Funds - Federal | 1,610,000 | 1,630,000 | 20,000 |
| Protection and Advocacy for Persons with Traumatic Brain Injury | | | |
| Special Revenue Funds - Federal | 85,000 | 89,000 | 4,000 |
| Technology Related Assistance for Individuals with Disabilities | | | |
| Special Revenue Funds - Federal | 679,000 | 845,000 | 166,000 |
| Technology Related Protection and Advocacy | | | |
| Special Revenue Funds - Federal | 230,000 | 229,000 | (1,000) |
| Total | <u>15,126,000</u> | <u>16,149,000</u> | <u>1,023,000</u> |

STATE OPERATIONS - GENERAL FUND SUMMARY OF PERSONAL SERVICE APPROPRIATIONS AND CHANGES 2008-09 RECOMMENDED (dollars)

| Program | Total | | Personal Service Regular (Annual Salaried) | |
|----------------|------------------|----------------|---|----------------|
| | Amount | Change | Amount | Change |
| Administration | 3,982,000 | 832,000 | 3,964,000 | 814,000 |
| Total | <u>3,982,000</u> | <u>832,000</u> | <u>3,964,000</u> | <u>814,000</u> |

| Program | Holiday/Overtime Pay (Annual Salaried) | |
|----------------|---|---------------|
| | Amount | Change |
| Administration | 18,000 | 18,000 |
| Total | <u>18,000</u> | <u>18,000</u> |

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STATE OPERATIONS - GENERAL FUND SUMMARY OF NONPERSONAL SERVICE AND MAINTENANCE UNDISTRIBUTED APPROPRIATIONS AND CHANGES 2008-09 RECOMMENDED (dollars)

| Program | Total | | Supplies and Materials | |
|----------------|-----------|--------|------------------------|--------|
| | Amount | Change | Amount | Change |
| Administration | 1,206,000 | 40,000 | 63,000 | 9,200 |
| Total | 1,206,000 | 40,000 | 63,000 | 9,200 |

| Program | Travel | | Contractual Services | |
|----------------|---------|--------|----------------------|--------|
| | Amount | Change | Amount | Change |
| Administration | 213,000 | 74,400 | 856,000 | 53,100 |
| Total | 213,000 | 74,400 | 856,000 | 53,100 |

| Program | Equipment | |
|----------------|-----------|----------|
| | Amount | Change |
| Administration | 74,000 | (96,700) |
| Total | 74,000 | (96,700) |

STATE OPERATIONS - OTHER THAN GENERAL FUND SUMMARY OF APPROPRIATIONS AND CHANGES 2008-09 RECOMMENDED (dollars)

| Program | Total | | Personal Service | |
|--|------------|-----------|------------------|----------|
| | Amount | Change | Amount | Change |
| Administration | 4,001,000 | (119,000) | 2,086,000 | 27,000 |
| Client Assistance | 677,000 | 26,000 | 67,000 | 29,000 |
| Protection and Advocacy for Beneficiaries of Social Security | 333,000 | (11,000) | 63,000 | (3,000) |
| Protection and Advocacy for the Developmentally Disabled | 2,062,000 | 52,000 | 466,000 | 27,000 |
| Protection and Advocacy Help America Vote Act | 181,000 | 2,000 | 0 | 0 |
| Protection and Advocacy for Individual Rights | 914,000 | 12,000 | 137,000 | 6,000 |
| Protection and Advocacy for the Mentally Ill | 1,630,000 | 20,000 | 488,000 | (15,000) |
| Protection and Advocacy for Persons with Traumatic Brain Injury | 89,000 | 4,000 | 0 | 0 |
| Technology Related Assistance for Individuals with Disabilities | 845,000 | 166,000 | 0 | 0 |
| Technology Related Protection and Advocacy | 229,000 | (1,000) | 0 | 0 |
| Total | 10,961,000 | 151,000 | 3,307,000 | 71,000 |

| Program | Nonpersonal Service | | Maintenance Undistributed | |
|--|---------------------|---------|---------------------------|-----------|
| | Amount | Change | Amount | Change |
| Administration | 1,615,000 | 155,000 | 300,000 | (301,000) |
| Client Assistance | 610,000 | (3,000) | 0 | 0 |
| Protection and Advocacy for Beneficiaries of Social Security | 270,000 | (8,000) | 0 | 0 |
| Protection and Advocacy for the Developmentally Disabled | 1,596,000 | 25,000 | 0 | 0 |
| Protection and Advocacy Help America Vote Act | 181,000 | 2,000 | 0 | 0 |
| Protection and Advocacy for Individual Rights | 777,000 | 6,000 | 0 | 0 |
| Protection and Advocacy for the Mentally Ill | 1,142,000 | 35,000 | 0 | 0 |
| Protection and Advocacy for Persons with Traumatic Brain Injury | 89,000 | 4,000 | 0 | 0 |
| Technology Related Assistance for Individuals with Disabilities | 0 | 0 | 845,000 | 166,000 |
| Technology Related Protection and Advocacy | 0 | 0 | 229,000 | (1,000) |
| Total | 6,280,000 | 216,000 | 1,374,000 | (136,000) |

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

| Fund Type | Available 2007-08 | Recommended 2008-09 | Change |
|-------------------------------|----------------------|------------------------|--------|
| General Fund | 293,000 | 293,000 | 0 |
| Special Revenue Funds - Other | 478,000 | 478,000 | 0 |
| Total | 771,000 | 771,000 | 0 |

Adjustments:

| | | | |
|--|----------|---------|--|
| Transfer(s) From Health, Department of Special Revenue Funds - Other Appropriated 2007-08 | (60,000) | 711,000 | |
|--|----------|---------|--|

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

| Program | Available 2007-08 | Recommended 2008-09 | Change |
|-------------------------------|----------------------|------------------------|--------|
| Adult Homes | | | |
| General Fund | 170,000 | 170,000 | 0 |
| Special Revenue Funds - Other | 60,000 | 60,000 | 0 |
| Surrogate Decision Making | | | |
| General Fund | 123,000 | 123,000 | 0 |
| Special Revenue Funds - Other | 418,000 | 418,000 | 0 |
| Total | 771,000 | 771,000 | 0 |