

2021 ANNUAL REPORT

**NEW YORK STATE  
SENATE STANDING  
COMMITTEE ON**

DISABILITIES



**SENATOR  
JOHN W. MANNION**

CHAIR



THE SENATE  
STATE OF NEW YORK



**SENATOR JOHN W. MANNION**  
50<sup>TH</sup> DISTRICT

**CHAIR**  
DISABILITIES

**COMMITTEE MEMBER**  
CHILDREN AND FAMILIES  
CIVIL SERVICE AND PENSIONS  
EDUCATION  
ENVIRONMENTAL CONSERVATION  
HOUSING, CONSTRUCTION AND  
COMMUNITY DEVELOPMENT  
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December 2021

The Honorable Andrea Stewart-Cousins  
Temporary President and Majority Leader  
New York State Senate  
Albany, NY 12247

Dear Senator Stewart-Cousins:

I am pleased to transmit the Annual Report of the Senate's Standing Committee on Disabilities for the 2021 Legislative Session. As Chair, I am proud to continue to lead our efforts to address important matters under my committee's jurisdiction, including efforts to improve quality of life for individuals with both physical disabilities and intellectual and developmental disabilities. The Committee also serves a vital function in overseeing both the Office for People with Developmental Disabilities (OPWDD) and the Justice Center.

During the 2021 session, this committee met four times and reported 19 bills. The Committee also held one roundtable to evaluate the State's response to COVID-19 at residential facilities for developmentally and intellectually disabled individuals. The Committee also held one hearing to discuss the current workforce challenges of the intellectual and developmental disabilities service delivery system.

I thank my colleagues who served on the Committee for their efforts, especially Ranking Member Senator Martucci, and support of the work that was done in the committee this year, and I thank you for the continued support from the Majority Conference in the committee's operations.

Sincerely,

A handwritten signature in black ink that reads "John W. Mannion". The signature is written in a cursive, flowing style.

John W. Mannion  
New York State Senator  
50th Senatorial District

## **2021 LEGISLATIVE SESSION REPORT**

### **NEW YORK STATE SENATE STANDING COMMITTEE ON DISABILITIES**

**Senator John W. Mannion, Chairperson**

#### **COMMITTEE MEMBERS**

Senator John E. Brooks                      Senator Mike Martucci, *Ranking Member*  
Senator Simcha Felder                      Senator Fred Akshar  
Senator Brad Hoylman  
Senator Roxanne J. Persaud

#### **COMMITTEE STAFF**

Deanna Schneider, Legislative & Committee Director  
Jonathan Lang, Majority Counsel & Program  
Carolyn Sheridan, Majority Counsel & Program  
Jessica Haller, Majority Counsel & Program  
Anissa Martinez, Majority Finance

## COMMITTEE JURISDICTION AND OVERVIEW

The New York State Senate Standing Committee on Disabilities has legislative oversight responsibilities for issues concerning individuals with physical and developmental disabilities.

During the 2021 Legislative Session, 49 bills were referred to the Committee for its review. Of these bills, 19 were reported from the Committee. Of the bills originating in the Committee, 23 were passed by the Senate, and 14 passed in both houses. This work was conducted through a series of four committee meetings. A list of all bills that were reported from the committee is provided at the end of this report.

In addition to its regular meetings, the Committee held one hearing and one roundtable.

On June 3, 2021, the Committee hosted a roundtable discussion consisting of 7 panels, 23 witnesses and testimony by OPWDD Commissioner Kastner. During this roundtable, the committee and witnesses discussed the impacts of the COVID-19 pandemic on residential care in the disabilities community. The panels were as follows:

a. Reporting & Transparency

*i. Panelists included: Marco Damiani, Alyssa Galea, Erik Geizer*

b. Program Flexibility & New Models of Care

*i. Panelists included: BJ Stasio & Arnold Ackerley, Yvette Watts, Jim Moran, Michael Seereiter, Meri Krassner, Rhonda Frederick, Kathy Bunce, Karen Nagy*

c. Personal Protective Equipment

*i. Panelists included: Randi DiAntonio, Cyndi Borozny, Margaret Raustiala, Tom McAlvanah, Alyssa Galea*

d. Staffing & Testing

*i. Panelists included: Joshua Terry, Marco Damiani, Rachelle Kivanoski, Michael Seereiter, Julie Keegan, Randi DiAntonio, Jim Moran, Peter Zummo*

e. Visitation

*i. Panelists included: BJ Stasio & Arnold Ackerley, Peter Zummo, Susan Constantino, Margaret Raustiala*

f. Vaccination

*i. Panelists included: Susan Constantino, Yvette Watts*

g. Fiscal Impact & Other Challenges

*i. Panelists included: Joshua Terry, Kathy Bunce, Karen Nagy, Tom McAlvanah, Rhonda Frederick, Gail Hamlin*

Following this roundtable, several legislators introduced legislation and the Senate Majority passed legislation to improve transparency, require further evaluations on agency handling, and increase funding for services and personal protective equipment.

On September 14, 2021, the Committee hosted a hearing on the current workforce challenges of the intellectual and developmental disabilities service delivery system. The Committee invited 20 witnesses to participate, as follows:

- Dr. Theodore Kastner, Commissioner, Office for People With Developmental Disabilities
- BJ Stasio, Self-Advocate, Self Advocacy Association of NYS
- Tom McAlvanah, President, New York Disability Advocates (NYDA) and InterAgency Council of Developmental Disabilities (IAC)
- Randi DiAntonio, Vice President, Public Employees Federation
- Joseph M. Macbeth, President, National Alliance for Direct Support Professionals, Inc.
- Michael Bolton, Steering Committee, NYC FAIR
- Fran Turner, Director of Legislative & Political Action, Civil Service Employees Association
- Jeff Paterson, Government Affairs, Developmental Disabilities Alliance of Western NY
- Leslie Feinberg, Founder, Supporting Our Youth & Adults Network
- Michael Seereiter, President and CEO, New York Alliance for Inclusion and Innovation
- Matt Graham, Self Advocate
- Jim Moran, CEO, Care Design NY
- Susan Constantino, President and CEO, Cerebral Palsy Associations of New York State
- Tania S. Anderson, President, ARISE Child and Family Service Inc
- Mary Ann Allen, Eastern New York Developmental Disabilities Advocates
- Scott Phillipson, President, SEIU Local200 United
- Shawn Fultz, Self Advocate
- Erik Geizer, CEO, The Arc New York
- Melissa Stickle, NYS Conference of Local Mental Hygiene Directors
- Ryan Price, New England Joint Board UNITE HERE

Following this hearing, several legislators announced support for increasing funding for services, career ladder programs, and recruitment initiatives, and introduced legislation which would be active in the 2022 legislative session.

## COMMITTEE HIGHLIGHTS

The following key bills were acted on by the committee in 2021:

- **S 1035-A Addabbo:** This legislation would codify the requirement that general hospitals allow individuals with disabilities to have an essential support person while receiving hospital care. At the beginning of the COVID-19 pandemic, individuals with disabilities were not able to be accompanied by essential support persons who may oversee their day to day care.
- **S 1765-A Mannion:** This legislation would require OPWDD and OMH to publish quarterly reports online and to the Legislature justification for closures or temporary suspension of state operated services, information on staffing levels, recruitment efforts, and vacancies.
- **S 1836 Skoufis:** This legislation would create an office of the advocate to assist individuals receiving services and support.
- **S 6277 Mannion:** This legislation would require the State's comprehensive plan to include demographic breakdowns of individuals receiving services, type of services, and average spending per individual.
- **S 6294-A Mannion:** This legislation would require the Developmental Disabilities Advisory Council to write a report evaluating the State's response to the COVID-19 pandemic and make recommendations for future emergencies.
- **S 6516-A Mannion:** This legislation would provide a commensurate increase in tuition rates for 4410 and 853 schools, and special act school districts with annual increases in funding for public schools

## TWO HOUSE BILLS

In 2021, 14 of the 49 bills referred to the Standing Committee on Disabilities passed both houses of the Legislature. Of these bills, the Governor has signed 4 and vetoed 3. At the time of this report, there were still 7 bills awaiting the Governor's action.

<b>Bill No.</b>	<b>Sponsor</b>	<b>Summary</b>	<b>Action</b>
S 1035-A	Addabbo	Prohibits general hospitals from disallowing individuals with disabilities from having an essential support person accompany them for the duration of their hospitalization	On the Governor's Desk
S 1765-A	Mannion	Relates to the closure of certain office of mental health, office for people with developmental disabilities or office of children and family services facilities and institutions	Veto 60 of 2021
S 1766-A	Mannion	Establishes the office of the independent intellectual and developmental disability ombudsman program	Veto 47 of 2021
S 1836	Skoufis	Establishes the office of the advocate for people with disabilities	On the Governor's Desk
S 2911	Parker	Provides for the autism detection, education and mapping program	On the Governor's Desk
S 4998	Mannion	Relates to requiring the office for people with developmental disabilities to establish the care demonstration program	Chapter 670 of 2021
S 6277	Mannion	Requires certain data to be included in the statewide comprehensive plan for persons with mental disabilities to the extent practicable	Chapter 412 of 2021
S 6293-A	Mannion	relates to the appointment of members to the developmental disabilities advisory council	On the Governor's Desk
S 6294-A	Mannion	Requires the developmental disabilities advisory council to evaluate the state's response to the COVID-19 state disaster emergency for individuals with intellectual or developmental disabilities	On the Governor's Desk
S 6382-A	Mannion	Extends certain provisions relating to implementation of the federal individuals with disabilities education improvement act of 2004	Chapter 253 of 2021
S 6516-A	Mannion	Creates the calculation by which to determine yearly tuition and regional rate reimbursement for approved school-age and preschool special education programs	On the Governor's Desk



<b>Bill No.</b>	<b>Sponsor</b>	<b>Summary</b>	<b>Action</b>
S 7024	Mannion	Relates to the provision of records upon the receipt of a complaint of an incident of abuse or neglect of an individual with a disability	On the Governor's Desk
S 7096-A	Cooney	Authorizes the retention of federal funds for special education programs for preschool children that are subject to tuition rate reconciliation	Veto 50 of 2021
S 7108	Mannion	Relates to providing licensed facilities a summary of final substantiated reports of category two conduct of an employee or volunteer	Chapter 234 of 2021

## SUMMARY OF COMMITTEE ACTIVITY

<b>Bill No.</b>	<b>Sponsor</b>	<b>Summary</b>	<b>Significant Action</b>
S 1035-A	Addabbo	Prohibits general hospitals from disallowing individuals with disabilities from having an essential support person accompany them for the duration of their hospitalization	On the Governor's Desk
S 1273	Brooks	Safeguards cash accounts for people with developmental disabilities in a facility	Passed Senate Only
S 1765-A	Mannion	Relates to the closure of certain office of mental health, office for people with developmental disabilities or office of children and family services facilities and institutions	Veto 60 of 2021
S 1766-A	Mannion	Establishes the office of the independent intellectual and developmental disability ombudsman program	Veto 47 of 2021
S 1836	Skoufis	Establishes the office of the advocate for people with disabilities	On the Governor's Desk
S 3410	Brouk	Relates to the duty to report incidents	Passed Senate Only
S 3788	Comrie	Requires the reimbursement of certain novel coronavirus, COVID-19 costs and expenses	Reported from Committee
S4360	Stavisky	Relates to the request by parents for translated documents for students with disabilities	Reported from Committee
S4468-A	Mannion	Relates to the reimbursement of local services provided to persons with a disability	Passed Senate Only
S 4469	Mannion	Relates to housing navigation services for those with intellectual and developmental disabilities	Passed Senate Only
S 4998	Mannion	Relates to requiring the office for people with developmental disabilities to establish the care demonstration program	Chapter 670 of 2021
S 5676	Rivera	Relates to a review of reimbursement adequacy for early intervention services	Passed Senate Only
S 6274-B	Mannion	Establishes a pilot program to create an assistance hotline for individuals with intellectual and developmental disabilities and complex behavioral needs	Reported from Committee
S 6277	Mannion	Requires certain data to be included in the statewide comprehensive plan for persons with mental disabilities to the extent practicable	Chapter 412 of 2021

<b>Bill No.</b>	<b>Sponsor</b>	<b>Summary</b>	<b>Significant Action</b>
S 6293-A	Mannion	relates to the appointment of members to the developmental disabilities advisory council	On the Governor's Desk
S 6294-A	Mannion	Requires the developmental disabilities advisory council to evaluate the state's response to the COVID-19 state disaster emergency for individuals with intellectual or developmental disabilities	On the Governor's Desk
S 6295	Mannion	Requires OPWDD to purchase and provide essential PPE to all mental health providers in the event of a declaration of a state emergency that relates to public health	Reported from Committee
S 6300-A	Mannion	Establishes a public awareness campaign to combat the stigma and stereotyping of individuals with intellectual and developmental disabilities	Reported from Committee
S 6382-A	Mannion	Extends certain provisions relating to implementation of the federal individuals with disabilities education improvement act of 2004	Chapter 253 of 2021



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**STANDING COMMITTEE**  
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