



DISABILITY RIGHTS NEW YORK

Protection & Advocacy and Client Assistance Program Services in the 22nd 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 22nd 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 (SSDI) or Supplementary Security Income (SSI), 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 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 110,640 individuals with disabilities living in the 22nd Congressional District. DRNY has handled 477 Service Requests for 401 distinct clients. These individuals lived in 76 of the 166 zip codes in the 22nd Congressional District. Over this 43 month period, DRNY averaged approximately 11 Service Requests per month from individuals in this District.

Clients by Age

DRNY has assisted some of the most vulnerable individuals in the 22nd Congressional District. 129 unique clients were residents of nursing homes, hospitals, correctional facilities, rehabilitation facilities, and youth-focused residential facilities. Of the residents living in the community, 63, or nearly 15.71% of DRNY's unique clients were under 18. According to census data, individuals under 18 account for only 5.86% of civilian, non-institutionalized individuals with a disability in the 22nd Congressional District. The following table shows that 19.95% 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 9 individuals.

Age Group	Number of Individuals	Percentage of Total
Under 5 Years Old	5	1.24%
5-9 Years	18	4.49%
10-14	22	5.49%
15-19	24	5.99%
20-24	25	6.23%
25-34	60	14.96%
35-44	71	17.71%
45-54	87	21.70%
55-59	37	9.23%
60-64	23	5.74%
65 or Older	20	4.99%

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 22nd Congressional District with that of DRNY's clients in the 22nd Congressional District. DRNY does not require demographic information from our clients as a pre-requisite for services, so for 40 clients, race information is incomplete or unavailable, and for 52 clients ethnicity information is incomplete or unavailable.

Race	Estimate	As Percentage	DRNY Clients	As Percentage
Total population	710,842		401	
One race	696,717	98.01%	350	87.28%
White	658,021	92.57%	264	65.84%
Black or African American	23,088	3.25%	83	20.70%
American Indian and Alaska Native	2,729	0.38%	2	0.50%
Asian	6,770	0.95%	1	0.25%
Native Hawaiian and Other Pacific Islander	422	0.06%	0	0.00%
Some other race	5,687	0.80%	0	0.00%
Two or more races	14,125	1.99%	11	2.74%

Hispanic or Latino Origin by Type	22 nd Congressional District	% of Total	DRNY Clients	% of Total
Total population	710,842		401	
Hispanic or Latino (of any race)	23,524	3.31%	18	4.49%
Not Hispanic or Latino	687,318	96.69%	331	82.54%

SERVICE REQUESTS

DRNY provided full case services in 214 of the requests for services, 44.86% of the total 477 Service Requests. DRNY provided Information and Referral (I&R) services to the remaining 263 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 22nd Congressional District.

SR Type	CAP	PAAT	PABSS	PADD	PAIMI	PAIR	PATBI	Grand Total
Case Services	37	10	13	50	44	53	7	214
I & R	18	1	4	34	129	73	4	263
Grand Total	55	11	17	84	173	126	11	477

Service Request Response Time

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

219 of these were resolved in less than 14 days.

Areas Covered by Service Requests

- 56 involved education issues
- 41 involved employment, including discrimination in hiring, unlawful termination, wage and hour issues, and assisting clients with SSI due to employment efforts
- 16 involved housing issues, including housing discrimination
- 83 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
- 38 involved clients seeking assistance with obtaining or maintaining benefits including ACCES-VR services, SSI, SSDI, Medicaid, or other forms of health insurance
- 33 involved healthcare issues including admission, transportation and discharge issues involving residential care or treatment facilities

Representative Issues

- Assisting a client who was denied vocational rehabilitation services to meet her employment goal of self-employment and advocated for the client until a business plan was approved
- Assisted a client with a visual impairment to obtain Medicaid-funded support services to remain in her community
- Obtained an appropriate educational program for a student with Autism who was denied education at his Charter School
- Assisted a client residing at Broome Developmental Center to obtain appropriate supports to transition to a community setting
- Assisted a client with a Traumatic Brain Injury (TBI) to obtain support services so she could leave a skilled nursing facility
- Assisted a client who was being evicted to obtain supports and obtained a lease renewal
- Advocated for a client to obtain TBI Waiver services so he could leave the Cayuga Ridge facility and live in his own apartment
- Represented a child with Autism at a Medicaid Fair Hearing and obtained a speech generating device
- Secured a free appropriate public education for a client with a complex speech and language disorder and avoided a placement in a more restrictive learning environment
- Educated a client in a skilled nursing facility about the role of a health care proxy and the right to make decisions about her care

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 functions is to monitor service providers to ensure that people with disabilities are receiving appropriate care and treatment including discharge planning. DRNY monitored the closure of the Broome Developmental Center's Intermediate Care Facility to protect the rights of people with intellectual and developmental disabilities. DRNY provided technical assistance, group, and individual advocacy to ensure residents of the 22nd Congressional District are appropriately integrated into the community. Through on-site monitoring and interviews with residents, their families, and administrators, DRNY identified delays in the development of community based homes, ineffective behavioral plans, and a lack of coordination between institutional and community-based staff. Most concerning was the consistent failure to involve the individual and family in the discharge planning process. Some individuals had never even been informed of the intended discharge setting. In some instances providers had initial plans for community-based services that did not meet the needs of the service recipient once they were in the community. In order to respond to these mismatches between service recipients and services, DRNY works directly with individuals following their discharge from the developmental center and advocating for access to other services.

Another core function is to investigate allegations of abuse and neglect against individuals with disabilities in jail and prison settings. DRNY conducted several on-site monitoring and investigations at Department of Corrections and Community Services (DOCCS) facilities in the 22nd Congressional District. DRNY found that for youth and young adults (16-21) in these adult correctional facilities, DOCCS' fails to identify, evaluate, provide special education supports and services, and comply with the Individuals with Disabilities Education Act's most fundamental procedural safeguards. DRNY continues to pursue access to education for youth and young adults in adult correctional facilities.

DRNY is also monitoring the Central New York Psychiatric Center (CNYPC) located in the 22nd Congressional District. CNYPC provides treatment for sentenced prisoners, and sentenced and pre-sentenced jail inmates. DRNY is monitoring the restraint and seclusion practices at CNYPC, and advocating for an increase in inpatient capacity for pre-sentenced jail inmates who are housed in jails ill-equipped to meet their needs.

Another core project is our 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 regional affiliates in the 22nd 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 Northern Tier and Southern Tier Task Forces have hosted

trainings on bullying in school, anxiety as a barrier to school attendance and pathways to high school graduation.

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 facilities
- 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

CONTACT INFORMATION

Staff

Timothy A. Clune, Esq., *Executive Director*

Cliff Zucker, Esq., *General Counsel*

Jennifer J. Monthie, Esq., *Legal Director*

Danielle Myers, CPA, *Chief Financial Officer & Director of Operations*

Betsy Sterling, Esq., *Director PAIMI Program*

Julie Michaels Keegan, Esq., *Director PADD & PATBI Programs*

Elizabeth Grossman, Esq., *Director PAIR & PABSS Programs*

Erica M. Molina, Esq., *Director Client Assistance Program*

Christina Asbee, Esq., *Director PAAT & PAVA Programs*

David Young, Esq., *Director of Intake*

Office Locations

Albany

725 Broadway, Suite 450

Albany, NY 12207

Brooklyn

25 Chapel Street, Suite 1005

Brooklyn, NY 11201

Rochester

44 Exchange Boulevard, Suite 110

Rochester, NY 14614

Phone and Internet

Toll Free: (800)993-8982

TTY: (518)512-3448

Fax: (518)427-6561

DRNY.org

Mail@DRNY.org

facebook.com/DisabilityRightsNewYork

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