



DISABILITY RIGHTS

NEW YORK

Protection & Advocacy and Client Assistance Program Services in the 4th 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 4th 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 57,555 individuals with disabilities living in the 4th Congressional District. DRNY has handled 202 Service Requests for 163 distinct clients. These individuals lived in 29 of the 59 zip codes in the 4th Congressional District. Over this 43 month period, DRNY averaged approximately 4.7 Service Requests per month from individuals in this District.

Clients by Age

DRNY has assisted some of the most vulnerable individuals in the 4th Congressional District. 21 unique clients were residents of nursing homes, hospitals, correctional facilities, rehabilitation facilities, and youth-focused residential facilities. Of the residents living in the community, 16, or nearly 9.82% of DRNY's unique clients were under 18. According to census data, individuals under 18 account for only 1.64% of civilian, non-institutionalized individuals with a disability in the 4th Congressional District. The following table shows that 23.93% of DRNY's clients are age 55 or older. Demographic information is not required to receive DRNY services.

Age Group	Number of Individuals	Percentage of Total
Under 5 Years Old	2	1.23%
5-9 Years	2	1.23%
10-14	8	4.91%
15-19	19	11.66%
20-24	10	6.13%
25-34	25	15.34%
35-44	26	15.95%
45-54	28	17.18%
55-59	22	13.50%
60-64	11	6.75%
65 or Older	6	3.68%

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 4th Congressional District with that of DRNY's clients in the 4th Congressional District. DRNY does not require demographic information from our clients as a pre-requisite for services, so for 19 clients, race information is incomplete or unavailable, and for 21 clients ethnicity information is incomplete or unavailable.

Race	Estimate	As Percentage	DRNY Clients	As Percentage
Total population	723,380		144	
One race	698,435	96.55%	137	95.14%
White	469,792	64.94%	106	73.61%
Black or African American	110,611	15.29%	29	20.14%
American Indian and Alaska Native	1,574	0.22%	0	0.00%
Asian	48,710	6.73%	2	1.39%
Native Hawaiian and Other Pacific Islander	0	0.00%	0	0.00%
Some other race	67,748	9.37%	0	0.00%
Two or more races	24,945	3.45%	7	4.86%

Hispanic or Latino Origin by Type	4 th Congressional District	% of Total	DRNY Clients	% of Total
Total population	723,380		142	
Hispanic or Latino (of any race)	149,426	20.66%	14	9.86%
Not Hispanic or Latino	573,954	79.34%	128	90.14%

SERVICE REQUESTS

DRNY provided full case services in 115 of the requests for services, 56.93% of the total 202 Service Requests. DRNY provided Information and Referral (I&R) services to the remaining 87 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 4th Congressional District.

SR Type	CAP	PAAT	PABSS	PADD	PAIMI	PAIR	PATBI	Grand Total
Case Services	36	3	13	17	5	36	5	115
I & R	11	0	5	14	33	24	0	87
Grand Total	47	3	18	31	38	60	5	202

Service Request Response Time

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

75 of these were resolved in less than 14 days.

Areas Covered by Service Requests

- 22 involved education issues
- 22 involved employment, including discrimination in hiring, unlawful termination, wage and hour issues, and assisting clients with SSI due to employment efforts
- 18 involved housing issues, including housing discrimination
- 14 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
- 10 involved clients seeking assistance with obtaining or maintaining benefits including ACCES-VR services, SSI, SSDI, Medicaid, or other forms of health insurance
- 11 involved healthcare issues including admission, transportation and discharge issues involving residential care or treatment facilities

Representative Issues

- Advocated for the Hewlett Point Park in the Town of Hempstead to repair a broken lift so that our client could utilize the Town's pool
- Assisted a client who was not in school for over a year to return to school with appropriate educational supports
- Represented a client with a Traumatic Brain Injury at risk of being placed in a nursing home to maintain supports so that he could remain in his home
- Ensured that a client had access to phone privileges to speak with his family and his lawyer
- Obtained vocational rehabilitation services for a client to learn to drive so he could maintain his employment
- Assisted a client who was being bullied at school to return to school with appropriate supports
- Advocated for the removal of discriminatory language in a summer camp application so that children with disabilities can access summer camp services
- Assisted client to obtain access to a supported employment program so that he could pursue his employment goal of making a living wage
- Assisted client with Parkinson's Disease in developing his self-advocacy skills so he could request a reasonable accommodation from his employer
- Advocated for a client with an intellectual disability to move into her own apartment with appropriate supports

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 monitor facilities, including skilled nursing facilities, which provide care to people with disabilities. DRNY has conducted monitoring visits at several nursing homes within the 4th Congressional District and educating 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. At Hempstead Park Nursing Home, DRNY identified concerns with the interpretation of health care proxies and worked with the nursing home to correct deficiencies. DRNY also visited a facility in Far Rockaway and advocated for the placement of residents in community based settings.

DRNY has also advocated for the rights of nursing home residents who have mental illness and can live in more independent, less restrictive settings in the community. After investigating improper discharges to nursing home settings, DRNY and co-counsel filed a lawsuit *Joseph S. v. Hogan, et al.* against the New York State Department of Health and Office of Mental Health on behalf of New Yorkers with mental illness who were inappropriately discharged from New York psychiatric hospitals to nursing homes. Many of these New Yorkers, including the named plaintiff Joseph S., were discharged to large nursing homes where they were held on locked wards, and also to out-of-state nursing homes far from their communities. In May 2015, under the terms of a settlement, Joseph S. moved to a studio apartment in the 4th Congressional District, in Far Rockaway, Queens and is very satisfied with his new home. Joseph has told us how happy he is in his apartment. He attends programs in the community, enjoys healthy home-cooked meals prepared by his aide, and is caring for himself more independently. As a result of this case, an additional 196 individuals have moved from nursing homes to the community. All are benefitting from community-based supports and services, including mental health, case management, and personal care services.

Another key function is to ensure that youth and young adults in adult correctional facilities have access to appropriate educational services. DRNY conducted an investigation into the general and special education services Department of Corrections and Community Services (DOCCS) facilities. DRNY found that 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 (16 – 21 years old) in adult correctional facilities.

DRNY also filed a lawsuit in the Eastern District of New York on behalf of a resident of New York City and a resident of Suffolk County who were deprived access to text 911. Individuals who have disabilities that impair their hearing or communication cannot immediately access 911 services because this District lacks text-to-911 services.

DRNY conducted outreach efforts to the ACCES-VR Hempstead office, the NYS Commission for the Blind Garden City office, and attended resource fairs in the 4th Congressional District to explain how DRNY assists individuals with obtaining employment.

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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