



2020 ANNUAL
REPORT

NEW YORK STATE SENATE STANDING COMMITTEE ON

MENTAL HEALTH &
DEVELOPMENTAL DISABILITIES



**SENATOR
DAVID CARLUCCI**
CHAIR

Chairman:
Mental Health and Developmental Disabilities
Committees:
Energy and Telecommunications
Health
Insurance
Investigations and Government Operations
Transportation

THE SENATE
STATE OF NEW YORK



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December 21, 2020

Honorable Andrea Stewart-Cousins
Senate Majority Leader & Temporary President
Room 330, State Capitol
Albany, NY 12247

Dear Majority Leader Stewart-Cousins,

It is with great pleasure that I submit to you the 2020 Annual Report of the New York State Senate Committee on Mental Health and Developmental Disabilities. I would like to convey to you my sincere appreciation for the privilege of being appointed Chairman of the Mental Health and Developmental Disabilities Committee.

As you know, the issue areas of mental health and developmental disabilities can be both challenging and rewarding. During the year, I conducted meetings with many advocates expressing appreciation for what the Senate Majority has done to further the discussion of quality care for those who are members of this vulnerable population. The COVID-19 pandemic has presented unique challenges to those with intellectual and developmental disabilities as well as highlighted the increased need for mental health services in what has been a very isolating time period for many. I have been a champion for the non-profit agencies who have seen their budgets stagnate, and I have fought for increased wages and better working environments for direct service providers. It has also become apparent during the pandemic that direct support professionals and others serving on the frontline need to be properly compensated and equipped when caring for our most vulnerable.

I would like to thank the members of the Committee for their engagement and sincere efforts throughout the year. The dedicated work of Ranking Minority Member, Senator George Amedore should be noted as well.

Enclosed, please find the 2020 report, summarizing the accomplishments and events of the Senate Standing Committee on Mental Health and Developmental Disabilities.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Carlucci".

David Carlucci
New York State Senator
38th District

**New York State Senate Standing Committee On
Mental Health and Developmental Disabilities**

**Senator David Carlucci, Chairman
Senator George A. Amedore Jr., Ranking Member**

COMMITTEE MEMBERS

Senator John E. Brooks
Senator Anna M. Kaplan
Senator Gustavo Rivera
Senator Luis Sepúlveda
Senator Sue Serino

STAFF

John Koury, Committee Director
Dan Leinung, Majority Conference Health & Mental Health Senior Counsel
Jonathan Lang, Majority Conference Health & Mental Health Senior Advisor
Brian Coffin, Legislative Director
Alex George, Legislative Analyst

NYS SENATE STANDING COMMITTEE ON MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

The legislative advocate for individuals and families facing mental illness, disabilities, or substance abuse - those most in need of compassionate, efficient, and effective government.

2020 Legislative Highlights – Mental Health & Developmental Disabilities Committee

NYS Trauma Informed Network focus on Frontline Workers S.8608-A (Chap. 295)

Currently, frontline workers are battling the fear of contracting the virus, potentially exposing their family members, and shortages of personal protective equipment. According to the Mental Health Association in New York State (MHANYS), it has been shown in other pandemics and global health crises that there can be collective trauma, which means a group is collectively impacted by a traumatic experience or event. Mental health experts are therefore concerned we will see higher rates of anxiety, depression, substance use issues, acute stress and, eventually, PTSD among essential workers. Already, the risk of addiction, depressive disorder and post-traumatic stress disorder (PTSD) doubled between February and April 2020, according to The Mental Health Index: U.S. Worker Edition. Mental health experts also cite potential increases in suicide among frontline workers, especially those in the health care field. Lawmakers and mental health advocates believe this Council will help in getting frontline workers the help they need in coping with the symptoms of trauma before the mental health crisis gets much worse.

The NYS Conference of Local Mental Hygiene Directors, who is made up of health and substance abuse services experts, found that since the COVID-19 pandemic began, about 50% more people are seeking crisis services, and some counties report more than a 50% increase in substance use related overdoses where the incidents can be directly tied to COVID-19 related reactions. Additionally, frontline workers are disproportionately Black and Latino and have been experiencing disproportionately higher rates of COVID-19 infection and death, experiences which can certainly cause trauma. However, according to the Substance Abuse and Mental health Services Administration, Blacks and Latinos have substantially lower access to mental health and substance-use treatment services.

Mental Health and Developmental Disabilities Legislation Enacted Into Law 2020

Bill No.	Sponsor	Summary	Chapter Number
S.4255	Carlucci	Provides that money damages shall not be considered in determining whether or not there exists an inability to pay for department of mental hygiene services	Chapter 305
S.5538-A	Brooks	Relates to directing the commissioner of the office for people with developmental disabilities to conduct a study on debit card use	Chapter 234
S.8608-A	Carlucci	Relates to establishing the frontline workers trauma informed care advisory council	Chapter 295

Mental Health and Developmental Disabilities Legislation (Passed Senate) in 2020

Bill No.	Sponsor	Summary
S.1672-A	Brooks	Safeguards cash accounts for people with developmental disabilities in a facility
S.3872-A	Carlucci	Relates to the geriatric demonstration program
S.4835	Carlucci	Relates to the disclosure of the records of court proceedings in certain mental hygiene proceedings
S.6288-A	Sepúlveda	Relates to annual reporting on substance use disorder in incarcerated individuals
S.6694	Carlucci	Establishes a workgroup to conduct analysis on the ambulatory patient group rates and commercial insurance rates for behavioral health services

**Mental Health & Developmental Disabilities
(Reported Out of Committee) 2020**

Bill No.	Sponsor	Summary
S.1672-A	Brooks	Safeguards cash accounts for people with developmental disabilities in a facility
S.2384	Comrie	Directs the commissioner of mental health to issue a review and report regarding certain facilities
S.2597	Parker	Provides for the autism detection, education and mapping program
S.3872-A	Carlucci	Relates to the geriatric demonstration program
S.4013	Carlucci	Relates to the reimbursement of local services provided to persons with a disability
S.4014	Carlucci	Relates to housing navigation services for those with intellectual and developmental disabilities
S.4255	Carlucci	Provides that money damages shall not be considered in determining whether or not there exists an inability to pay for department of mental hygiene services
S.4835	Carlucci	Relates to the disclosure of the records of court proceedings in certain mental hygiene proceedings
S.4894	Parker	Relates to the discharge of residents of a community residence
S.5046	Parker	Requires the office of mental health to establish a training program for the diagnosis and treatment of post-traumatic stress disorder
S.5538-A	Brooks	Relates to directing the commissioner of the office for people with developmental disabilities to conduct a study on debit card use
S.5638	Carlucci	Relates to rental and mortgage payments of supportive housing for the mentally ill
S.6106	Carlucci	Establishes a direct service professional credit and career ladder tuition assistance grant program

S.6288-A	Sepúlveda	Relates to annual reporting on substance use disorder in incarcerated individuals
S.6694	Carlucci	Establishes a workgroup to conduct analysis on the ambulatory patient group rates and commercial insurance rates for behavioral health services

Virtual Legislative Forum

Impact of COVID-19 on Individuals with Intellectual/Developmental Disabilities August 26, 2020

Senators in attendance: Carlucci, Mayer, Persaud, Liu, Kaminsky, Felder, Parker, Martinez

List of Speakers: Panel 1: Service Providers 1 · Susan Constantino, President & CEO CP Unlimited · Rhonda Frederick, President & CEO People, Inc. · Al Kaplan, Senior Policy Advisor AHRC NYC · Ron Colavito, CEO Access: Supports for Living

Panel 2: Advocates · Harvey Weisenberg, Former Assemblyman · Jim Karpe, Parent Co-Chair Queens Council on Developmental Disabilities · Leslie Feinberg, Founder Supporting Our Youth & Adults Network (SOYAN) · Barbara Masur, Legislative Chairperson GROW · Kathy Bunce, Co-Chair Developmental Disabilities Alliance of Western NY (DDAWNY) · Margaret Vogt, Parent Advocate

Panel 3: Service Providers 2 · Jane Zemon, Chief Program Officer The Arc Rockland · Mary Grace Giuliano, COO The Institutes of Applied Human Dynamics (IAHD) · Sally J. Colletti, CEO Advocates for Autism, Inc. · Marjorie Watson Ley, Controller Another Step, Inc.

Panel 4: Coordinated Care Organizations 4 · James Moran, CEO Care Design NY · Yoel Bernath, CEO Tri-County Care 5

Summary of Statements:

This is the summary report depicting the statements given at the Virtual Forum to discuss the impact of COVID-19 on individuals with intellectual/developmental disabilities, their families, and essential service providers on August 26, 2020.

At the height of the pandemic, individuals with intellectual disabilities, their families, and essential service providers were broadly left in the dark. Rhonda Frederick noted the surprises that her provider organization faced at every turn, including a notification received on July 10 that their day programs would be reopening on July 15, just five days later. Susan Constantino spoke about the lack of guidance issued to help providers access Personal Protective Equipment (PPE), and the difficulty getting provider staff designated as “essential.” Many providers and advocates highlighted the erratic nature of their correspondence with OPWDD, who did not provide coherent testing procedures, safety protocols, and updates as they weathered the pandemic.

This lack of communication extended to families as well, as indicated by Jim Moran, who noted that for months, families were completely unaware of the status of their loved ones. Parents and advocates could get neither staff nor family members in to visit their loved ones, many of whom were unable to speak or advocate for themselves. Barbara Masur echoed this point and indicated that the problem stemmed from restrictive visitation policies, which barred parents regardless of their willingness to take the necessary safety precautions.

These rigid policies also prevented many individuals with intellectual and developmental disabilities from receiving care through OPWDD, leaving family members to pick up the added responsibility. Leslie Feinberg notes that, in many cases, these family members had to forgo work to become full-time caregivers but were unable to access any financial compensation through OPWDD.

Beyond family caregiving, many individuals with intellectual and developmental disabilities were forced to alter their routines as the pandemic raged. In the switch from in-person to telehealth services, many were left without adequate access to care. As Jim Karpe notes, telehealth did help many, but for many individuals with intellectual and developmental disabilities, telehealth services were unable to adapt to the care that they needed. From the provider perspective, Yoel Bernath mentions that the rules surrounding telehealth are so rigid because of over-regulation and calls for more flexibility in the provision of telehealth services.

In addition to the effect of the pandemic, the plurality of speakers voiced concerns about the proposed twenty percent cut to OPWDD. Speakers unanimously condemned these cuts, noting the real impact that they will have on every element of the disability community, from the individuals with intellectual/developmental disabilities themselves, to Direct Support Professionals (DSPs), and the solvency of providers. Al Kaplan noted that the provider sector has already lost more than \$175 million in both costs and revenue due to the pandemic, and a further cut from the State will reduce the number of available beds for our state's most vulnerable, while forcing many homes to close entirely. Harvey Weisenberg noted that these cuts would most immediately affect DSPs, who are already overworked and underpaid in a profession that has immense turnover. Reduced facilities, combined with the further destabilization of the DSP profession, will surely reduce the quality of care that can be provided to individuals with intellectual/developmental disabilities.

These cuts will not only reduce quality of care, they will reduce the flexibility of care as well. As noted by Sally Colletti, many individuals with intellectual/developmental disabilities have thrived under self-direction and the relative independence that it provides. However, proposed cuts to OPWDD threaten the housing subsidy to these individuals, not only risking their independence, but also threatening their housing in the midst of a global pandemic.



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