



# DISABILITY RIGHTS NEW YORK

## *Protection & Advocacy and Client Assistance Program Services in the 17<sup>th</sup> Congressional District*

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## **BACKGROUND**

Disability Rights New York (DRNY) is the designated organization to provide the federal Protection & Advocacy System and the Client Assistance Program services to New Yorkers with disabilities. This Report provides an overview of the services, from June 1, 2013 to December 31, 2016, that DRNY has provided to individuals with disabilities living in New York's 17<sup>th</sup> Congressional District. These services are provided pursuant to the following eight federal programs.

### **Protection & Advocacy for Individuals with Mental Illness**

DRNY serves people with a diagnosis of significant mental illness or emotional impairment and prioritizes services to individuals in a facility receiving care and treatment and has the ability to investigate complaints of neglect and abuse.

### **Protection & Advocacy for Individuals with Intellectual and Developmental Disabilities**

DRNY serves people with developmental disabilities, including, intellectual disabilities, autism, epilepsy, cerebral palsy and neurological impairments.

### **Protection & Advocacy of Individual Rights**

DRNY serves individuals with disabilities who do not qualify for any other protection and advocacy services. It is not limited to people with a specific disability or facing a certain issue.

### **Protection & Advocacy for Traumatic Brain Injury**

DRNY serves people with a traumatic brain injury (TBI). This includes working to ensure “due process” within the “New York State TBI Waiver” program, and appropriate services to all individuals, including those not participating in the waiver. DRNY provides services to ensure individuals with TBI have access to comprehensive, high quality health care services.

### **Protection & Advocacy for Voting Access**

DRNY helps individuals with disabilities have full participation in the electoral process. DRNY educates, trains and assists individuals with participating in the electoral process. These efforts include ensuring physical accessibility of polling places and informing people about the rights of voters with disabilities.

### **Protection & Advocacy for Assistive Technology**

DRNY helps people with disabilities with services related to assistive technology devices or services. This includes investigating and negotiating access to assistive technology devices, as well as outreach efforts.

## **Protection & Advocacy for Beneficiaries of Social Security**

DRNY serves people with disabilities who receive Social Security Disability Insurance or Supplementary Security Income, and who are trying to return to work, gain employment, or receive certain employment-related training and services. DRNY educates beneficiaries about Social Security's work incentives and provides advice about vocational rehabilitation and employment services.

### **Client Assistance Program**

DRNY assists people with disabilities who have questions or have encountered problems while receiving or applying for vocational rehabilitation (VR) services from state VR agencies. DRNY also advocates for those who receive services from Independent Living Centers, Commission for the Blind, and for those applying for or receiving services from Tribal VR offices.

## **CLIENTS**

The most recent U.S. Census Bureau estimates show that there are 67,787 individuals with disabilities living in the 17<sup>th</sup> Congressional District. DRNY has handled 351 Service Requests for 260 distinct clients. These individuals lived in 48 of the 66 zip codes in the 17<sup>th</sup> Congressional District. Over this 43 month period, DRNY averaged 8.16 Service Requests per month from individuals in this District.

### **Clients by Age**

DRNY has assisted some of the most vulnerable individuals in the 17<sup>th</sup> Congressional District. 71 unique clients were residents of nursing homes, hospitals, correctional facilities, rehabilitation facilities, and youth-focused residential facilities. Of the residents living in the community, 23, or nearly 8.85% of DRNY's unique clients were under 18. According to census data, individuals under 18 account for only 7.36% of civilian, non-institutionalized individuals with a disability in the 17<sup>th</sup> Congressional District.

The following table shows that 26.15% of DRNY's clients are age 55 or older. Demographic information is not required to receive DRNY services, and so we lack age information on 4 individuals.

<b>Age Group</b>	<b>Number of Individuals</b>	<b>Percentage of Total</b>
Under 5 Years Old	3	1.15%
5-9 Years	5	1.92%
10-14	9	3.46%
15-19	20	7.69%
20-24	17	6.54%
25-34	39	15.00%
35-44	43	16.54%
45-54	52	20.00%
55-59	32	12.31%
60-64	20	7.69%
65 or Older	16	6.15%

## Clients from Under-Represented Groups

DRNY affirmatively seeks to provide services to historically under-represented groups. The following charts compare race and ethnicity demographics for the entire 17<sup>th</sup> Congressional District with that of DRNY's clients in the 17<sup>th</sup> Congressional District. DRNY does not require demographic information from our clients as a pre-requisite for services, so for 39 clients, race information is incomplete or unavailable, and for 36 clients ethnicity information is incomplete or unavailable.

Race	Estimate	As Percentage	DRNY Clients	As Percentage
Total population	742,551		221	
One race	718,577	96.77%	209	94.57%
White	517,099	69.64%	151	68.33%
Black or African American	78,019	10.51%	53	23.98%
American Indian and Alaska Native	2,395	0.32%	1	0.45%
Asian	46,353	6.24%	4	1.81%
Native Hawaiian and Other Pacific Islander	163	0.02%	0	0.00%
Some other race	74,548	10.04%	0	0.00%
Two or more races	23,974	3.23%	12	5.43%

Hispanic or Latino Origin	17 <sup>th</sup> Congressional District	% of Total	DRNY Clients	% of Total
Total population	742,551		224	
Hispanic or Latino (of any race)	165,036	22.23%	30	13.39%
Not Hispanic or Latino	577,515	77.77%	194	86.61%

## SERVICE REQUESTS

DRNY provided full case services in 144 of the requests for services, 41.03% of the total 351 Service Requests. DRNY provided Information and Referral (I&R) services to the remaining 207 requests.

DRNY makes appropriate referrals to other agencies in those matters where the issues are outside DRNY's priorities, or because DRNY lacks the resources to undertake the matter. DRNY will also provide information regarding the clients' rights and available options. These matters vary from consumer financial issues, evictions, or other legal issues that are unrelated to the client's disability.

### Service Requests by Program

7 of DRNY's programs provided case services to at least one constituent in the 17<sup>th</sup> Congressional District.

SR Type	CAP	PAAT	PABSS	PADD	PAIMI	PAIR	PATBI	Grand Total
Case Services	43	6	6	24	35	24	6	144
I & R	12	2	1	25	122	44	1	207
Grand Total	55	8	7	49	157	68	7	351

## Service Request Response Time

121 of these Service Requests were resolved in less than 7 days.

168 of these were resolved in less than 14 days.

## Areas Covered by Service Requests

- 21 involved education issues
- 18 involved employment, including discrimination in hiring, unlawful termination, wage and hour issues, and assisting clients with SSI due to employment efforts
- 29 involved housing issues, including housing discrimination
- 40 involved issues of abuse and neglect, including the failure to provide appropriate treatment for mental health or other serious medical problems, inappropriate medication, or physical restraint
- 27 involved clients seeking assistance with obtaining or maintaining benefits including VR services, SSI, SSDI, Medicaid, or other forms of health insurance
- 40 involved healthcare issues including admission, transportation and discharge issues involving residential care or treatment facilities

## Representative Issues

- Assisted a client to file a claim with the Equal Employment Opportunity Commission for employment discrimination
- Assisted a client with a Traumatic Brain Injury to obtain Medicaid funded services to remain in his community
- Investigated the death of a person with a disability in a skilled nursing facility
- Obtain a refund of a client's tuition from a Dental School Program that the client could not return to do to trauma from peer bullying
- Advocated for a client to receive transportation to and from outpatient treatment program
- Successfully negotiated an agreement with the State University of New York reversing its decision to remove a client from the dorms and allowing the client to return to the dorms

## PROJECTS

In addition to serving clients individually through Service Requests, DRNY operates a number of Projects ranging from ongoing outreach efforts, presentations on specific topics, investigation and monitoring of service providers, and systemic litigation to advance the rights of people with disabilities.

One of DRNY's core projects is to investigate allegations of abuse and neglect against people with disabilities, including investigate the death of individuals with disabilities while residing in residential programs. A young man with intellectual and developmental disabilities in a New York intermediate care facility in the 17<sup>th</sup> Congressional District was neglected in the months leading up to his death. In a public report, DRNY concluded that the young man was in excruciating pain on a regular basis for

the eight months before his death. DRNY began investigating his death after receiving a complaint that he was neglected by his primary physician and the facility administrators and that the investigation of into his death by the New York State Center for the Protection of People with Special Needs (“Justice Center”) was insufficient. After conducting an investigation into this complaint, DRNY concluded that this young man was seriously neglected in the months before his death, causing him great suffering and likely contributed to his death. Furthermore, DRNY found that the Justice Center’s investigation was seriously deficient. DRNY’s report made recommendations to both the agency that operated this young man’s residence and to the Justice Center. The Agency agreed to adopt the corrective action and measures recommended by DRNY and has improved medical services to other individuals with disabilities that its serves.

Another one of DRNY’s core projects is the litigation *O’Toole v. Cuomo*. In New York City, about 4,000 adults with mental illness currently reside in adult homes some situated in the 17<sup>th</sup> Congressional District. Many of these facilities opened upon the closing of state psychiatric hospitals in the aftermath of the Willowbrook consent decree. Under the terms of a settlement, 4,000 class members will be offered the chance to move from the adult homes where the residents live two to a dormitory room and with little privacy and mobility, into supported housing –consisting of scatter-site apartments. One resident has expressed the importance of this settlement: “I had a rent stabilized apartment, and I lost it in the fire. And that led me to being where I am. And I feel stuck...I miss hot chocolate in my microwave. I miss the spoonful of ice cream every now and then from my big fridge that I bought for myself. I miss so many things. I miss cut flowers that I could afford to buy every now and then. There’s so many things that I miss. And it’s something that I want again. With support, I think I can do that.”

DRNY has a collaboration with other educational advocates and schools to improve educational outcomes for students with disabilities, called the New York State Special Education Task Force. DRNY spearheaded the formation of a regional affiliate in the 17<sup>th</sup> Congressional District to provide a local forum for parents, advocates, attorneys, school personnel, service providers and individuals with disabilities to discuss issues, policies, and proposed changes to special education law and regulation. The Lower Hudson Task Force is committed to improving educational access and outcomes for students with disabilities through a collaborative regional and statewide network of stakeholders representing a variety of perspectives in addressing the special education needs of students

DRNY also conducted training and outreach targeting people in nursing homes, residential facilities, sheltered workshops and work centers, VR offices, and schools in the 17<sup>th</sup> Congressional District.

### **Investigations of Abuse and Neglect**

DRNY investigated allegations of abuse and neglect including

- Physical restraint in schools
- Use of force and solitary confinement in prisons and jails
- Inadequate care in skilled nursing facilitates
- Unsanitary conditions and poor care in facilities

## **Veteran's Issues**

New York State is home to nearly 900,000 veterans, many of whom could benefit from the advocacy of the Protection and Advocacy System. As a demonstration of DRNY's ongoing support of veterans, we have several projects designed to engage, support and advocate for service members throughout New York.

- Conducting free day-long Continuing Legal Education courses to educate lawyers, and non-lawyers on how to advocate to obtain benefits, prepare claims and appeal decisions for Veterans Benefits
- Conducting 5 outreach events across New York State targeting veterans and collaborating with organizations and group that currently serve veterans
- Attending various military and Veteran Administration (VA) sponsored events including at libraries and VA hospitals
- Connecting with VA Medical Centers, organizations helping homeless and vulnerable veterans and legal service providers dedicated to veteran issues
- Working with and revitalizing veteran coalitions across New York State to identify issues where JAG cannot assist

## **Coalition Building**

DRNY is also involved in forging coalitions between agencies on statewide issues like:

- Improving communication between students, families and schools in Special Education
- Ensuring that voter's with disabilities have access to a private accessible vote
- Expanding cultural competency and language access

## **Systemic Issues**

DRNY also identifies and addresses systemic issues such as:

- Sidewalk and street accessibility
- Difficulties faced by individuals transitioning from various state-run facilities back to the community
- Barriers to integrated employment opportunities

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