

# Mental Hygiene

Office of Alcoholism and Substance Abuse Services  
Developmental Disabilities Planning Council  
Justice Center for the Protection of People with Special Needs  
Office of Mental Health  
Department of Mental Hygiene  
Office for People with Developmental Disabilities  
Commission on Quality of Care and Advocacy for Persons with Disabilities

## Overview

The Executive Budget supports reforms that will continue to strengthen the oversight of care provided to vulnerable persons, make investments to improve the accountability of mental hygiene agencies, and ensure that individuals are served safely in the most integrated and cost effective setting possible.

The mental hygiene agencies and associated not-for-profits provide services to individuals with mental illness, developmental disabilities, chemical dependencies, and problem gambling. These agencies – the Office of Mental Health (OMH), the Office for People with Developmental Disabilities (OPWDD), the Office of Alcoholism and Substance Abuse Services (OASAS), the Developmental Disabilities Planning Council (DDPC), and the Justice Center for the Protection of People with Special Needs (Justice Center) – support services for more than 1 million individuals, including more than 700,000 people with mental illness, 250,000 people with chemical dependencies or gambling problems, and 126,000 individuals with developmental disabilities. In addition, OASAS serves 480,000 youth in school and community based substance abuse prevention programs.

## Caring for New York’s Most Vulnerable Citizens

Last year, under Governor Cuomo’s leadership, legislation was passed to create the Justice Center for the Protection of People with Special Needs, which will transform how our State protects over one million New Yorkers living under the care of six State agencies. Activities of the Commission on Quality of Care and Advocacy for Persons with Disabilities (CQCAPD) will be subsumed by the Justice Center when it becomes operational on June 30, 2013.

The State’s vast mental hygiene system provides care and services for individuals in institutional facilities, community residences and community settings. The State operates institutional and research facilities serving about 5,800 people and provides funding and support for approximately 91,800 people living in community residences. Additionally, State funding supports outpatient, employment, clinic, habilitative, and treatment programs operated by 1,600 not-for-profit provider agencies that help individuals live in the setting they desire and lead full and productive lives.

The Executive Budget supports the Governor’s ongoing efforts to fundamentally improve the protection and care of vulnerable individuals. Strategic investments are funded by programmatic efficiencies and system-wide solutions to reduce State operations costs in service delivery, purchasing, business services, information technology, and other areas. To ensure that individuals receive appropriate services, the Executive Budget increases funding for certain lower-cost program models, and redirects funding from high-cost institutional services to more effective community-based programs.

## Mental Hygiene

Proposed actions for the Mental Hygiene agencies include reforming and restructuring State and local programs and administrative practices, establishing regional centers of excellence for State-operated inpatient psychiatric capacity, enhancing community mental health services, utilizing less costly and more effective in-state community residences, placing aggressive cost controls on agency operations, and maximizing payments from third-party payers.

The Executive Budget continues funding to divert individuals from prison to treatment programs, provide community mental health services for certain nursing home and adult home residents, and support community residential and day services for individuals served by OPWDD.

The Executive Budget proposals result in mental hygiene system funding of \$8.3 billion in 2013-14, an annual spending increase of \$25 million, or 0.4 percent.

### Summary of Spending (All Funds)

Category	2012-13 (\$ in millions)	2013-14 (\$ in millions)	Change	
			Dollar (in millions)	Percent
OPWDD	4,243.3	4,285.7	42.4	1.0
OMH	3,258.5	3,317.6	59.1	1.8
OASAS	608.7	616.1	7.4	1.2
CQCAPD	17.0	9.4	(7.6)	(44.8)
JUSTICE CENTER *	0.0	37.3	37.3	N/A
DDPC	4.2	4.2	0.0	0.0
<b>Total **</b>	<b>8,245.3</b>	<b>8,270.3</b>	<b>25.0</b>	<b>0.4</b>

\* Justice Center is expected to total approximately \$50 million after existing resources are transferred from other State agencies.

\*\* In addition to agency specific spending, the \$8.2 billion of 2012-13 total spending reflects \$113.6M in spending and receipts that has no net impact on the Financial Plan and that does not continue in 2013-14.

### Gap-Closing Actions

Proposal	2013-14 (\$ in millions)	2014-15 (\$ in millions)
OPWDD Ongoing De-Institutionalization, Attrition, and Efficiencies	5.9	20.0
OPWDD Local Efficiencies	32.1	64.2
OASAS Administrative Staffing, NPS, and Funding Efficiencies	4.6	4.6
OMH Psychiatric Center Regionalization and Restructuring	20.0	40.0
OMH Administrative Staffing and NPS Efficiencies	12.9	12.9
OMH SOMTA Efficiencies	4.6	4.6
OMH Local Efficiencies	10.0	20.0
CQCAPD Efficiencies	0.6	0.6
Fringe Benefits Impacts	8.2	51.1
Defer Planned COLA/Trend Increases	53.4	53.4
<b>Total</b>	<b>152.3</b>	<b>271.4</b>

## Proposed 2013-14 Budget Actions to Implement the Governor's State of the State and Other Initiatives

### OPWDD Reforms

Governor Cuomo has taken substantial steps to ensure the health and safety of individuals with developmental disabilities in the State's care, and to improve the overall quality and cost-effectiveness of State services. Significant actions include:

- Increased hiring qualifications and training standards in State-run programs for direct support professionals, including pre-employment psychological and fitness training, mandatory drug testing, rigorous background checks, and a minimum of a high school diploma.
- Refocused efforts on cases of abuse, with creation of a centralized Incident Management Unit with real time oversight of incidents, and an overhauled investigations process that has direct relationships with local law enforcement/State Police.
- Holding non-profit providers more accountable for their performance via a restructured Early Alert program to quickly remedy deficiencies in non-profit provider services, with imposition of fines and revocation of operating certificates when appropriate.
- An improved statewide standardized objective process to ensure potential new non-profit providers have the requisite fiscal and programmatic expertise, and an initiative that supports and recognizes providers that have achieved excellence in service delivery.
- Enhanced fire safety efforts, implementing recommendations of outside experts to comply with enhanced standards, including unannounced fire drills, better training and safety plans, direct relations with local fire personnel, and capital improvements.

In addition, OPWDD is seeking authorization from the Federal government to make changes that will improve coordination of long-term care, acute and behavioral health care services for individuals with developmental disabilities, increase the flexibility of services provided to individuals with developmental disabilities, increase funding transparency, and improve overall service quality and outcomes. Without these changes there could be significant negative consequences on the State's ability to maintain current service levels.

To ensure OPWDD delivers the most integrated and cost effective services possible, the Budget supports ongoing plans to downsize institutional programs by including resources to fund more integrated and appropriate service opportunities in the community. Specifically, the Budget reflects the closures announced last year of the Finger Lakes and Taconic Campuses which are expected to be completed by December 2013. The vast majority of new services will be provided by the agency's network of non-profit providers. The Budget also reflects continued efficiencies and other saving actions via attrition, as well as stricter controls on NPS spending.

**OMH Reforms**

The Executive Budget continues efforts to restructure State Operations of inpatient services to improve the quality and levels of services, while utilizing these savings and making new investments to help ensure persons with mental illness can live safely and productively in the community. Significant actions include:

- The creation of regional centers of excellence for the diagnosis and treatment of complex behavioral health illnesses. This effort will ensure there will be ample capacity for treating individuals with mental illness who require inpatient services. Savings related to the State Psychiatric Center regionalization initiative will be reinvested to support the same or greater level of community-based services. This reinvestment will help facilitate earlier and better access to care.
- A new investment of \$10 million to ensure individuals receiving court-ordered services through Assisted Outpatient Treatment (AOT) and those who are being discharged from State psychiatric hospitals have access to services in the community through Health Homes. These providers will establish risk management and quality improvement programs to ensure continuity of care for these individuals in the community, and integrate physical and behavioral services.
- The development of 1,000 supported housing units for residents of nursing homes (including 400 by the end of 2014), 4,000 supported housing beds for individuals in adult homes (including 1,400 by the end of 2014), and 3,400 beds for the homeless housing program in New York City (including 634 by the end of 2014).
- The establishment of multi-disciplinary Mental Health Incident Review Panels for serious incidents involving a person with mental illness. This will facilitate timely and comprehensive reviews and provide for the implementation of more immediate corrective actions as needed.

**OASAS Actions**

The Executive Budget proposes actions to reduce costs in State Operations, while supporting programs to better serve individuals with dependencies on alcohol and chemical substances in non-profit provider programs. State Operations savings include the continuation of system-wide efforts to eliminate unnecessary consulting contracts, streamline and consolidate administrative space, and reduce agency administrative staffing levels.

The Executive Budget includes funding to support community and treatment opportunities, including new supportive housing units in New York City for homeless families with members suffering from a chemical dependency. These investments are supported by savings attributable to agency efficiency actions, as well as the use of available Federal funds.

**Justice Center Implementation**

A major accomplishment of the last year is the passage of legislation creating the Justice Center for the Protection of People with Special Needs. The Justice Center is a nationwide model for improving care for vulnerable populations that will transform how our State protects the over one million New Yorkers under the care of six State agencies. In accordance with this legislation, the Executive Budget transitions Commission on Quality of Care and Advocacy for Persons with Disabilities (CQCAPD) operations to the Justice Center by June 30, 2013. The core mission of the Justice Center will be to protect the health and safety of vulnerable individuals in the State's care. It will have primary responsibility for tracking,

investigating and pursuing serious abuse and neglect complaints for facilities and provider agencies that are operated, certified, or licensed by the following six agencies: OMH, OPWDD, OASAS, the Department of Health (DOH), the Office of Children and Family Services (OCFS), and the State Education Department (SED).

Other components and responsibilities of the Justice Center include the following:

- Creation of new positions, including Executive Director, Special Prosecutor and Inspector General, trained investigators, lawyers, and administrators. The Justice Center's law enforcement branch will have concurrent authority with district attorneys to prosecute abuse and neglect crimes committed against such persons.
- Creation of a statewide 24/7 hotline staffed by trained professionals to ensure allegations of abuse are promptly reported to law enforcement and are fully and effectively investigated.
- Development of a register of workers who have committed serious or repeated acts of abuse and will be prohibited from ever being hired again in any position where they would work with people with disabilities or special needs.
- The responsibility to represent the State at all public employee disciplinary cases or those where the State is seeking termination of employment as the penalty.
- Development of common standards for investigations and requirements to be used to train investigators.
- Development of a code of conduct containing the basic ethical standards to which all individuals working with people with special needs and disabilities would be required to subscribe and would be held accountable.
- Consolidation of background check procedures, including reviewing and evaluating the criminal history for any person applying to be an employee, volunteer, or consultant at any facility or provider agency operated, licensed or certified by OMH, OPWDD, and OCFS in a position where a background check is required.
- The requirement to provide an annual report to the Governor and the Legislature concerning its work during the preceding year, which will include data on central register reports, results of investigations, types of corrective actions taken, results of its review of patterns and trends relating to abuse and reporting of abuse, suggested corrective actions and training efforts.

### Other Budget Actions

- **Defers Planned Cost of Living Adjustments (COLA)/Trend Increases.** Currently, providers receive automatic payment increases with no relation to actual cost growth. The Executive Budget defers the planned 1.4 percent annual human services COLA and maintains existing rates for other programs.

- **Makes Permanent Certain License Exemptions.** The Executive Budget includes legislation to make permanent the current long time temporary exemption for certain social work and mental health professional licensure requirements of persons employed by a program or service operated, regulated, funded, licensed, or approved by OMH, OPWDD, OASAS, DOH, OCFS, Office for the Aging, Department of Corrections and Community Supervision, and/or local governmental units or social services districts.