

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 mental hygiene system, and 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. 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 chairperson and 2 unsalaried members, each appointed by the Governor and confirmed by the Senate to serve staggered 5 year terms. During 2009-10, the agency's workforce will consist of 118 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 4 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 **\$17.6 million All Funds** (\$5.9 million General Fund; \$7.3 million Federal Funds; \$4.4 million Other Funds; \$45,000 Enterprise Funds) for the Commission on Quality of Care and Advocacy for Persons with Disabilities (CQCAPD). This is an increase of **\$32,000 All Funds** (\$135,000 General Fund; -\$160,000 Federal Funds; \$57,000 Other Funds) from 2008-09. The Budget recommends:

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- **Enhancing Residential Child Abuse Investigations:** The Commission has been charged with performing investigations of all child abuse allegations arising in OMH, OMRDD and, effective January 2009, OASAS operated and certified residential programs. Assuring on-site investigations in all cases and dealing with the anticipated increase in workload as a result of new responsibilities for OASAS facilities will require the agency to hire 2 additional staff (\$140,000).
- **Efficient Implementation of Special Housing Unit (SHU) Responsibilities:** The SHU Bill (Chapter 1 of the Laws of 2008) requires diversion alternatives to solitary confinement for inmates who are mentally ill and expands residential capacity to improve the quality and availability of prison-based mental health services. The Commission is specifically charged with general oversight of the quality of mental health services and monitoring the SHU diversion process. The Commission will utilize 6 staff (instead of the 14 initially authorized in 2008-09) to implement its responsibilities at a cost of \$0.5 million versus \$1.0 million previously planned, and will issue their findings in their annual agency report.
- **Improving Operational Efficiencies:** The Commission will increase cost controls on Personal Service and Non-Personal Service spending for a savings of \$34,000.

The Executive Budget recommends a staffing level of **118 FTEs** for the Commission on Quality of Care and Advocacy for Persons with Disabilities, an **increase of 2** from the 2008-09 budget, reflecting the 2 additional staff to enhance residential child abuse investigations.

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 1-800-642-4143 and a dynamic full-featured Web site (www.cqcapd.state.ny.us), which has attracted more than 1 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 TRAID Centers at 15 sites. During 2008, the Regional TRAID Centers provided awareness training, device demonstrations, information, education, and referrals to over 35,000 persons with disabilities.

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).

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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 16,200 reports of abuse, neglect, or death and conducts investigations on nearly 950 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 64,000 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 36 adult homes serving over 3,800 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 1,000 SDMC cases are resolved, and over 100 volunteers and 400 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 2008-09	Appropriations Recommended 2009-10	Change	Reappropriations Recommended 2009-10
State Operations	16,827,000	16,859,000	32,000	12,537,000
Aid To Localities	771,000	771,000	0	0
Capital Projects	0	0	0	0
Total	17,598,000	17,630,000	32,000	12,537,000

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

Full-Time Equivalent Positions (FTE)

Program	2008-09 Estimated FTEs 03/31/09	2009-10 Estimated FTEs 03/31/10	FTE Change
Administration			
General Fund	57	58	1
Special Revenue Funds - Other	33	34	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	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	116	118	2

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

Fund Type	Available 2008-09	Recommended 2009-10	Change
General Fund	5,445,000	5,580,000	135,000
Special Revenue Funds - Federal	7,434,000	7,274,000	(160,000)
Special Revenue Funds - Other	3,903,000	3,960,000	57,000
Enterprise Funds	45,000	45,000	0
Total	16,827,000	16,859,000	32,000

Adjustments:

Transfer(s) From	
Special Pay Bill	
General Fund	(257,000)
Special Revenue Funds - Federal	(174,000)
Special Revenue Funds - Other	(247,000)
Appropriated 2008-09	<u>16,149,000</u>

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

Program	Available 2008-09	Recommended 2009-10	Change
Administration			
General Fund	5,445,000	5,580,000	135,000
Special Revenue Funds - Federal	300,000	300,000	0
Special Revenue Funds - Other	3,903,000	3,960,000	57,000
Enterprise Funds	45,000	45,000	0
Client Assistance			
Special Revenue Funds - Federal	689,000	654,000	(35,000)
Protection and Advocacy for Beneficiaries of Social Security			
Special Revenue Funds - Federal	343,000	403,000	60,000
Protection and Advocacy for the Developmentally Disabled			
Special Revenue Funds - Federal	2,107,000	2,025,000	(82,000)
Protection and Advocacy Help America Vote Act			
Special Revenue Funds - Federal	181,000	223,000	42,000
Protection and Advocacy for Individual Rights			
Special Revenue Funds - Federal	933,000	901,000	(32,000)
Protection and Advocacy for the Mentally Ill			
Special Revenue Funds - Federal	1,694,000	1,677,000	(17,000)
Protection and Advocacy for Persons with Traumatic Brain Injury			
Special Revenue Funds - Federal	89,000	167,000	78,000
Technology Related Assistance for Individuals with Disabilities			
Special Revenue Funds - Federal	869,000	707,000	(162,000)
Technology Related Protection and Advocacy			
Special Revenue Funds - Federal	229,000	217,000	(12,000)
Total	16,827,000	16,859,000	32,000

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STATE OPERATIONS - GENERAL FUND SUMMARY OF PERSONAL SERVICE APPROPRIATIONS AND CHANGES 2009-10 RECOMMENDED (dollars)

Program	Total		Personal Service Regular (Annual Salaried)	
	Amount	Change	Amount	Change
Administration	4,226,700	(12,300)	4,208,700	(12,300)
Total	4,226,700	(12,300)	4,208,700	(12,300)

Program	Holiday/Overtime Pay (Annual Salaried)	
	Amount	Change
Administration	18,000	0
Total	18,000	0

STATE OPERATIONS - GENERAL FUND SUMMARY OF NONPERSONAL SERVICE AND MAINTENANCE UNDISTRIBUTED APPROPRIATIONS AND CHANGES 2009-10 RECOMMENDED (dollars)

Program	Total		Supplies and Materials	
	Amount	Change	Amount	Change
Administration	1,353,300	147,300	64,000	1,000
Total	1,353,300	147,300	64,000	1,000

Program	Travel		Contractual Services	
	Amount	Change	Amount	Change
Administration	256,400	43,400	969,700	113,700
Total	256,400	43,400	969,700	113,700

Program	Equipment	
	Amount	Change
Administration	63,200	(10,800)
Total	63,200	(10,800)

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STATE OPERATIONS - OTHER THAN GENERAL FUND SUMMARY OF APPROPRIATIONS AND CHANGES 2009-10 RECOMMENDED (dollars)

Program	Total		Personal Service	
	Amount	Change	Amount	Change
Administration	4,305,000	57,000	2,352,000	100,000
Client Assistance	654,000	(35,000)	80,000	5,000
Protection and Advocacy for Beneficiaries of Social Security	403,000	60,000	106,000	36,000
Protection and Advocacy for the Developmentally Disabled	2,025,000	(82,000)	452,000	(44,000)
Protection and Advocacy Help America Vote Act	223,000	42,000	0	0
Protection and Advocacy for Individual Rights	901,000	(32,000)	155,000	5,000
Protection and Advocacy for the Mentally Ill	1,677,000	(17,000)	588,000	57,000
Protection and Advocacy for Persons with Traumatic Brain Injury	167,000	78,000	0	0
Technology Related Assistance for Individuals with Disabilities	707,000	(162,000)	185,000	6,000
Technology Related Protection and Advocacy	217,000	(12,000)	56,000	(8,000)
Total	11,279,000	(103,000)	3,974,000	157,000

Program	Nonpersonal Service		Maintenance Undistributed	
	Amount	Change	Amount	Change
Administration	1,653,000	(43,000)	300,000	0
Client Assistance	574,000	(40,000)	0	0
Protection and Advocacy for Beneficiaries of Social Security	297,000	24,000	0	0
Protection and Advocacy for the Developmentally Disabled	1,573,000	(38,000)	0	0
Protection and Advocacy Help America Vote Act	223,000	42,000	0	0
Protection and Advocacy for Individual Rights	746,000	(37,000)	0	0
Protection and Advocacy for the Mentally Ill	1,089,000	(74,000)	0	0
Protection and Advocacy for Persons with Traumatic Brain Injury	167,000	78,000	0	0
Technology Related Assistance for Individuals with Disabilities	522,000	(168,000)	0	0
Technology Related Protection and Advocacy	161,000	(4,000)	0	0
Total	7,005,000	(260,000)	300,000	0

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

Fund Type	Available 2008-09	Recommended 2009-10	Change
General Fund	293,000	293,000	0
Special Revenue Funds - Other	478,000	478,000	0
Total	771,000	771,000	0

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

Program	Available 2008-09	Recommended 2009-10	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	<u>771,000</u>	<u>771,000</u>	<u>0</u>