



DISABILITY RIGHTS

NEW YORK

Protection & Advocacy and Client Assistance Program Services in the 24th 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 24th 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 91,786 individuals with disabilities living in the 24th Congressional District. DRNY has handled 452 Service Requests for 370 distinct clients. These individuals lived in 63 of the 98 zip codes in the 24th Congressional District. Over this 43 month period, DRNY averaged approximately 10.5 Service Requests per month from individuals in this District.

Clients by Age

DRNY has assisted some of the most vulnerable individuals in the 24th Congressional District. 102 unique clients were residents of nursing homes, hospitals, correctional facilities, rehabilitation facilities, and youth-focused residential facilities. Of the residents living in the community, 85, or nearly 22.97% of DRNY's unique clients were under 18. According to census data, individuals under 18 account for only 8.85% of civilian, non-institutionalized individuals with a disability in the 24th Congressional District. The following table shows that 23.24% 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 7 individuals.

| Age Group | Number of Individuals | Percentage of Total |
|-------------------|------------------------------|----------------------------|
| Under 5 Years Old | 4 | 1.08% |
| 5-9 Years | 22 | 5.95% |
| 10-14 | 50 | 13.51% |
| 15-19 | 26 | 7.03% |
| 20-24 | 44 | 11.89% |
| 25-34 | 65 | 17.57% |
| 35-44 | 57 | 15.41% |
| 45-54 | 91 | 24.59% |
| 55-59 | 33 | 8.92% |
| 60-64 | 30 | 8.11% |
| 65 or Older | 23 | 6.22% |

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 24th Congressional District with that of DRNY's clients in the 24th Congressional District. DRNY does not require demographic information from our clients as a pre-requisite for services, so for 42 clients, race information is incomplete or unavailable, and for 43 clients ethnicity information is incomplete or unavailable.

| Race | Estimate | As Percentage | DRNY Clients | As Percentage |
|--|----------|---------------|--------------|---------------|
| Total population | 708,959 | | 370 | |
| One race | 689,047 | 97.19% | 319 | 86.22% |
| White | 600,147 | 84.65% | 239 | 64.59% |
| Black or African American | 59,255 | 8.36% | 72 | 19.46% |
| American Indian and Alaska Native | 3,370 | 0.48% | 1 | 0.27% |
| Asian | 19,025 | 2.68% | 5 | 1.35% |
| Native Hawaiian and Other Pacific Islander | 487 | 0.07% | 2 | 0.54% |
| Some other race | 6,763 | 0.95% | 0 | 0.00% |
| Two or more races | 19,912 | 2.81% | 9 | 2.43% |

| Hispanic or Latino Origin by Type | 24 th Congressional District | % of Total | DRNY Clients | % of Total |
|-----------------------------------|---|------------|--------------|------------|
| Total population | 708,959 | | 370 | |
| Hispanic or Latino (of any race) | 31,211 | 4.40% | 21 | 5.68% |
| Not Hispanic or Latino | 677,748 | 95.60% | 306 | 82.70% |

SERVICE REQUESTS

DRNY provided full case services in 275 of the requests for services, 60.84% of the total 452 Service Requests. DRNY provided Information and Referral (I&R) services to the remaining 177 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 24th Congressional District.

| SR Type | CAP | PAAT | PABSS | PADD | PAIMI | PAIR | PATBI | Grand Total |
|---------------|-----|------|-------|------|-------|------|-------|-------------|
| Case Services | 40 | 22 | 10 | 92 | 48 | 50 | 13 | 275 |
| I & R | 11 | 2 | 4 | 30 | 67 | 55 | 8 | 177 |
| Grand Total | 51 | 24 | 14 | 122 | 115 | 105 | 21 | 452 |

Service Request Response Time

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

167 of these were resolved in less than 14 days.

Areas Covered by Service Requests

- 76 involved education issues
- 25 involved employment, including discrimination in hiring, unlawful termination, wage and hour issues, and assisting clients with SSI due to employment efforts
- 32 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
- 39 involved healthcare issues including admission, transportation and discharge issues involving residential care or treatment facilities

Representative Issues

- Advocated for a 14 year-old with Autism to receive appropriate accommodations to attend a field-trip in Washington D.C. with his classmates
- Obtained a speech generating device for two clients who were denied the device by their Managed Care insurance provider
- Advocated for client to receive appropriate transportation to school and after school events so that she could participate in extracurricular events with her peers
- Obtained interpreter services for a deaf client who was denied proper medical care
- Addressed physical barriers at a client's work place so that the client could continue to work
- Assisted a client with a Traumatic Brain Injury to obtain services so that she could live in her community
- Obtained access to an accessible bathroom for a client in a correctional facility
- Advocated for a client to have grab bars installed by her landlord in her apartment
- Advocated for a client who was not receiving educational services because the school was not properly addressing his mental health needs to return to school with appropriate supports
- Obtained medical transportation for a client so that she could attend a summer respite program

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 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 a regional affiliate in the 24th 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 Central New York 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 in Onondaga, Oneida, Oswego, Madison, Cayuga counties, as well as New York State.

Another core function is to investigate allegations of abuse and neglect against individuals with disabilities in jail and prison settings. DRNY conducted on-site monitoring and investigations at Department of Corrections and Community Services (DOCCS) facilities in the 24th Congressional District. DRNY specifically monitored the treatment of individuals with mental illness at Auburn Correctional Facility housed in the Special Housing Unit (SHU), which has a capacity for 83 individuals, and those receiving crisis intervention services in the Residential Crisis Treatment Program (RCTP). As a result of DRNY advocacy following site-visit to Auburn Correctional Facility, inmate-patients received improved mental health care.

DRNY educated policymakers at the Department of Health about a problematic policy that required a demonstration of user proficiency prior to authorizing coverage for a speech generating device. The policy for coverage for SDGs not only exceeded state and federal coverage requirements, but disproportionately affected individuals with significant disabilities. This policy impacted several constituents in the 24th Congressional District. The DOH recognized the deficient policy and removed the exceeding criteria.

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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