



2011 New York State Report

This past year, events in New York State have resulted in some significant changes—not only in how the State has chosen to identify its own programs, but also in the way it has elected to fund them.

In July of 2010, legislation was introduced changing the name of the New York State Office of Mental Retardation and Developmental Disabilities (OMRDD) to the New York State Office For People With Developmental Disabilities (OPWDD). In a process not without controversy, this legislation removed the words “mental retardation” from the name of all State agencies, statutes and regulations.¹

A quick overview of the OPWDD finds:

- Under the direction of a Commissioner appointed by the Governor and subject to Senate confirmation, OPWDD currently operates through 13 district offices called Developmental Disabilities Services Offices (DDSO)
- Its Central Office oversees and supports operations of the district offices. OPWDD also operates the Institute for Basic Research in Developmental Disabilities (IBR) on Staten Island whose goal is to provide tools for “prevention, earlier detection, and improved treatment of mental retardation and other developmental disabilities.”²
- By the end of 2011-12, there will be approximately 37,000 individuals with developmental disabilities residing in community settings funded by the State, with 300 individuals living in developmental centers and approximately 1,000 in special units. Over the past two decades, the developmental center population has declined by more than 9,000 and the current plan is to move all remaining 300 individuals in developmental centers to the community by 2014.
- The term ICF/MR has been replaced with Individualized Residential Alternatives (IRA’s).
- The only new facilities constructed to serve our population within the last

¹ Jane Gottlieb, “Name Change at Agency to Remove Retardation,” *New York Times*, June 7, 2010,

<http://www.nytimes.com/2010/06/08/nyregion/08name.html?scp=1&sq=Name%20Change%20At%20Agency%20to%20Remove%20Retardation&st=cse>

² New York State OPWDD Institute for Basic Research in Developmental Disabilities: Facilities Description,” http://www.opwdd.ny.gov/ws/ws_ibr_resources.jsp.

year in New York City were designed specifically to meet the special medical needs of bedridden individuals who require round the clock nursing services, strict medical monitoring e.g. feeding tubes, et al.

According to New York State's recent 2011-12 Executive Budget Report, "almost \$4.6 billion All Funds appropriations (\$1.4 billion General Fund; \$3.2 billion Other Funds) for OPWDD [is recommended to] continue to support a comprehensive system of care [in order to serve] more than 126,000 persons with developmental disabilities and their families. This is a **decrease of \$167 million (-3.5 percent)** from 2010-11...and will require a number of as yet undefined *savings actions* in both State Operations and Local Assistance, while recognizing the need to maintain essential direct supports and services and maintain the high quality of care for individuals with developmental disabilities in both not-for-profit and OPWDD-operated programs."³ In other words, the operating budget in New York State for OPWDD, as is the case in many other states, has been severely curtailed.

Finally, in March of 2011, the *New York Times* published an extensive investigative report that exposed "widespread problems in the more than 2,000 state-run homes. In hundreds of cases reviewed by *The Times*, employees who sexually abused, beat or taunted residents were rarely fired, even after repeated offenses, and in many cases, were simply transferred to other group homes run by the state."⁴ According to the *New York Times*, "State records show[ed] that of some 13,000 allegations of abuse in 2009 within state-operated and licensed homes, fewer than 5 percent were referred to law enforcement."⁵ Upon learning of the *New York Times* findings, "Gov. Andrew M. Cuomo forced the resignations of Max E. Chmura, who led the [OPWDD] agency, and Jane G. Lynch, the chief operating officer of the state's Commission on Quality of Care and Advocacy for Persons With Disabilities," both of whom failed to protect the people entrusted to their charge—those individuals with developmental disabilities.⁶

Recently, the New York State Assembly and the New York City Council have held hearings to consider sweeping reforms to the system which may include options ranging from

³ New York State "Putting People First," Governor Cuomo Budget Recommendations for FY 2011-2012 Office for People with Developmental Disabilities (OPWDD)
http://www.opwdd.ny.gov/news/2011_budget.jsp

⁴ Danny Hakim, "At State Run Homes, Abuse and Impunity," *New York Times*, March 12, 2011
<http://www.nytimes.com/2011/03/13/nyregion/13homes.html?scp=2&sq=hakim%20group%20homes&st=cse>

⁵ Hakim, *New York Times*, p1.

⁶ *Ibid.*

authorizing care providing agencies to conduct background checks on employees in order to uncover previous instances of abuse or neglect, to “ending the role of state-run group homes and turning the entire system over to non-profit providers.”⁷ While there is no doubt that immediate widespread reform is needed, turning over the entire New York State OPWDD residential care system to non-profit providers begs the question who, if not the State, will be responsible for oversight?

Newly appointed OPWDD Commissioner Courtney Burke has vowed to provided “greater oversight and accountability” by forming an Incident Management Team “charged with analysis and follow up on all reports of neglect and abuse in both State and nonprofit providers systems.”⁸ Additionally, Gov. Cuomo has appointed “Clarence Sundram, a national expert in the oversight of quality of care, [to] serve as the Governor's Special Advisor for Vulnerable Persons. In that capacity, Mr. Sundram will conduct a comprehensive and expeditious review of the State's system of caring for vulnerable persons and report his reform recommendations to the Governor.”⁹

We will continue to stay tuned and report on further developments as they occur.

Respectfully submitted,

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VOR New York State Coordinators

⁷ Michele Narov, “Group Homes Face Change. Question Is, How Much?” *City Limits Blog*, May 5, 2011. <http://www.citylimits.org/blog/104/group-homes-face-change-question-is-how-much>

⁸ New York State OPWDD, “OPWDD Acting Commissioner Courtney Burke Announces New Measures to Protect the Safety and Welfare of Individuals With Developmental Disabilities,” May 2011, http://www.opwdd.ny.gov/news/commissioner_oversight_press_release.jsp

⁹ Ibid.