

# **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 two unsalaried members, each appointed by the Governor and confirmed by the Senate to serve staggered five-year terms. During 2010-11, the agency's workforce will consist of **101 positions**, a decline of 2 from 2009-10.

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 **\$18.7 million All Funds** (\$5.6 million General Fund; \$8.3 million Federal Funds; \$4.7 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 **\$1.1 million All Funds** (-\$237,000 General Fund; \$1.1 million Federal Funds; \$225,000 Other Funds) from 2009-10. The budget recommends:

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- **Personal Service Efficiencies:** The Commission will eliminate two positions associated with the Interagency Coordinating Council for Services to Persons who are Deaf, Deaf-Blind or Hard of Hearing and the Special Housing Unit (SHU) bill. Existing staff will absorb the duties of the two eliminated positions, producing \$165,000 in General Fund savings. Three General Fund supported FTEs will also be transferred to the Federal Salary Sharing (FSS) account resulting in \$181,000 in General Fund savings.
- **Elimination of General Fund Spending for the Surrogate Decision-Making Committee (SDMC) program:** The Commission will shift General Fund expenditures for local assistance contracts to the FSS account. Medicaid revenue generated from the Commission's quality assurance, death and abuse investigations, fiscal investigations and policy oriented activities will now support these expenditures. The FSS account current has enough revenue to cover the cost of these contracts on an on-going basis, resulting in \$123,000 of General Fund savings.
- **Non-Personal Service Reductions:** The Commission will reduce conference attendance in SFY 2010-11 which will result in \$6,000 in State Operations contractual service savings.

The Executive Budget recommends a staffing level of **101 FTEs** for the Commission, reflecting a **decrease of 2 FTEs** from the 2009-10 budget which were associated with the Interagency Coordinating Council for Services to Persons who are Deaf, Deaf-Blind or Hard of Hearing and the Special Housing Unit (SHU) bill.

### **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](http://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 TRAIID Centers at 15 sites. During 2009, the Regional TRAIID Centers provided awareness training, device demonstrations, information, education, and referrals to over 40,400 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 receives and screens approximately 16,000 reports of abuse, neglect, or death and conducts reviews or investigations on over 1,000 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 43,000 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 34 adult homes serving over 3,500 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 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 2009-10	Appropriations Recommended 2010-11	Change	Reappropriations Recommended 2010-11
State Operations	16,859,000	18,041,000	1,182,000	11,045,000
Aid To Localities	771,000	648,000	(123,000)	0
Capital Projects	0	0	0	0
Total	17,630,000	18,689,000	1,059,000	11,045,000

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

#### Full-Time Equivalent Positions (FTE)

Program	2009-10 Estimated FTEs 03/31/10	2010-11 Estimated FTEs 03/31/11	FTE Change
Administration			
General Fund	48	43	(5)
Special Revenue Funds - Other	32	35	3
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	7	7	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	8	8	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	103	101	(2)

# QUALITY OF CARE AND ADVOCACY FOR PERSONS WITH DISABILITIES

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

Fund Type	Available 2009-10	Recommended 2010-11	Change
General Fund	5,580,000	5,466,000	(114,000)
Special Revenue Funds - Federal	7,274,000	8,345,000	1,071,000
Special Revenue Funds - Other	3,960,000	4,185,000	225,000
Enterprise Funds	45,000	45,000	0
Total	<u>16,859,000</u>	<u>18,041,000</u>	<u>1,182,000</u>

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

Program	Available 2009-10	Recommended 2010-11	Change
Administration			
General Fund	5,580,000	5,466,000	(114,000)
Special Revenue Funds - Federal	300,000	300,000	0
Special Revenue Funds - Other	3,960,000	4,185,000	225,000
Enterprise Funds	45,000	45,000	0
Client Assistance			
Special Revenue Funds - Federal	654,000	721,000	67,000
Protection and Advocacy for Beneficiaries of Social Security			
Special Revenue Funds - Federal	403,000	335,000	(68,000)
Protection and Advocacy for the Developmentally Disabled			
Special Revenue Funds - Federal	2,025,000	2,397,000	372,000
Protection and Advocacy Help America Vote Act			
Special Revenue Funds - Federal	223,000	215,000	(8,000)
Protection and Advocacy for Individual Rights			
Special Revenue Funds - Federal	901,000	1,154,000	253,000
Protection and Advocacy for the Mentally Ill			
Special Revenue Funds - Federal	1,677,000	2,036,000	359,000
Protection and Advocacy for Persons with Traumatic Brain Injury			
Special Revenue Funds - Federal	167,000	123,000	(44,000)
Technology Related Assistance for Individuals with Disabilities			
Special Revenue Funds - Federal	707,000	812,000	105,000
Technology Related Protection and Advocacy			
Special Revenue Funds - Federal	217,000	252,000	35,000
Total	<u>16,859,000</u>	<u>18,041,000</u>	<u>1,182,000</u>

## STATE OPERATIONS - GENERAL FUND SUMMARY OF PERSONAL SERVICE APPROPRIATIONS AND CHANGES 2010-11 RECOMMENDED (dollars)

Program	Total		Personal Service Regular (Annual Salaried)	
	Amount	Change	Amount	Change
Administration	4,150,000	(76,700)	4,133,000	(75,700)
Total	<u>4,150,000</u>	<u>(76,700)</u>	<u>4,133,000</u>	<u>(75,700)</u>

Program	Holiday/Overtime Pay (Annual Salaried)	
	Amount	Change
Administration	17,000	(1,000)
Total	<u>17,000</u>	<u>(1,000)</u>

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## STATE OPERATIONS - GENERAL FUND SUMMARY OF NONPERSONAL SERVICE AND MAINTENANCE UNDISTRIBUTED APPROPRIATIONS AND CHANGES 2010-11 RECOMMENDED (dollars)

Program	Total		Supplies and Materials	
	Amount	Change	Amount	Change
Administration	1,316,000	(37,300)	44,000	(20,000)
Total	<u>1,316,000</u>	<u>(37,300)</u>	<u>44,000</u>	<u>(20,000)</u>

Program	Travel		Contractual Services	
	Amount	Change	Amount	Change
Administration	196,000	(60,400)	932,000	(37,700)
Total	<u>196,000</u>	<u>(60,400)</u>	<u>932,000</u>	<u>(37,700)</u>

Program	Equipment	
	Amount	Change
Administration	144,000	80,800
Total	<u>144,000</u>	<u>80,800</u>

## STATE OPERATIONS - OTHER THAN GENERAL FUND SUMMARY OF APPROPRIATIONS AND CHANGES 2010-11 RECOMMENDED (dollars)

Program	Total		Personal Service	
	Amount	Change	Amount	Change
Administration	4,530,000	225,000	2,453,000	101,000
Client Assistance	721,000	67,000	82,000	2,000
Protection and Advocacy for Beneficiaries of Social Security	335,000	(68,000)	61,000	(45,000)
Protection and Advocacy for the Developmentally Disabled	2,397,000	372,000	484,000	32,000
Protection and Advocacy Help America Vote Act	215,000	(8,000)	0	0
Protection and Advocacy for Individual Rights	1,154,000	253,000	136,000	(19,000)
Protection and Advocacy for the Mentally Ill	2,036,000	359,000	577,000	(11,000)
Protection and Advocacy for Persons with Traumatic Brain Injury	123,000	(44,000)	0	0
Technology Related Assistance for Individuals with Disabilities	812,000	105,000	184,000	(1,000)
Technology Related Protection and Advocacy	252,000	35,000	52,000	(4,000)
Total	<u>12,575,000</u>	<u>1,296,000</u>	<u>4,029,000</u>	<u>55,000</u>

Program	Nonpersonal Service		Maintenance Undistributed	
	Amount	Change	Amount	Change
Administration	1,777,000	124,000	300,000	0
Client Assistance	639,000	65,000	0	0
Protection and Advocacy for Beneficiaries of Social Security	274,000	(23,000)	0	0
Protection and Advocacy for the Developmentally Disabled	1,913,000	340,000	0	0
Protection and Advocacy Help America Vote Act	215,000	(8,000)	0	0
Protection and Advocacy for Individual Rights	1,018,000	272,000	0	0
Protection and Advocacy for the Mentally Ill	1,459,000	370,000	0	0
Protection and Advocacy for Persons with Traumatic Brain Injury	123,000	(44,000)	0	0
Technology Related Assistance for Individuals with Disabilities	628,000	106,000	0	0
Technology Related Protection and Advocacy	200,000	39,000	0	0
Total	<u>8,246,000</u>	<u>1,241,000</u>	<u>300,000</u>	<u>0</u>

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

<u>Fund Type</u>	<u>Available 2009-10</u>	<u>Recommended 2010-11</u>	<u>Change</u>
General Fund	293,000	170,000	(123,000)
Special Revenue Funds - Other	478,000	478,000	0
Total	<u>771,000</u>	<u>648,000</u>	<u>(123,000)</u>

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

<u>Program</u>	<u>Available 2009-10</u>	<u>Recommended 2010-11</u>	<u>Change</u>
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	0	(123,000)
Special Revenue Funds - Other	418,000	418,000	0
Total	<u>771,000</u>	<u>648,000</u>	<u>(123,000)</u>