

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 Ill			
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	
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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