

# **COMMISSION ON QUALITY OF CARE AND ADVOCACY FOR PERSONS WITH DISABILITIES**

## **MISSION**

The Commission on Quality of Care and Advocacy for Persons with Disabilities (CQCAPD) reflects the successful merger of the former Office of Advocate for Persons with Disabilities (APD) and the former Commission on Quality of Care for the Mentally Disabled (CQC), effective April 1, 2005. The merged entity strengthens the similar functions performed by the stand-alone agencies (i.e., outreach, information and referral and advocacy services) by leveraging financial and personnel resources.

The mission of the Commission on Quality of Care and Advocacy for Persons with Disabilities is to:

- Promote the inclusion of persons with disabilities in all aspects of community life. Accordingly, the Commission will ensure that persons with disabilities are afforded the opportunity to exercise the full range of rights and responsibilities accorded to all residents of New York State.
- Play an active role in developing innovative opportunities and supports that respond to the needs of New Yorkers with disabilities.
- Provide oversight of the Department of Mental Hygiene that collectively spends more than \$6 billion annually.
- Monitor conditions of care for people with mental disabilities in State institutions, licensed residential facilities, and outpatient programs.
- Report to the Governor and Legislature on how the laws and policies established to protect the rights of people with mental disabilities are being implemented; and
- Make recommendations to improve quality of care with respect to persons with mental disabilities.

## **ORGANIZATION AND STAFFING**

The Commission on Quality of Care and Advocacy for Persons with Disabilities is comprised of 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 2006-07, the agency's workforce will consist of 105 positions funded by the General Fund, Federal grants and other Federal revenues related to oversight of Medicaid programs.

To integrate the functions of the former stand alone agencies while ensuring continuing levels of advocacy for all populations, the Commission created three new programmatic divisions in 2005-06:

- The Division of Advocacy and Outreach for Persons with Physical Disabilities, which provides advocacy and outreach services on behalf of individuals with physical and/or sensory disabilities.
- The Division of Protection and Advocacy Program Administration, which administers the agency's varied and effective federally-funded advocacy programs.
- The Division of Quality Assurance and Investigation, which monitors the quality of care and treatment received by individuals in programs operated or licensed by the Department of Mental Hygiene and in adult homes licensed by the Department of Health which serve individuals with mental disabilities.

Additionally, the Commission continues its efforts to streamline administrative functions; including consolidating such activities as hotlines and other clearing-house type activities.

## **QUALITY OF CARE AND ADVOCACY FOR PERSONS WITH DISABILITIES**

---

### **FISCAL BACKGROUND AND BUDGET HIGHLIGHTS**

The Commission's State Operations appropriation is supported by the General Fund (27 percent), Federal grants (47 percent) and other funding, primarily receipts from the Medicaid program related to program oversight activities (26 percent).

The Aid to Localities appropriations support:

- Private, non-profit service provider agencies that provide advocacy services to residents of adult homes and adult care facilities; and
- Non-profit Community Dispute Resolution Centers, which provide support services for the Surrogate Decision Making Committee program.

The Executive Budget recommendation of \$16.4 million fully supports existing program and service levels.

### **PROGRAM HIGHLIGHTS**

#### **TECHNOLOGY SERVICES TO PERSONS WITH DISABILITIES**

The Commission operates a statewide clearinghouse through which individuals can access information and obtain referrals to a variety of disability-related services. Key components of the system are a statewide telephone hotline (800-522-4369) and the Commission's website ([www.cqcapd.state.ny.us](http://www.cqcapd.state.ny.us)).

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 participation in 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 2005, the Regional TRAIID Centers provided awareness training, device demonstrations, information, education and referrals to over 25,800 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 which 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-operated programs serving individuals with mental illness, developmental disabilities, and alcohol and substance abuse problems. Most importantly, it investigates allegations of patient abuse or mistreatment in facilities operated or licensed by these agencies, including those received through the Commission's toll-free hotline (800-624-4143).

#### **PROTECTION AND ADVOCACY**

Using State staff 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

## **QUALITY OF CARE AND ADVOCACY FOR PERSONS WITH DISABILITIES**

Traumatic Brain Injury; and Protection and Advocacy Help America Vote Act. These programs assist the Commission in strengthening the non-profit contract network by providing individuals with severe disabilities with protection and advocacy services under Federal law.

### **ADULT HOMES**

The Commission contracts with local non-profit organizations to provide advocacy services to residents of adult homes who have received services through the mental hygiene system. These services focus on protecting and promoting residents' rights. The Commission's dedicated team will continue to work collaboratively with the Department of Health and the Office of Mental Health 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 the new State initiatives already underway to improve the quality of life and safety of adult home residents.

### **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 comprised of medical, legal and health care professionals and advocates work via local dispute resolution centers located throughout the State to represent these individuals.

#### **ALL FUNDS APPROPRIATIONS (dollars)**

<b>Category</b>	<b>Available 2005-06</b>	<b>Appropriations Recommended 2006-07</b>	<b>Change</b>	<b>Reappropriations Recommended 2006-07</b>
State Operations	15,157,000	15,685,000	528,000	14,064,000
Aid To Localities	711,000	711,000	0	0
Capital Projects	0	0	0	0
Total	<u>15,868,000</u>	<u>16,396,000</u>	<u>528,000</u>	<u>14,064,000</u>

# QUALITY OF CARE AND ADVOCACY FOR PERSONS WITH DISABILITIES

---

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

Full-Time Equivalent Positions (FTE)			
Program	2005-06 Estimated FTEs 03/31/06	2006-07 Estimated FTEs 03/31/07	FTE Change
Administration			
General Fund	46	46	0
Special Revenue Funds - Federal	2	0	(2)
Special Revenue Funds - Other	31	31	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	9	9	0
Protection and Advocacy for Individual Rights			
Special Revenue Funds - Federal	3	3	0
Protection and Advocacy for the Mentally Ill			
Special Revenue Funds - Federal	11	11	0
Technology Related Assistance for Individuals with Disabilities			
Special Revenue Funds - Federal	0	2	2
Total	105	105	0

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

Fund Type	Available 2005-06	Recommended 2006-07	Change
General Fund	4,012,000	4,156,000	144,000
Special Revenue Funds - Federal	7,249,000	7,625,000	376,000
Special Revenue Funds - Other	3,851,000	3,859,000	8,000
Enterprise Funds	45,000	45,000	0
Total	15,157,000	15,685,000	528,000

# QUALITY OF CARE AND ADVOCACY FOR PERSONS WITH DISABILITIES

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

Program	Available 2005-06	Recommended 2006-07	Change
Administration			
General Fund	4,012,000	4,156,000	144,000
Special Revenue Funds - Federal	760,000	300,000	(460,000)
Special Revenue Funds - Other	3,851,000	3,859,000	8,000
Enterprise Funds	45,000	45,000	0
Client Assistance			
Special Revenue Funds - Federal	745,000	671,000	(74,000)
Protection and Advocacy for Beneficiaries of Social Security			
Special Revenue Funds - Federal	326,000	313,000	(13,000)
Protection and Advocacy for the Developmentally Disabled			
Special Revenue Funds - Federal	2,149,000	2,039,000	(110,000)
Protection and Advocacy Help America Vote Act			
Special Revenue Funds - Federal	200,000	195,000	(5,000)
Protection and Advocacy for Individual Rights			
Special Revenue Funds - Federal	1,025,000	916,000	(109,000)
Protection and Advocacy for the Mentally Ill			
Special Revenue Funds - Federal	1,702,000	1,615,000	(87,000)
Protection and Advocacy for Persons with Traumatic Brain Injury			
Special Revenue Funds - Federal	90,000	86,000	(4,000)
Technology Related Assistance for Individuals with Disabilities			
Special Revenue Funds - Federal	0	1,088,000	1,088,000
Technology Related Protection and Advocacy			
Special Revenue Funds - Federal	252,000	402,000	150,000
Total	<u>15,157,000</u>	<u>15,685,000</u>	<u>528,000</u>

## STATE OPERATIONS - GENERAL FUND SUMMARY OF PERSONAL SERVICE APPROPRIATIONS AND CHANGES 2006-07 RECOMMENDED (dollars)

Program	Total		Personal Service Regular (Annual Salaried)	
	Amount	Change	Amount	Change
Administration	3,150,000	84,000	3,150,000	84,000
Total	<u>3,150,000</u>	<u>84,000</u>	<u>3,150,000</u>	<u>84,000</u>

# QUALITY OF CARE AND ADVOCACY FOR PERSONS WITH DISABILITIES

## STATE OPERATIONS - GENERAL FUND SUMMARY OF NONPERSONAL SERVICE AND MAINTENANCE UNDISTRIBUTED APPROPRIATIONS AND CHANGES 2006-07 RECOMMENDED (dollars)

Program	Total		Supplies and Materials	
	Amount	Change	Amount	Change
Administration	1,006,000	60,000	47,000	(158,000)
Total	1,006,000	60,000	47,000	(158,000)

Program	Travel		Contractual Services	
	Amount	Change	Amount	Change
Administration	147,000	(10,000)	778,000	221,000
Total	147,000	(10,000)	778,000	221,000

Program	Equipment	
	Amount	Change
Administration	34,000	7,000
Total	34,000	7,000

## STATE OPERATIONS - OTHER THAN GENERAL FUND SUMMARY OF APPROPRIATIONS AND CHANGES 2006-07 RECOMMENDED (dollars)

Program	Total		Personal Service	
	Amount	Change	Amount	Change
Administration	4,204,000	(452,000)	2,012,000	(65,000)
Client Assistance	671,000	(74,000)	108,000	(22,000)
Protection and Advocacy for Beneficiaries of Social Security	313,000	(13,000)	55,000	(5,000)
Protection and Advocacy for the Developmentally Disabled	2,039,000	(110,000)	459,000	43,000
Protection and Advocacy Help America Vote Act	195,000	(5,000)	6,000	6,000
Protection and Advocacy for Individual Rights	916,000	(109,000)	164,000	14,000
Protection and Advocacy for the Mentally Ill	1,615,000	(87,000)	572,000	(34,000)
Protection and Advocacy for Persons with Traumatic Brain Injury	86,000	(4,000)	0	0
Technology Related Assistance for Individuals with Disabilities	1,088,000	1,088,000	0	0
Technology Related Protection and Advocacy	402,000	150,000	0	0
Total	11,529,000	384,000	3,376,000	(63,000)

Program	Nonpersonal Service		Maintenance Undistributed	
	Amount	Change	Amount	Change
Administration	1,473,000	65,000	719,000	(452,000)
Client Assistance	563,000	(52,000)	0	0
Protection and Advocacy for Beneficiaries of Social Security	258,000	(8,000)	0	0
Protection and Advocacy for the Developmentally Disabled	1,580,000	(153,000)	0	0
Protection and Advocacy Help America Vote Act	189,000	(11,000)	0	0
Protection and Advocacy for Individual Rights	752,000	(123,000)	0	0
Protection and Advocacy for the Mentally Ill	1,043,000	(53,000)	0	0
Protection and Advocacy for Persons with Traumatic Brain Injury	86,000	(4,000)	0	0
Technology Related Assistance for Individuals with Disabilities	0	0	1,088,000	1,088,000
Technology Related Protection and Advocacy	0	0	402,000	150,000
Total	5,944,000	(339,000)	2,209,000	786,000

# QUALITY OF CARE AND ADVOCACY FOR PERSONS WITH DISABILITIES

---

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

<u>Fund Type</u>	<u>Available 2005-06</u>	<u>Recommended 2006-07</u>	<u>Change</u>
General Fund	293,000	293,000	0
Special Revenue Funds - Other	418,000	418,000	0
Total	<u>711,000</u>	<u>711,000</u>	<u>0</u>

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

<u>Program</u>	<u>Available 2005-06</u>	<u>Recommended 2006-07</u>	<u>Change</u>
Adult Homes			
General Fund	170,000	170,000	0
Surrogate Decision Making			
General Fund	123,000	123,000	0
Special Revenue Funds - Other	418,000	418,000	0
Total	<u>711,000</u>	<u>711,000</u>	<u>0</u>