



Committee on Mental Health and Developmental Disabilities

Fall 2015 Newsletter

Carl E. Heastie, Speaker • Aileen M. Gunther, Chair

Message from the Chair

Dear Friends,

I am pleased to share news from the New York State Assembly Standing Committee on Mental Health and Developmental Disabilities. The Committee strives to assist and positively impact the lives of people with disabilities and their families. I will continue to fight to strengthen our communities and families by supporting programs that effectively meet the unique needs of people with developmental disabilities and mental illness. Additionally, we must ensure that those who are transitioning into the community from an inpatient setting have sufficient means to live healthy, productive, and independent lives.

This session proved to be challenging, but successful. Due to the diligent efforts of the Committee, we were able to ensure that the state plan for transitioning behavioral health care and developmental disability services into managed care will include transparency of information and input from service providers, as well as service recipients and their families.

The accomplishments of the Committee would not be possible without the support of so many individuals, advocacy groups, and service providers across New York State. I am confident that together, we will continue to improve the lives of all New Yorkers affected by mental illness or developmental disability. I will continue to work to ensure that every person in need is given the resources he or she needs to live a happy and successful life.

Sincerely,

Aileen M. Gunther, Chair



Assemblymember Aileen Gunther, Chairperson of the New York State Assembly Committee on Mental Health and Developmental Disabilities, takes time to meet with advocates on the Assembly chamber floor. The Assemblywoman's door is always open, and she encourages each and every constituent to visit her district or Albany office to discuss any statewide issue that concerns them.

Significant Legislation

A.1459 (Cusick)

This bill would ensure adequate legal representation for individuals diagnosed with a serious mental illness by authorizing Mental Hygiene Legal Services to provide legal assistance to patients or residents who are discharged from a mental hygiene facility to a health care facility licensed pursuant to Article 28.

This bill was passed by the Assembly.

A. 2143 (O'Donnell)

This bill would enable the effective oversight and advocacy for individuals with disabilities and vulnerable populations by clarifying that the Justice Center has authority to access patient information and clinical records or clients of facilities licensed by the Office of Mental Health and the Office for People with Developmental Disabilities. The bill also clarifies that the entity designated by the governor under §558 of the Executive Law to conduct and coordinate the protection and advocacy and client assistance programs, as established under federal law shall have access to the same information and records.

This bill was passed by both Houses.

A.6529 (Gunther)

This bill would help to improve access to psychiatric services in rural areas of the state by authorizing the Office of Mental Health (OMH) to make available to counties with a population of 80,000 or less, a qualified physician for the purposes of providing an examination or testimony required under Article 9 of the Mental Hygiene Law.

This bill was passed by both Houses.

A.7053 (Gunther)

This bill would support the implementation of OPWDD's transformation plan by requiring the Developmental Disabilities Advisory Council to provide recommendations in relation to the transition of the OPWDD service delivery system into managed care.

This bill was passed by both Houses.

A.7200 (Gunther)

This bill would help to ensure the availability of quality supports and services for individuals with developmental disabilities by requiring that a Health Maintenance Organization (HMO) or a Managed Long Term Plan (MLTP) which expands its services to include populations served by OPWDD, to have to enter into an affiliation agreement with a non-profit entity that is experienced in serving individuals with developmental disabilities.

This bill was passed by both Houses.

A.7766A (Gunther)

This law will ensure continuity of services for military families who access developmental disability services by requiring the Office for People with Developmental Disabilities (OPWDD) in consultation with the Division of Military and Naval Affairs, to review existing law and regulations applicable to military families in need of agency services, review best practices used in other states, and provide recommendations on improving laws, regulations, and practices to better serve these families.

Signed by the Governor (chapter 91 of the laws of 2015).



From right to left pictured is Kim Hill, Assemblymember Aileen Gunther, Assemblymember Michael Cusick, Michael Seereiter, President and CEO of the New York State Rehabilitation Association, Joe Slaninka from the Henry Viscardi School, Assemblymember Patricia Fahy, Assemblymember David Weprin, and Assemblymember Joe Borelli at the New York State Assembly Annual Legislative Disabilities Awareness Day (LDAD). Nearly 50 organizations that serve the disability community displayed exhibits to provide information and demonstrate the services and opportunities that are available to people with disabilities.

Some highlights of the day included Michael Seereiter (pictured above) being presented with the annual "Dr. Henry Viscardi, Jr. Advocacy Award," which honors an individual each year who has dedicated him or herself to advocacy on behalf of people with disabilities. A poster contest (pictured above) was also part of the day's activities and it emphasized the importance of educating today's children both on the challenges faced by individuals with disabilities, and the contributions they make to society.



Assemblymember Gunther (middle) is joined by Glenn Liebman (far right), CEO of the Mental Health Association in New York State and representatives from organizations that provide support and services in the 100th Assembly District at a press conference urging Governor Andrew Cuomo to sign A.833-A into law.

Budget Highlights

Direct Care Worker Cost of Living Adjustment (COLA)

The Budget includes \$112 million in funding to support a two percent compensation increases for the State's essential direct care staff, direct support staff, clinical staff, foster parents and adoptive parents.

Balancing Incentive Program (BIP)

The budget allocates \$353 million in federal funding under BIP program to support the service expansions and program development in for both individuals with serious mental illness and developmental disabilities. These investments will help transition these individuals out of costly institutions into less restrictive community settings.

Managed Care Transition Funding

The budget provides \$10 million to support information technology and other infrastructure costs for not-for-profit agencies related to the transition of behavioral health services into the Medicaid Managed Care benefit package.

Office for People with Developmental Disabilities (OPWDD)

Additional Community Based Service Expansions

The budget allocates \$60 million to begin a two-year phase-in of approximately 3,500 new community-based service slots for individuals with developmental disabilities. The budget also allocates \$4 million to support the development of new service opportunities for individuals with developmental disabilities that are currently living at home with aging caregivers who cannot continue to provide their care.

Additional Reporting Requirements and Needs Analysis

One of the major problems in developing an adequate service network for individuals with developmental disabilities is the lack of reliable information on the needs of these individuals and the services that are currently available to support them and their families. The budget provides \$1 million to support a new requirement that OPWDD conduct a statewide assessment and analysis on the housing needs, employment opportunities, and other supports and services for individuals with developmental disabilities.

Office of Mental Health (OMH)

State Psychiatric Facility Downsizing and Reinvestment

The State continues the reconfiguration of its State-operated psychiatric hospital system, and the budget reflects the elimination of 137 State-operated beds, in addition to the 317 beds that were closed in SFY 2014-15. To ensure the continued availability of these critical services, the budget invests \$110,000 per bed closure in community based mental health services, including supportive housing beds, home and community based waiver slots, mobile crisis teams, and other community-based series.

Supportive Housing Programs

The budget includes \$124.5 million over the next five years to support the State's share of a new NY/NY IV program, which will provide supportive housing to various populations throughout the State. Of this amount, \$50 million will provide an increase in existing OMH rental subsidies and \$74.5 million will be dedicated to the development of upwards of 5,000 new supportive housing units.

Services for Serious Mentally Ill Inmates

The budget includes \$22 million to support enhanced services for at-risk individuals that are in or leaving a correctional facility, including supportive housing, assertive community treatment, and reduced parole officer caseloads.

Crisis Intervention Teams (CIT) and Diversion Programs

The budget provides \$1.5 million to support CIT training for law enforcement professionals and to support the development of alternative mental health diversion programs. These programs allow law enforcement professionals to react appropriately to situations involving mental illness and to help reduce the number of unnecessary hospitalization or incarceration.

Establishing ABLE Accounts in New York State

On December 19th, 2014, President Barack Obama signed into law the Achieving a Better Life Experience (ABLE) Act, authorizing states to establish tax-free savings accounts for qualified individuals with disabilities. An ABLE account will allow qualified individuals and their families to save money for disability related expenses, while retaining eligibility for federal benefits, such as Supplemental Security Income and Medicaid.

As the state continues its transition away from institutionalization and toward community-based treatment models, New York must utilize all available tools in order to ensure the success of every person with a disability. The Assembly passed A.7767-B which authorizes New York State to establish ABLE accounts. This legislation is currently waiting to be delivered to the Governor for further action.

Celebrating the 25th Anniversary of The Americans with Disabilities Act

The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990, by President George H.W. Bush. The intent of ADA is to prohibit discrimination and guarantee an individual with a disability has the same opportunities as anyone else to participate in mainstream American Society; enjoy equal access to employment prospects; and participate in State and local government programs and services.

The United States Department of Justice Civil Rights Division states on its website that in order to be protected by the ADA, one must have a disability which is defined by the ADA as a physical or mental impairment that substantially limits one or more major life activities; a person who has a history or record of such impairment; or an individual who is perceived by others as having such impairment.

Reducing Stigma Related to Mental Illness

According to the National Alliance on Mental Illness (NAMI), approximately 1 in 5 Americans lives with a mental health disorder. NAMI also estimated that nearly two-thirds of all people with a diagnosable mental illness do not seek treatment, especially people from diverse communities. Stigma is a primary factor for individuals deciding not to seek help in managing their mental illness. Specifically, a person may lack knowledge on mental illness, fear rejection as a result of disclosure to friends and family, and experience discrimination in their community.

Addressing the issue of stigma associated with mental illness is a high priority for the Committee, as well as the Assembly Majority. This legislative session, the Assembly passed A.833-A, which establishes an income tax check-off for the Mental Illness Anti-Stigma Fund. The contributions in the fund will be awarded to organizations dedicated to eliminating the stigma related to mental illness.

This year marks the first time that both houses were successful in passing this bill. The Committee is hopeful that this legislation will be signed into law by the Governor before the end of the year.

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