

HUMAN SERVICES COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE
MINUTES

A meeting of the Human Services Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on April 15, 2013.

MEMBERS PRESENT:

Leg. DuWayne Gregory, Chairman
Leg. Kate M. Browning, Vice Chair
Leg. Thomas F. Barraga
Leg. Al Krupski

ALSO IN ATTENDANCE:

Deputy Presiding Officer Wayne R. Horsley, 14th Legislative District
George M. Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel to the Legislature
Renee Ortiz, Chief Deputy Clerk of the Legislature
Ali Nazi, Aide to Leg. Kennedy
Rick Brand, Newsday
Thomas Vaughn, County Executive Assistant III
John O'Neill, Deputy Commissioner/Department of Social Services
Linda O'Donohoe, Assistant to Deputy Commissioner John O'Neill
John Nieves, DSS
Paul Perillie, Aide to Leg. Gregory
Michael Pitcher, Aide to Presiding Officer
Catherine Stark, Aide to Leg. Krupski
Diane Dono, Budget Review Office
Rosemary Dehlow, Community Housing Innovations
John Bogack
Gretchen Penn, CSEA
And all other interested parties

MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

MINUTES TRANSCRIBED BY:

Denise Weaver, Legislative Aide

THE MEETING WAS CALLED TO ORDER AT 10:10 AM

CHAIRMAN GREGORY:

We will start the meeting as soon as Legislator Browning gets here. She's running a little late.

Okay, Legislator Browning has joined us. Would you please rise for the Pledge of Allegiance led by Legislator Krupski.

SALUTATION

Okay. Thank you all for joining us this morning in today's Human Services Committee meeting.

PUBLIC PORTION

We will start with our agenda and Public Portion. We have Mr. John Bogart? (Sic)

MR. BOGACK:

It's John Bogack, thank you.

CHAIRMAN GREGORY:

I'm sorry.

MR. BOGACK:

Just by way of reintroduction, I was here about -- I was here in February following a Newsday story about the Department of Social Services CPS, sealing the records in the {Kowalsik} case and also the Adonis Reed case. I missed the meeting after that. I did have a chance to review the minutes and I note that in that minute -- in that meeting in March, I didn't see any references to that subject matter coming up. Although another matter came up at that meeting I'd like to comment about before I finish.

Since then, another Newsday article has appeared. That was last week; referenced those same two cases, but also to the larger issue of CPS staffing levels. So, today I just want to try to weave together my continuing concerns with those articles being reference points. I continue to feel that the sealing of those records are not in the public interest. I would ask the Legislature, if they have not already asked the Department of Social Services to appear about this matter, that it should ask the Department of Social Services. And even though it feels it can't talk about those cases, I think it should explain and get on the record its rationale for adhering to that policy. I think a discussion about why that policy and the Department's view is a valid one, needs to be discussed here; not necessarily inside the Department of Social Services. That's one.

Two, if it's true that CPS has lost staff to the extent documented or claimed in the Newsday story, it's very serious. The loss of a single team is, as the former Commissioner of Social Services, Greg Blass, indicated to you once before, dangerous. In that Newsday article, Chairman Gregory, you were quoted as saying "the Department needed to make its case." I don't know if it has made its case for additional staff; perhaps they're here today to so. I hope that they are. This is a ticking time-bomb and cannot be permitted to go unassessed. What exactly the Department's plans are for dealing with its immediate situation, I do not know. I'd be very interested to hear. I might make some comments afterwards. But until then I think it's of the utmost urgency to the Department, inform the Legislature, just exactly what it's doing to keep CPS levels at needed levels. All of you know it can't go too far without something happening that no one wants. So, that's a second concern.

4/15/13 Human Services Committee

Thirdly, I noticed in the -- in the testimony from Mr. Willenbrock who appeared for FPAC, that he had an interchange with you again, Chairman Gregory, regarding the fact that he had wanted to bring additional people to the meeting, but felt that perhaps if they had, they might face some repercussions from the Department of Social Services for expressing their views. I think that needs to be looked at as well; why there is such a perception of that in FPAC. No person should feel, coming to this meeting and speaking to this Legislature and this Committee, that they would ever face any consequences for the expression of their conscience. If that's what FPAC feels, that needs to be assessed and discovered as to why they feel that way and addressed.

And, lastly, I see you have on your agenda a resolution concerning making sure that homeless children are placed as close as possible to their school districts. And I think you've written into this a very practical standard that it has to be as far as practical. I guess I'm over my three minutes. I'll just summarize real quick. During the course of 40 years I've met thousands of people in emergency shelters. Yes, what those families want is they want their kids to be as close to school as possible and their schools want them to be in the schools that they were formally in to provide them with stability. This legislation can only do good for those kids. Thank you.

CHAIRMAN GREGORY:

Thank you, sir, for coming here today and voicing your concerns. I will certainly take them under consideration.

MR. BOGACK:

Thank you, sir.

CHAIRMAN GREGORY:

Is there anyone else in the audience that would like to come forward and make a statement? Okay. You have three minutes. State your name for the record.

MS. PENN:

Just a quick thank you. I am Gretchen Penn. I'm the Legislative and Political Action Coordinator for CSEA. And here on Long Island I also assist our VOICE daycare providers. Thank you, thank you, thank you. Last week we were able to participate in the announcement of additional funding for the childcare subsidy. And I wanted to impledge that I would come here today and thank you all as well.

You have provided economic stimulus that will come back into and help all of us as residents here in Suffolk County. Seven hundred children now have licensed and will have licensed daycare providers. And it will make a difference today, tomorrow and in years to come. So, we look forward to the future. And, again, thank you.

CHAIRMAN GREGORY:

Thank you. Is there anyone else? Do you have a question? I'm sorry, Kate.

LEG. BROWNING:

Actually I was going to say I think a lot of our thank-you's go to our Acting Commissioner, Mr. O'Neill. So, if we want to direct our thank-you's, I think, he deserves a lot of the thank-you's for that.

CHAIRMAN GREGORY:

Okay. That ends our Public Portion. Acting Commissioner, would you like to come forward?

ACTING COMMISSIONER O'NEILL:

Good morning, Legislator Gregory, and the Human Services Committee.

4/15/13 Human Services Committee

CHAIRMAN GREGORY:

Good morning. How are you?

ACTING COMMISSIONER O'NEILL:

I'm doing well.

CHAIRMAN GREGORY:

Good. From what I understand that -- there may be some information that you may want to present this morning?

ACTING COMMISSIONER O'NEILL:

Actually, I just want to suggest that at the next meeting I do a presentation on Safety Net and what the Department has been doing over the last year or two to help out offsetting the local cost to this population.

Just real quickly you may recall, back in -- I believe it was 2011 -- - the New York State OTADA changed the reimbursement rate from a 50/50 local share to a 71% local share. And the Department has been undergoing some efficiency-type projects to mitigate that cost. So I just wanted to do a presentation next time on that because it's come up a couple times in the last few months. I thought it'd be a good topic to present. I'll do a short, you know, five-minute presentation.

CHAIRMAN GREGORY:

Okay. And, maybe also, Mr. Bogark (sic) -- I know I'm just hacking his name -- Bogack, yes, thank you. He brought up some comments that were recently in the paper about CPS staff levels. Maybe we can --

ACTING COMMISSIONER O'NEILL:

Sure.

CHAIRMAN GREGORY:

-- update status on that as well.

ACTING COMMISSIONER O'NEILL:

Sure. The number of CPS cases is down roughly 240, which equates to about a team. The number of investigations per caseworker is 12.9 at its lowest rate in a number of years. So having said all that, I feel confident and comfortable with existing levels. As staff attrites, we absolutely will look for the backfill of those staff. But where we are today, we are comfortable.

So, just a couple of quick stats that I have. In 2007 there was roughly 9000 number of reports and it's about the same in 2012. So it's basically flat. It had gone up in '09, '10, '11, but in 2012 we started to see the number of reports tic down, the number of caseloads tic down. In 2007 overdue cases was a -- about 25.9%. It's now down to 11.5%, which is an indicator that caseworkers are getting through the caseloads and that it's manageable.

Now, again, this is a topic I just want to make sure I'm very clear on. As of today, I feel confident and comfortable where we are. If we see the trend switch, I will possibly need to ask for more staff. But right now the trend is caseloads are down, overdues on CPS caseloads are down. And we've shifted staff. And we didn't -- we haven't lost staff. I just want to make another point on this: The 18 positions in the article in Newsday that they were referring to, the gentleman was referring to, those were positions that were not filled. They were abolished from the budget. It was a budgetary procedure. The Department asked for it, they were not filled, those positions were abolished. We did not lay anybody off like anybody from CPS cases, CPS workers.

4/15/13 Human Services Committee

Also, the number of staff has actually increased in Family and Children's Services, which is CPS, APS, you know, services for children and families in need. We have actually added staff since December and we will continue to add staff. There's a FAR Team, a Family Assessment Review Team, that we've asked for that's currently being -- being, you know -- right after the approvals -- a SCIN approval.

So, again, I just want to reiterate that staffing is up in Family and Children Services; not specifically in CPS, but that is one area within Family and Children Services.

CHAIRMAN GREGORY:

Okay. Now, would you happen to know -- do you have the statistics on what's the average timeframe that a CPS case is open? Has that remained the same? Is it longer? Is it --

ACTING COMMISSIONER O'NEILL:

I don't have that statistic with me, but I will see if we can get it. We should be able to get that.

CHAIRMAN GREGORY:

Okay. And what about the gentleman's concern about sealing records or files?

ACTING COMMISSIONER O'NEILL:

Sure. So there's -- there's two pieces of that. First of all, there's an ongoing criminal investigation publicizing these types of information, okay, could jeopardize that. That's from a criminal perspective, legal perspective. From a CPS reporting perspective, if people that report to CPS or they're involved in a case and they report it to somebody, an allegation, and their name happens to get publicized, this will prevent people possibly from reporting cases. So that is concern.

Also, concurrently with that concern is that you have other children and sometimes they're of age where they could read the newspaper and they'll be seeing this over and over again in the newspaper or people are talking about it. So, from the perspective of a sibling involved, there could be issues with that with the exposure.

CHAIRMAN GREGORY:

So is that all cases or just criminal cases where we take that position?

ACTING COMMISSIONER O'NEILL:

That's pretty much all cases. And as far as investigating a fatality, that's best left to a third party like OCFS, New York State Office of Children and Family Services so there can be an independent investigation of the activities from our workers.

CHAIRMAN GREGORY:

Okay. Anyone have any questions?

LEG. KRUPSKI:

Yes.

CHAIRMAN GREGORY:

Legislator Krupski.

LEG. KRUPSKI:

The number of cases that you're reviewing now is down or at least leveled off. Is there --

ACTING COMMISSIONER O'NEILL:

Yes.

4/15/13 Human Services Committee

LEG. KRUPSKI:

Is there a reason for that or are there too many different independent parameters for, you know, to make a general assessment?

ACTING COMMISSIONER O'NEILL:

There's too many different parameters, quite honestly. And, again, when we receive a referral, there's not a lot of background with it for us to make a specific, you know, analytical reason for it.

LEG. KRUPSKI:

Thanks.

CHAIRMAN GREGORY:

The -- what's your position on -- we have two resolutions before us today. What's your position on IR 1233?

ACTING COMMISSIONER O'NEILL:

As we've discussed, my position on this is that the Department should be doing this and is doing it. We actually wrote it into the procedures after this issue was raised at the last Committee meeting. This is something the Department has been doing, but we rewrote the procedures so it's explicitly clear that geography should be taken into account. So, having said that, while I understand the intent of it, I just don't know if it's necessary or not being that it is in our procedures.

CHAIRMAN GREGORY:

But it wasn't always -- from my understanding it wasn't always in your procedures.

ACTING COMMISSIONER O'NEILL:

No, actually --

CHAIRMAN GREGORY:

Or at least it wasn't always applied.

ACTING COMMISSIONER O'NEILL:

Well, the Department's undergoing a little bit of transition in terms how they would look at housing. Going back to 2011, the Housing Department started down a path where they were utilizing some larger shelters where they could provide much better services. And when you're filling a shelter that large, you need to filter who you're putting there in terms of geography. That wasn't done optimally. However, having said that, you know, given the conditions filling a shelter, we feel that it's -- is, you know, we did a good job, it wasn't great.

CHAIRMAN GREGORY:

That's one of the reasons why, and we spoke about this privately, one of the reasons I put this bill in is because there were students that were from Wyandanch that were being transported to the {Morlan} facility in Commack when there were open spaces available in the immediate community. And I felt that we should be, you know, keeping people as close as possible to their home communities. And it was my understanding that you weren't doing this. And that you reevaluated it because I put the bill in, you decided to -- to implement as a policy.

ACTING COMMISSIONER O'NEILL:

It was being done. I shouldn't say that. Let me rephrase. It was a policy of the Department to do that. They had trouble following it when they went to a larger shelter that there were filling because we wanted to get families into that shelter because it provided better services. So -- and I believe that's what we discussed. Again, the Department will always look to put families in their home district. It makes sense for that family. There's usually a support network, resources

4/15/13 Human Services Committee

available in the community.

But, again, one big issue is going to come up with the shelter providers that they may not be at 100% occupancy because then we're not filling based on if this -- let's say it's a family -- a shelter of ten and you get three families of two with six. So we'll have a 40% vacancy rate. As opposed to if we said "well, if we put somebody in -- or one -- one of those families was a larger family of five, well, we could fit that family in there and there'd be 100% occupancy."

So, you know, there's plusses and minuses to it. But, again, the Department has rewritten the procedure based on our -- based on the comments made at this Committee and our follow-up discussion. We made it explicitly clear that geography is the first filter of criteria.

CHAIRMAN GREGORY:

Okay. Anybody else have any questions? Okay. Anything else?

ACTING COMMISSIONER O'NEILL:

Thank you very much.

CHAIRMAN GREGORY:

All right. Any word on when the nominee's going to come out for Commissioner?

ACTING COMMISSIONER O'NEILL:

I've not heard anything.

CHAIRMAN GREGORY:

(Laughter). Okay. All right.

ACTING COMMISSIONER O'NEILL:

Thank you for asking.

CHAIRMAN GREGORY:

Thank you. Okay. Let's get to our agenda. We have tabled resolutions.

TABLED RESOLUTIONS

**IR 1036, Advancing and improving Patient Advocacy Services in the County of Suffolk.
(Browning)**

LEG. BROWNING:

Motion to approve.

CHAIRMAN GREGORY:

Legislator Browning makes the motion to approve. I will make a motion to table. Is there a second for either motion?

LEG. KRUPSKI:

Second on the table.

CHAIRMAN GREGORY:

Second on the table.

LEG. BROWNING:

On the motion.

4/15/13 Human Services Committee

CHAIRMAN GREGORY:

On the motion, Legislator Browning.

LEG. BROWNING:

I think now with the County Executive closing John J. Foley and he stated that he's already closed the 5th floor, this is certainly a time that this patient advocacy group is needed. I was there on Saturday morning with some family members. One family member happened to tell me his wife who's 55 with dementia, and he said while, you know, he keeps hearing that there's over 400 available beds here in Suffolk County or possibly in Long Island, he has since found out otherwise. And he said the nursing homes are being very honest with him. He said his wife needs a dementia bed. He said he has tried 30 nursing homes; not one of them is taking his wife. He said that it's based on her need. And as he is calling each of those nursing homes, they are all saying "*we don't have what is needed for your wife. We can't provide the services necessary for your wife.*" She's 55. She's been, I think probably about five years at John J. Foley.

And, so honestly, I think that having heard his story -- another woman who has tried probably, I think she said four or five nursing homes, has yet to find anywhere for her husband. He's also not that old. I know she was interviewed on Channel 12. So we are seeing a number of the residents. One tried 11 nursing homes before she got one; another one tried 13 nursing homes before she got one.

So, I think that this patient advocacy service that the County said they would provide is certainly going to be needed now. And obviously I'm of the position where that's why we have a County-owned and operated facility because of the fact that we are kind of like -- we talk about safety nets, it's the safety net for our family members who can't find anywhere to put their family members.

So, like I said, I think now is the time. If the County Executive wants to continue to close, we certainly need this advocacy service available to our residents because the company that's being hired has basically just handed the list of homes and said "*here you go. There's a lists of 45 homes make your own calls and let me know where they're going.*" And have not been very polite either to the family members. Been calling them after two days, called them asking them where they're sending their family member? And telling them, "*well, if you don't hurry up and find somewhere, we're going to find somewhere for you and you might not like it.*"

So, I think that, you know, that's why I want to see this passed and, you know, I'd like you to consider -- reconsider your vote.

CHAIRMAN GREGORY:

Legislator Krupski.

LEG. KRUPSKI:

I don't disagree with you that -- on some of your points that it would be nice to have people in position from the County to help people. However, if you look at the whole -- kind of the global view of the County government, you probably don't need to add any -- any new positions because you could -- you could make that argument that you need people that work at the County to help in a wide variety of issues, not just related to this one specific one, but at some point there's got to be -- you got to draw the line somewhere and say the County government probably is providing so many services, that it can't provide every service.

LEG. BROWNING:

Well, he is eliminating our health services, that a start. And actually this is just a slight change to -- this is a County Executive bill that he worked out with Legislator Hahn and I think a couple of

4/15/13 Human Services Committee

other Legislators when the idea was to sell the nursing home. So, even with the sale of the nursing home, this was an advocacy group that he was putting together. Well, now he's chosen to close. So, again, it's not necessarily this was something initiated by me; it was something initiated by the County Executive.

CHAIRMAN GREGORY:

We have -- I was going to say Legislator Vaughn, oh boy -- Tom Vaughn, from the County Executive's Office. (Laughter)

MR. VAUGHN:

I didn't realize I had upset you so far this morning, Legislator Gregory. (Laughter) Look, our position remains the same position that we've had all along. When the center is finally -- when a final decision has been reached on the center, and when that day comes, we will sign the SCINs. This was our bill. We do continue to support this program. We don't feel that the time is there yet. I understand Legislator Browning's position very well and I can understand why she would want this to go forward now. But our position remains the same as it did a month ago. And we will sign those SCINs and bring this program forward the moment that a final decision is reached. And a final decision has not -- a final outcome -- pardon me -- not a final decision, but a final outcome. And once a final outcome has been reached, we will bring those SCINs forward and we will sign them immediately. That has always been our plan; that has always been our promise.

LEG. BROWNING:

I think the County Executive has made a decision and he's closing it.

MR. VAUGHN:

I agree. That's why I corrected my statement to say "not decision", but to "an outcome." And that outcome is not yet final.

LEG. BROWNING:

I don't know; seems to me closing it sounds like a final.

MR. VAUGHN:

There are still people there.

LEG. BROWNING:

And they are looking for help to find somewhere -- because the consultant that was hired -- I think, \$205,000 -- is certainly not being very cooperative or very helpful, just giving them a list. So, they're not getting a lot of help from the consultant who's there. And that was the idea of the advocacy services that when people are having difficulty needing to find a location -- and let's not even talk if it's sold or closed or whatever, it's not just the population that there's today, it's future populations. And, clearly, when I have a gentleman telling me he's tried 30 nursing homes, then I think we should be doing something cause CMS is certainly not. We're paying them a lot of money to do nothing.

CHAIRMAN GREGORY:

Okay. All right. Anyone else? No? Okay. Tabling motion goes first. All in favor? Opposed? Abstentions?

LEG. BROWNING:

Opposed.

CHAIRMAN GREGORY:

Okay. Motion passes. **Resolution is tabled. (VOTE: 3-1-0-0)**

4/15/13 Human Services Committee

INTRODUCTORY RESOLUTIONS

IR 1233, Directing the Department of Social Services to implement an Emergency Housing Policy that will benefit homeless children. (Gregory) I'm going to make a motion to approve.

LEG. BROWNING:

Second.

CHAIRMAN GREGORY:

Second by Legislator Browning. Any questions? All in favor? Opposed? Abstentions?

Approved (VOTE: 4-0-0-0)

Okay. That's it for our agenda. We stand adjourned.

**THE MEETING CONCLUDED AT 10:35 AM
{ } DENOTES SPELLED PHONETICALLY**