

NEW YORK STATE ASSEMBLY

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Committee On
People with Disabilities

Carl E. Heastie • Speaker
Thomas J. Abinanti • Chair



ANNUAL REPORT



THOMAS J. ABINANTI
Assembly Member 92nd District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Committee on People with Disabilities

COMMITTEES
Health
Codes
Judiciary
Environmental Conservation

December 15, 2022

Honorable Carl E. Heastie
Speaker of the Assembly
Legislative Office Building, Room 932
Albany, New York 12248

Dear Speaker Heastie:

I am pleased to submit the 2022 Annual Report for the Assembly Committee on People with Disabilities. I sincerely appreciate your having appointed me its first chair. It has been an honor and a privilege to serve in this position. I also want to thank the members of the committee who are and highly motivated to improve the lives of those with disabilities across the state.

The Office for People with Developmental Disabilities (OPWDD) and other state agencies designed to serve the disability community have suffered from significant underfunding and inadequate staffing for last decade. There are significant gaps in the quality, availability, and access of state services for those with developmental disabilities. Additionally, there is a severe shortage of direct support professionals who play key role the lives of people with disabilities.

The Committee will continue to connect with people with disabilities across the state to assess their needs, to explore better ways to support them, and to ensure that they are prioritized in the upcoming budget and legislative session. The committee will continue to strongly advocate for sufficient resources for OPWDD and other agencies that provide important and necessary services for people with disabilities.

Once again, thank you for your support for the Committee on People with Disabilities. People with disabilities across the State know of and appreciate your efforts.

Sincerely,

A handwritten signature in black ink that reads "Thomas J. Abinanti". The signature is written in a cursive style with a long, sweeping underline.

Thomas J. Abinanti
Chair
Assembly Standing Committee on People with Disabilities

**2022 ANNUAL REPORT
OF THE
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON PEOPLE WITH DISABILITIES**

**Thomas J. Abinanti
Chair**

Committee Members

Majority

Khaleel Anderson
Chris Burdick
Taylor Darling
Harvey Epstein
Karen McMahon
Stefani Zimmerman

Minority

Joe Angelino, Ranking Minority Member
Ari Brown

Committee Staff

Aileen Burke, Committee Clerk

Program and Counsel Staff

Jennifer Sacco, Assistant Secretary for Program and Policy
Janice Nieves, Assistant Secretary for Program and Policy
Kim Hill, Legislative Analyst
Gabriella Cavanagh, Associate Counsel
Sarah Conklin, Secretary

TABLE OF CONTENTS

INTRODUCTION 4
SIGNIFICANT LEGISLATION 6
HEARINGS AND ROUNTABLES 8
APPENDIX A..... 9
APPENDIX B 10
APPENDIX C 13

INTRODUCTION

The Committee on People with Disabilities focuses on ensuring that individuals with disabilities, which may include developmental as well as physical disabilities, are provided appropriate and necessary services to live a fulfilling life.

The Committee has legislative oversight of programs administered and licensed by the State Office for People with Developmental Disabilities. The Committee also has statutory oversight over the Developmental Disabilities Planning Council (DDPC).

The New York State Office for People with Developmental Disabilities is expected to serve well over 100,000 individuals with intellectual and/or developmental disabilities and their families in 2023. The Committee also works closely with the New York State Assembly Standing Committee on Mental Health, the Assembly Standing Committee on Health, and the Assembly Subcommittee on Employment Opportunities for People with Disabilities to provide a complete, well-rounded approach to helping improve the lives for individuals with disabilities in New York State.

During the 2022 session, the Committee reviewed several bills and addressed many important and impactful issues aimed at increasing access to services for individuals with various disabilities and helping the workforce that services this vulnerable population.

This report describes the Committee's major legislative activities during the 2022 session.

STATE BUDGET HIGHLIGHTS

The State Fiscal Year (SFY) 2022-23 Enacted Budget includes critical resources for individuals with developmental disabilities and their families. The Enacted Budget provides an increase of **\$2.2 billion** for the Office of People with Developmental Disabilities (OPWDD) over the Enacted Budget for SFY 2021-22. In addition, the Legislature provides an increase of **\$4.2 million** over the Executive proposal. For SFY 2022-23, total OPWDD funding is **\$7.2 billion**.

Within OPWDD, the following proposals and appropriations were enacted in the 2022-23 Budget:

- \$2.4 million to support healthcare workforce bonuses
- \$110,000 to restore the Medicaid rate add-on for Article 16 clinics that was eliminated by the original Medicaid Redesign Team
- \$1 million in funding for various Legislative initiatives for Intellectual and Developmental Disabilities.

Cost of Living Adjustment (COLA)

The Legislature provides a one percent cost of living adjustment (COLA) for human services providers, and authorizes the COLA starting April 1, 2022, through March 31, 2023. The total state share cost for SFY 2023 is **\$379.7 million** for all Mental Health agencies, with **\$242.8 million** for OPWDD providers.

Services for Individuals with Developmental Disabilities

The Enacted Budget provides an increase of **\$60 million** to support the development of new community-based service opportunities, including an expansion of certified housing supports, community habilitation, and rental subsidies to individuals living in an apartment, as well as the expansion of day programs, employment options and respite services.

SIGNIFICANT LEGISLATION

The Committee on People with Disabilities is committed to supporting and advancing legislation that will improve the lives of people with intellectual and developmental disabilities and allow them to live fuller lives receiving the care and services they need. This year, the Committee on People with Disabilities reported out and the Assembly passed the following significant legislative measures:

1. Anti-Stigma Public Awareness Campaign

A.7356-A (Woerner)/S.6300-C (Mannion)

Chapter 480

Establishes a public awareness campaign to combat the discrimination, stigma and stereotyping of individuals with developmental disabilities and which highlights the accomplishments and contributions of individuals with developmental disabilities to the state and their respective communities.

2. Update of Terms

A.7882-A (Abinanti)/S.6789-A (Persuad)

Chapter 479

Eliminate outdated terminology in relation to individuals with disabilities, and replace with updated terms throughout various sections of law.

3. Designated Essential Support Persons

A.8751 (Pheffer Amato)/S.7884 (Addabbo)

Chapter 42

Allows for an individual with a disability or their legal guardian to designate a single primary essential support person to assist with communicating medical needs and managing everyday needs during hospitalization.

4. Developmental Disabilities Advisory Council

A.8752 (Abinanti)/S.7848 (Mannion)

Chapter 134

Requires that on and after June 30, 2022, the developmental disabilities council consist of thirty-five members, including the commissioner, the chairman of the conference of local mental hygiene directors or his or her designee, four members to be appointed by the temporary president of the senate, four members to be appointed by the speaker of the assembly, one member to be appointed by the minority leader of the senate, one member to be appointed by the minority leader of the assembly and twenty-three members to be appointed by the governor.

5. EmployAbility Pledge

A.8915-B (Burdick)/S.7746-B (Mannion)

Chapter 564

Requires OPWDD to develop a voluntary training program for employers who take the EmployAbility Pledge. It provides employers with training on various aspects of their business to develop competency in employing and interacting with people with disabilities. The trainings include topics on sensitivity training, reasonable accommodations, interviewing skills and workplace inclusion for people with disabilities.

6. Access To Programs Commission

A.8816-A (Epstein)/S.7688-A (Thomas)

Passed Assembly

This bill would establish the Access to Programs Commission for people with disabilities, which would examine, evaluate, and make recommendations for new laws on to how the state should streamline eligibility requirements and processes for its programs and services to assist people with disabilities.

7. Group Home Working Group

A.9162 (Santabarbara)/S.7377 (Mayer)

Passed Assembly

This bill would establish the statewide group home families working group within OPWDD whose duties include informing and advising the commissioner of important matters for persons with developmental disabilities residing in group homes and their families and guardians, including comments regarding care and financial matters, and to improve communication between the state and group home residents and their families and guardians.

8. Innovative Supportive Housing

A.9492-C (Abinanti)/S.8521-C (Mannion)

Passed Assembly

This bill would establish the creation of an innovative housing initiative for persons with a developmental disability who wish and are able to safely reside in such a setting, including creating exemptions from certain filing requirements for residential environments that are formed as cooperative interests in realty for persons receiving services under the innovative housing initiative.

HEARINGS AND ROUNTABLES

Statewide Comprehensive 5.07 Plan

On September 13, 2022, the Assembly Standing Committees on People with Disabilities convened a public hearing on the Office for People with Developmental Disabilities Statewide Comprehensive 5.07 plan. The purpose of this hearing was to examine the planning and implementation process related to the Office for People with Developmental Disabilities' Statewide Comprehensive 5.07 Plan.

Various stakeholders testified at the hearing, including the New York State Office for People with Developmental Disabilities (OPWDD). The Commissioner of OPWDD Kerri Neifeld detailed the planning process behind the Statewide Comprehensive 5.07 Plan and provided information regarding how OPWDD took the information provided from various stakeholders and implemented it into their final version. Commissioner Neifeld further discussed various specific topics relevant to the committee including workforce, access to services, availability of services, housing, and employment.

Approximately 40 advocates, service providers, people with disabilities and/or their family members also provided valuable testimony at the hearing or through written submissions. All of whom discussed the impact OPWDD's 5.07 Plan and provided vital input and unique experiences within the Developmental Disabilities community.

Some major recurring themes that were mentioned at the hearing were the staffing crisis, lack of housing, and lack of employment opportunities for those with Developmental Disabilities. Many shared their own personal struggles, struggles of loved ones, and hardships they see and face daily.

The chair of the committee and committee members are continuing to review and discuss the evidence presented and to explore various alternatives, including appropriate legislation, to work in conjunction with the Office for People with Developmental Disabilities Statewide Comprehensive 5.07 plan to assist and improve the lives of people with disabilities over the next five years, and beyond.

APPENDIX A

2022 SUMMARY SHEET

SUMMARY OF ACTION ON ALL BILLS
REFERRED TO THE COMMITTEE ON

People with Disabilities

TOTAL NUMBER OF COMMITTEE MEETINGS HELD 3

<u>ASSEMBLY</u>	<u>SENATE</u>	<u>TOTAL</u>
<u>BILLS</u>	<u>BILLS</u>	<u>BILLS</u>

BILLS REPORTED FAVORABLE TO:

Codes	3	0	3
Judiciary	0	0	0
Ways and Means	8	0	8
Rules	4	0	4
Floor	2	0	2
TOTAL	17	0	17

COMMITTEE ACTION

Held For Consideration	0	0	0
Defeated	0	0	0
Enacting Clause Stricken	1	0	1
REMAINING IN COMMITTEE	6	1	7

BILLS REFERENCE CHANGED TO:

TOTAL	0	0	0
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APPENDIX B

FINAL ACTION ON BILLS REPORTED BY THE STANDING COMMITTEE ON PEOPLE WITH DISABILITIES IN 2022

ASSEMBLY BILL # SPONSOR	SENATE BILL # SPONSOR	FINAL ACTION	DESCRIPTION
A.6069-A (Abinanti)	S.6695-A (Mannion)	Amended and reported to Assembly Committee on Ways and Means	Creates a bill of rights for people with developmental disabilities who reside in residences certified or approved by the office for people with developmental disabilities.
A.6071-A (Abinanti)	S.1211-A (Harckham)	Amended and reported to Assembly Committee on Ways and Means	Relates to establishing an electronic monitoring program for children diagnosed with developmental disabilities.
A.7356-C (Woerner)	S.6300-C (Mannion)	Chapter 480	Establishes a public awareness campaign to combat the discrimination, stigma and stereotyping of individuals with developmental disabilities and which highlights the accomplishments and contributions of individuals with developmental disabilities to the state and their respective communities.
A.7357-A (Abinanti)	S.6274-B (Mannion)	Passed Both Houses	Establishes a pilot program to create an assistance hotline for individuals with intellectual and developmental disabilities and complex behavioral needs.
A.7359 (Abinanti)	S.6295 (Mannion)	Reported to Assembly Committee on Ways and Means	Requires OPWDD to purchase and provide essential personal protection equipment to all direct support professionals, care recipients and group home providers in the event of a declaration of a state emergency that relates to public health.
A.7691 (Abinanti)	No Same As	Reported to Assembly Committee on Codes	Requires the installation of surveillance cameras with sound capability in public common areas of certain residential facilities, community residences, and residential and day schools and programs.

A.7836 (Abinanti)	S.4545-B (Skoufis)	Reported to Assembly Committee on Ways and Means	Requires voluntary and state-run residential facilities provide free internet access to residents who are developmentally disabled.
A.7882-A (Abinanti)	S.6789-A (Persuad)	Chapter 479	Eliminate outdated terminology in relation to individuals with disabilities, and replace with updated terms throughout various sections of law.
A.8486-B (Abinanti)	S.8355-B (Cleare)	Amended on Third Reading	Relates to due process procedures for persons who currently are placed in New York state education department approved out-of-state residential schools pursuant to the education law and the federal individuals with disabilities education act who have received an offer for transitional care or certain care prior to becoming eligible to receive such care.
A.8751 (Pheffer Amato)	S.7884 (Addabbo)	Chapter 42	Allows for an individual with a disability or their legal guardian to designate a single primary essential support person to assist with communicating medical needs and managing everyday needs during hospitalization.
A.8752 (Abinanti)	S.7848 (Mannion)	Chapter 134	Requires that on and after June 30, 2022, the developmental disabilities council consist of thirty-five members, including the commissioner, the chairman of the conference of local mental hygiene directors or his or her designee, four members to be appointed by the temporary president of the senate, four members to be appointed by the speaker of the assembly, one member to be appointed by the minority leader of the senate, one member to be appointed by the minority leader of the assembly and twenty-three members to be appointed by the governor.
A.8816-A (Epstein)	S.7688-A (Thomas)	Passed Assembly	This bill would establish the Access to Programs Commission for people with disabilities, which would examine, evaluate, and make recommendations for new laws on to how the state should streamline eligibility requirements and processes for its programs and services to assist people with disabilities.
A.8915-B (Burdick)	S.7746-B (Mannion)	Chapter 564	This bill would require OPWDD to develop a voluntary training program for employers who take the EmployAbility Pledge. It provides employers with training on various aspects of their business to develop competency in employing and interacting with people with

			disabilities. The trainings include topics on sensitivity training, reasonable accommodations, interviewing skills and workplace inclusion for people with disabilities.
A.9038 (Abinanti)	A.7617 (Mannion)	Chapter 176	Extends certain provisions relating to the closure or transfer of a state-operated individualized residential alternative from March 31, 2022, to March 31, 2024.
A.9162 (Santabarbara)	S.7377 (Mayer)	Veto Memo 78	This bill would establish the statewide group home families working group within OPWDD whose duties include informing and advising the commissioner of important matters for persons with developmental disabilities residing in group homes, and their families and guardians, including comments regarding care and financial matters, and to improve communication between the state and group home residents and their families and guardians.
A.9492-C (Abinanti)	S.8521-C (Mannion)	Passed Assembly	This bill would establish the creation of an innovative housing initiative for persons with a developmental disability who wish and are able to safely reside in such a setting, including creating exemptions from certain filing requirements for residential environments that are formed as cooperative interests in realty for persons receiving services under the innovative housing initiative.
A.9567-A (Buttenschon)	S.8326-A (Mannion)	Reported to Assembly Committee on Ways and Means	Establishes the independent developmental disability ombudsman program for the purpose of assisting individuals with developmental disabilities to ensure their access to services and preservation of their rights.
A.9920 (Abinanti)	S.8442 (Mannion)	Passed Assembly	Requires that applications submitted by individuals with developmental disabilities for eligibility determinations and service authorizations be processed in a timely manner; requires the office of mental health to provide a report regarding such applications.
A.9921 (Santabarbara)	S.8647 (Mannion)	Chapter 453	Includes additional self-advocates on the autism spectrum disorders advisory board; increases the amount of board members from 19 to 24.
A.10040 (Clark)	S.8208 (Mannion)	Reported to Assembly Committee on Ways and Means	Prohibits the withholding of state funding for service providers for people with developmental disabilities due to the receipt of certain COVID-19 federal funds.

APPENDIX C

LAWS ENACTED IN 2022

ASSEMBLY BILL # SPONSOR	SENATE BILL # SPONSOR	FINAL ACTION	DESCRIPTION
A.7356-C (Woerner)	S.6300-C (Mannion)	Chapter 480	Establishes a public awareness campaign to combat the discrimination, stigma and stereotyping of individuals with developmental disabilities and which highlights the accomplishments and contributions of individuals with developmental disabilities to the state and their respective communities.
A.7882-A (Abinanti)	S.6789-A (Persuad)	Chapter 479	Eliminate outdated terminology with updated terms throughout various sections of law.
A.8751 (Pheffer Amato)	S.7884 (Addabbo)	Chapter 42	Allows for an individual with a disability or the legal guardian for the individual to designate a single primary essential support person to assist with communicating medical needs and managing everyday needs during hospitalization.
A.8752 (Abinanti)	S.7848 (Mannion)	Chapter 134	Requires that on and after June 30, 2022, the developmental disabilities council consist of 35 members, including the commissioner, the chairman of the conference of local mental hygiene directors or his or her designee, four members to be appointed by the temporary president of the senate, four members to be appointed by the speaker of the assembly, one member to be appointed by the minority leader of the senate, one member to be appointed by the minority leader of the assembly and twenty-three members to be appointed by the governor.
A.8915-B (Burdick)	S.7746-B (Mannion)	Chapter 564	This bill would require OPWDD to develop a voluntary training program for employers who take the EmployAbility Pledge. It provides employers with training on various aspects of their business to develop competency in employing and interacting with people with disabilities. The trainings include topics on sensitivity training, reasonable accommodations, interviewing skills and workplace inclusion for people with disabilities.

A.9038 (Abinanti)	A.7617 (Mannion)	Chapter 176	Extends certain provisions relating to the closure or transfer of a state-operated individualized residential alternative from March 31, 2022, to March 31, 2024.
A.9921 (Santabarbara)	S.8647 (Mannion)	Chapter 453	Includes additional self-advocates on the autism spectrum disorders advisory board; increases the amount of board members from 19 to 24.