



DISABILITY RIGHTS NEW YORK

Protection & Advocacy and Client Assistance Program Services in the 26th Congressional District

Contents

BACKGROUND	2
CLIENTS.....	3
Clients by Age	3
Clients from Under-Represented Groups	4
SERVICE REQUESTS.....	4
Service Requests by Program	4
Service Request Response Time	5
Areas Covered by Service Requests	5
Representative Issues.....	5
PROJECTS.....	5
Investigations of Abuse and Neglect	6
Veteran’s Issues	6
Coalition Building.....	7
Systemic Issues	7
CONTACT INFORMATION	8
Staff.....	8
Office Locations	8
Albany.....	8
Brooklyn.....	8
Rochester.....	8
Phone and Internet	8

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 26th 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 104,006 individuals with disabilities living in the 26th Congressional District. DRNY has handled 382 Service Requests for 324 distinct clients. These individuals lived in 37 of the 39 zip codes in the 26th Congressional District. Over this 43 month period, DRNY averaged 8.88 Service Requests per month from individuals in this District.

Clients by Age

DRNY has assisted some of the most vulnerable individuals in the 26th Congressional District. 20 unique clients were residents of nursing homes, hospitals, correctional facilities, rehabilitation facilities, and youth-focused residential facilities. Of the residents living in the community, 29, or nearly 9.8% of DRNY's unique clients were under 18. According to census data, individuals under 18 account for only 8.3% of civilian, non-institutionalized individuals with a disability in the 26th Congressional District. The following table shows that 25.39% 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 1 individual.

Age Group	Number of Individuals	Percentage of Total
Under 5 Years Old	4	1.24%
5-9 Years	9	2.79%
10-14	10	3.10%
15-19	13	4.02%
20-24	18	5.57%
25-34	43	13.31%
35-44	48	14.86%
45-54	96	29.72%
55-59	34	10.53%
60-64	23	7.12%
65 or Older	25	7.74%

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 26th Congressional District with that of DRNY's clients in the 26th Congressional District. DRNY does not require demographic information from our clients as a pre-requisite for services, so for 36 clients, race information is incomplete or unavailable, and for 33 clients ethnicity information is incomplete or unavailable.

Race	Estimate	As Percentage	DRNY Clients	As Percentage
Total population	714,758		288	
One race	694,100	97.11%	278	96.53%
White	506,459	70.86%	167	57.99%
Black or African American	132,066	18.48%	109	37.85%
American Indian and Alaska Native	3,128	0.44%	1	0.35%
Asian	29,144	4.08%	1	0.35%
Native Hawaiian and Other Pacific Islander	285	0.04%	0	0.00%
Some other race	23,018	3.22%	0	0.00%
Two or more races	20,658	2.89%	10	3.47%

Hispanic or Latino Origin	26 th Congressional District	% of Total	DRNY Clients	% of Total
Total population	714,758		291	
Hispanic or Latino (of any race)	46,397	6.49%	17	5.84%
Not Hispanic or Latino	668,361	93.51%	274	94.16%

SERVICE REQUESTS

DRNY provided full case services in 189 of the requests for services, 49.48% of the total 382 Service Requests. DRNY provided Information and Referral (I &R) services to the remaining 193 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

In all 8 of programs DRNY provided case services to at least one constituent in the 26th Congressional District.

SR Type	CAP	PAAT	PABSS	PADD	PAIMI	PAIR	PATBI	PAVA	Grand Total
Case Services	33	10	46	30	13	53	3	1	189
I & R	16	0	14	16	69	77	1	0	193
Grand Total	49	10	60	46	82	130	4	1	382

Service Request Response Time

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

163 of these were resolved in less than 14 days.

Areas Covered by Service Requests

- 16 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
- 17 involved housing issues, including housing discrimination
- 28 involved issues of abuse and neglect, including the failure to provide appropriate treatment for mental health or other serious medical problems, inappropriate or excessive medication, or assault
- 155 involved clients seeking assistance with obtaining or maintaining benefits including VR services, SSI, SSDI, Medicaid, or other forms of health insurance
- 16 involved healthcare issues including discharge from residential care or treatment facilities, and discharge planning transition issues

Representative Issues

- Obtained an overpayment waiver for Social Security Benefits for a client
- Assisted a client to obtain vocational rehabilitation services so that she could work
- Advocated for a client to receive a modified work schedule and to be reinstated to her position as a teacher
- Assisted a client who was discriminated against by an employer to understand her rights
- Advocated for a client to receive Medicaid Waiver services in his community
- Assisted a client in requesting a reasonable accommodation at work
- Educated a client about the Ticket-to-Work program so she could return to work
- Advocated for a client when her trustee was not paying her rent timely to ensure that rent payments were properly made so the client would not lose her home

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 26th 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 Western New York Task Force are 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.

Another one of DRNY's core projects is to monitor facilities, including skilled nursing facilities, which provide care to people with disabilities. DRNY has conducted monitoring visits at nursing homes within the 26th Congressional District and educated residents about their rights. DRNY reviews the practices and policies of the nursing homes to ensure that residents are not unnecessarily diapered, over-medicated, or subject to unnecessary physical or chemical restraints. DRNY identified serious deficiencies, including facility cleanliness, improper care, and untrained staff, in a skilled nursing facility in the 26th Congressional District and DRNY ensured that the facility addressed these deficiencies.

DRNY also conducted training and outreach targeting people in residential facilities, sheltered workshops, work centers, VR offices, and schools within the 26th 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 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 (CLE) courses to educate lawyers, and non-lawyers 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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DRNY is supported by the U.S. Department of Human Services, Administration on Intellectual and Developmental Disabilities; Center for Mental Health Services, Substance Abuse & Mental Health Services Administration; U.S. Department of Education, Rehabilitation Services Administration; and, the Social Security Administration. This press release does not represent the views, positions or policies of, or the endorsements by, any of these federal agencies.