

**Suffolk County Disabilities Advisory Board
February 25, 2009 Meeting Minutes**

Approved as Corrected

A meeting of the Suffolk County Disabilities Advisory Board was held on February 25, 2009 in the Conference Room of Building 158, North County Complex, Hauppauge at 2:10 pm, Chairwoman Beverly Cody presided.

PRESENT:

GROUP A

Bruce G. Blower	Representing County Executive Steve Levy
Legislator Kate M. Browning	Chair, Health and Human Services Committee
Linda O'Donohoe	S.C. Department of Social Services
Paulette Bartunek	S.C. Human Rights Division
Lew Johnson	Representing S.C. Department of Public Works, Design & Construction Division
Alice Young	S.C. Department of Labor
Barbara Falkman	S.C. Department of Health Services/Div. of Services with Special Needs

GROUP B

Beverly Cody	Member, Secretary & Acting Chair
Kleo King, Esq.	Member, United Spinal Association
Debbie Epple	Member, S.C. Department of Civil Service/Public Info.

GROUP C

Teresa Strum	Member, Western Suffolk BOCES
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GROUP D

Roy Probeyahn	Member
Glenn Campbell, Esq.	Member
Mitchell Shapiro	Member
Frank Krotchinsky, Esq.	Member

GUEST Kevin Darcy, SCDPW Transportation, Douglas & Erin King, John Mikochik & PCA.

STAFF: Heidi Zeitler, Clerk Typist, Suffolk County Office of Handicapped Services

EXCUSED: Judy Record, Joseph Sanseverino, Jim Sorrentino, Valerie Lewis, Jack Caffey, Terry Maccarrone, John Murray, Ingo Gloeckner

APPROVAL OF MINUTES OF DECEMBER 3, 2008: Beverly asked if there were any changes to be made to the minutes as distributed. There were none. Glenn made a motion to accept the minutes as distributed and Bruce seconded the motion. All were in favor and the minutes were unanimously approved.

CORRESPONDENCE: Bruce mentioned SILO had asked us to distribute some information regarding the "Community Choice Act", which is federal legislation to amend Medicaid long term healthcare policy, which currently forces the physically disabled into nursing homes to receive the care they need. It's so disabled individuals can maintain control over their own lives in their own homes. In another Action Alert from SILO, they are asking people to contact their US Senators & Congressman and ask them to sign onto the bill. Another item they wanted us to distribute was responses to the CDPAP Action Alert on February 5th.

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CDPAP is a program that allows self-directing people on disability under Medicaid to hire, train and fire their own home health aides through this program. Bruce read the Alert. If you have any questions please contact Lindsay Miller at lmiller@ilny.org or call (518) 465-4650.

Bruce also mentioned that we received some responses back from the letter the board sent to the NY State Legislative Delegation in Albany from this board, about the proposals that the Board of Regents is looking at to eradicate the IEP diplomas. As you may recall, at the December 2009 SCDAB meeting the board authorized sending letters out to all the N.Y.S Senators and Assembly people on L.I. and also to the State Education Department. We received one response back from State Assemblyman Fred W. Thiele, Jr. and the other was from Assemblyman Marc S. Alessi who said that his office has been in contact with Regent Roger Tilles to ask his advice and he has informed me that as this time they are only looking into this option. In addition, in order for this proposal to pass there would have to be hearings held throughout the state. When these hearings are scheduled, Assemblyman Alessi encourages all to participate and inform them of your thoughts directly on this matter. Assemblyman Marc S. Alessi went on to say if he may be of assistance to us in the future he would be happy to do so.

CHAIRPERSON'S REPORT: Beverly brought along some news clippings from different papers to share with the board members. The first article was about a man suing the LIRR for insensitivity. A LIRR rider who has cerebral palsy, says the conductor blamed his disability in repeated public address/and speaker broadcasts for the train's delay. The conductor kept emphasizing 'wheelchair', 'wheelchair', wheelchair patient. The rider recalled several riders, visibly frustrated, turning towards him. The second article which had a 2 page spread in Newsday, February 17, 2009 was about a duplex in Port Washington which houses 5 residents, in an environment with round-the-clock staff of 15 people. This support is geared for people who are blind or almost blind and deaf. The home the first of its kind in New York is expected to become a model for other states. It cost about \$1 million annually to run the duplex, which costs much less than putting 5 people in an institutionalized setting. Mitch spoke briefly, commending the home sponsor Helen Keller Services, which also helped him with his disability. Mitch mentioned that you can take a look at the story on-line at newsday.com. The last article was from the National Enquirer about a guy who uses a wheelchair and lives in California. He makes \$100,000 a year suing businesses if they are violating ADA. Disgruntled owners pay him \$1,000 a pop to settle disability violations out of court. Some people feel that what he is doing is shameful and other people feel he is making a difference. Several owners had to install ramps and grab bars to make their establishments accessible to patrons with disabilities. Bruce said under California State Law, if a business is doing even an unintentional discrimination, they are fined \$1,000. One case was about an owner of a hamburger stand which had a condiment shelf a ½ inch out of the regulations, so the hamburger guy settled for \$1,000 with the owner of the hamburger stand. The article doesn't specify whether the owner had to fix the height or if he just had to pay the \$1,000.

COMMITTEE REPORTS:

Architectural Barriers – Lew Johnson, Representing Tedd Godek had nothing new to report.

Community Partnership – Bruce reported several meetings have taken place regarding JEEP, (Joint Emergency Evacuation Program). These meetings were held to discuss how to improve the program before the hurricane season begins in June. Bruce also reported that there will be a second day of public forums regarding the final stages of an outside consultants work on public bus survey in Suffolk County. It was commissioned by the County Executive and the Dept. of Public Works. It has been an extensive project where the consultant had people riding on every single bus route in Suffolk County for over 2 years.

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They checked where the buses go, rider ship and timetables and they have come up with several recommendations. One forum was held yesterday, Feb. 24, 2009 from 3:00-5:00 & 6:00-8:00 at the Media Room, in the H. Lee Dennison Building. The other public forum will be today, Feb. 25, 2009 in Riverhead at the Culinary Art Center of SCCC from 3:00-5:00 & 6:00-8:00. The consultants gave a ½ hour power point presentation of their major recommendations. Some of the recommendations include adding Sunday service, late night service on some routes, doing away with other routes and redoing other ones, etc...

The County Executive came out with a press release with more detailed information which names the bus routes that are under consideration. The bottom line with all of this is the cost. The County Executive has said that, "some of it could be done, if we get Federal or State money to do it, if we don't get the money we're not going to be able to do any of them in the near future because of the money problem." We will mail everyone a copy of the County Executive's press release.

Beverly wanted to know if everyone was aware about the ruling regarding CDPAP, that a client's aide can now transport them. Bruce said there was an article in ABLE Newspaper about a legal decision that was made about it. The issue was that people on CDPAP were told that they could not have their aide transport them. For example, if you were a self-directing individual at home in a wheelchair and you hired an aide to help you, that aide was not allowed to get in your van and drive you anywhere. If the self-directing person needed to go to the doctor for routine exam, the aide would be able to help their clients prepare for the appointment but the minute the aide walked out the door, the aide would have to sign off the clock and not get paid. You would have to have somebody else drive you, if you can't drive yourself. The aide could accompany you on the ride unpaid to the doctor's office and when you were inside the doctor's office the aide would go back on the clock again. The same would be true for the trip back home. Bruce said there was a suit upstate brought on by one of the Pair Projects, and the judge ruled, of course not. They cited the regulations to implement CDPAP, but the lawyer read the section of the law where it clearly states, transportation is part of the service in the law itself, therefore DSS regulations contrary to the law are not correct.

John asked if you had to be Medicaid eligible to take part in the CDPAP program. Bruce said, yes.

Education - Teresa reported that in a December memo from Rebecca H. Cort, NY State Education Department, Deputy Commissioner of Special Education & VESID, states they aren't necessarily looking to do away with the IEP diploma. The memo points out that the IEP diploma was designed for those students with the most severe disabilities. The data says that nearly 15% of the students with special needs are graduating with IEP diplomas and they feel that percentage is not appropriate for the purpose of the IEP. Teresa went on to say, that in the education field they understand that, because of the recent changes in graduation requirements, students aren't going to get a diploma at all unless there is another option besides the Regents Diploma or Local Diploma. The reason why the Board of Regents is looking at the IEP diploma is to ensure that all students are faced with high expectations and that the IEP Diploma is not used inappropriately. The designation for an IEP diploma is usually for the profoundly impaired student that is in the NYS Alternate Assessment track verses the Regents track. For students in the gray area, the decision to pursue an IEP diploma should be made later in a students career after striving for the Regents and Local Diploma. The Rebecca Cort memo points out that leaving school with an IEP diploma is not going to be treated in the same way if you want to go for a post secondary education or other job opportunities. The IEP diploma identifies the person leaving high school as a person with a disability. The memo also stated that they were going to have 4 different meetings to get public feedback on this topic and they these meetings were already held over the past few months.

They were trying to get public feedback on either doing away with the IEP diploma or creating a secondary type of diploma. For the student that is on the IEP diploma track, they want to know what the benchmarks are. Are they achieving their goals, gaining proficiency, scoring at a proficient level in the NYS Alternate Assessments? Teresa hasn't received any results yet from what transpired from the public meetings. The second issue has to do with the IEP itself, a little over a year ago it was discussed having a mandated IEP, which was drafted by NYS and this specific format would be used for all the IEP in NYS. This document was supposed to be in place for all IEP's that were drafted for September 2009. It appears that the recommendations are not going to be affecting this mandated IEP until January 2011.

Roy added that he is the parent coordinator on the L. I. Task Force on Aging Out and they sent a letter regarding the IEP diploma as well, as did the Community Board from the Division of Mental Health in Suffolk County. Roy isn't aware of what type of response the Community Board has received back because they only meet quarterly but Roy did get a call from Queens, Regents, Dr. DeRosa and she was very supportive of our position. The article that generated Roy's interest clearly referenced the fact that they were thinking about eliminating it altogether. Roy said if you read the paper there isn't anything in it that would dissuade you from the fact that by announcing the meetings around the state, there was an idea of possibly removing the IEP diploma. Roy attended the meeting in Holbrook and VESID ran the meeting. Roy presented his case, stating here we are, 25 years later revisiting whether our children should get the same recognition as anybody else that graduates from High School. Back then we had agreed to have it designated an IEP diploma. Roy said, the Board of Regents never actually acted back in 1984, advocates including Roy, actually had to have it passed into law by the State Legislature. If it changed now, they would have to have to Legislature rescinded the law. In many poor cities throughout the state they're dumping these children into the special education because they can't meet the criteria of the No Child Left Behind Act. The answer therefore, is to get rid of the tool, (IEP) diploma that is being used to graduate with a diploma rather than, provide resources so these kids don't end up being dumped into an inappropriate program. There is concern among educators that there are kids that will not be able to get through a Regent, but they could possibly get school or a vocational credits diploma. Roy feels the message was heard and from what was said at the meeting was they don't want to eliminate the IEP diploma. Roy said if they do develop an alternative to the Regents Diploma and an IEP diploma to accommodate kids, he's all for it.

Bruce mentioned that the S. C. Disability Advisory Board e-mailed Dr. Cort who is the Deputy Commissioner of Special Education the day before the hearing and we sent the testimony that this board authorized in support and we asked that she enter that into the public hearing records.

Housing - Vacant. Bruce mentioned that anyone who is having problems paying their mortgage or refinancing can contact L.I. Housing Partnership or Community Development Corporation of Long Island.

Leg. Kate Browning said on March 4, 2009 the Mastic Beach property owners will be doing a presentation on housing problems. She added there isn't a day that goes by that her office doesn't receive inquiries for help about housing. Huntington Town has a program called, "Take Back the Block", which Leg. Browning office is working on and her office is looking to help create affordable housing. There is also an organization called Help.org in Huntington which helps disabled veterans coming back from war.

Legislation – Frank said he had some things referred to him but he hasn't had a chance to check into them yet, but he will by the next meeting. Frank also mentioned in the handouts, there was something in regard to a request being made, now history, for people to push independent living center funding in the Stimulus Act. Glen believes money was allocated for that in the stimulus package.

Beverly asked Frank if he had any information about Governor Patterson's budget cuts. Frank said he thinks they revised upwards the amount of money the state is in the hole.

Roy said the Office of Mental Retardation & Developmental Disabilities 507 report is out, and it reflects the governor's budget impact in terms of services. Much of the budget was absorbed in administrative changes and restrictions. Unfortunately, 3 programs that will be affected are, NYS Cares which has been suspended, and is the development of community residential opportunities. There was also a 4% cut to Day-Habilitation Services. And last, there will be no income trending factor for the direct care workers. Roy said these are very dedicated wonderful people who do this kind of work for very small pay. Roy said they did get new money which was allowed to continue for 67 new supportive employment positions through NYS Office of Mental Retardation.

Transportation - Cliff was absent. Bruce reported on 2/18/09 we had the first meeting of the Transportation Task Force, which Beverly had appointed at the December meeting to look into Braille signs for bus stops and in the future, requiring medical certification for SCAT paratransit applications. Members of the Task Force who were present included, Bruce/Chair, Mitch Shapiro, Jack Caffey, Kleo King and Kevin Darcy, DPW Transportation Div., Fank Krotchinsky, SCDAB member and guests Joe Arian and Robert Cassidy, representing, Innersight and Joani Madarash, Principal, accessLINX. After much discussion, by acclamation, the committee recommends to SCDAB the following:

1) That SCDPW Transportation Division move ahead with the purchase of metal Bus Stop signs in Braille marking and raised lettering describing Bus, bus route # i.e., S #92; and either bus traveling direction i.e., N, S, etc. or where appropriate, end destination i.e. S 1 Halesite. These metal signs would be affixed to the bus sign posts at the height required by USDOT ADA regulations. They would also be in contrasting colors with a light blue background and a dark blue raised lettering as suggested by committee members and subject to further research with organizations like Helen Keller National Center.

The Task Force recommends that SCDAB vote to approve the concept both of their recommendations so that DPW and the Office of Handicapped Services can move forward and work out the details on these two projects.

Roy motioned and Mitch seconded, all were in favor to approve the first concept of Braille bus stop signs. The motion was carried.

2) Also by acclamation, the committee proposes that all SCAT applications and renewals after a future date, to be determined by OHS, will require medical certification. SCAT is the only paratransit system in the metropolitan area that does not require medical certification and the Task Force believes that requiring medical certification for SCAT would cut down on the number of applications from ineligible people.

Bruce showed the board a folder of SCAT applications which we have as questionable. OHS gets a lot of applications that are filled out by agencies. It seems that lately, they know what to put on the application to get them passed through. Bruce said the person applying for SCAT needs to have a functional problem to be eligible, not just a mental illness. OHS called the Div. of Mental Hygiene and Health Services and had one of their psychologists go over our SCAT applications with us. He said that the agencies that have the PROS contracts are suppose to provide a functional mobility assessment for each one of their patients. This would be a good way for Div. of Mental Hygiene to find out if they are really doing what the contract with the county calls for. He e-mailed the Head of all those agencies's saying that the assessment must be done and forwarded to S.C. Office of Handicapped Services in case of any SCAT applications coming from those agencies.

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Beverly feels in this time of fiscal crisis it makes us look almost irresponsible, since we're the only ones that aren't requiring some medical certification for SCAT. Beverly thinks it's a good idea and it would save the county a lot of time.

Last month there were about 900 trip denials and they are running 77 vehicles. SCAT provides approximately 1300 trips a day. Subscription service is specifically there for people who go to work but we're only allowed under federal regulations to use half the capacity because the half needs to be available for everyone else.

Roy motioned and Frank seconded, all were in favor to approve the second concept that all SCAT applications and renewals after a future date, to be determined by OHS to require medical certification. The motion was carried.

Employment – Alice reminded everyone that the Resource Center at the One Stop Employment Center has a full area of information on transitions. The One Stop works with supported employment and when the contracts came out there was far less money for job coach's employment specialist and support to staff, to be able to utilize the One Stop as part of their plan for employment for the youth that they work with. Now, we have to rely much more on the Resource Center. Due to circumstance of the economy the One Stop has been very busy. They will be have a training and workshop for staff in either May/March 20th or 27th from the NYS Association Psychological Services to deal with the issues of psychiatric illness and it will focus on facilities and employment but will also have information for staff to better accommodate the individual. One Stop is also getting many calls from parole, probation and people with felonies in their background. The One Stop will be having workshops and Alice has been asked to represent the county by letting people know what services are offered for these individuals. They are also receiving more calls from people who are hearing impaired, it takes 2 weeks if they need interpreter services and under ADA they are entitled and we must provide the service. Bruce suggested Alice speak to Linda/DSS about the contract the county has with interpreter service.

Mitch suggested that most hearing impaired people prefer to be called hard of hearing, which is the industry standard among people who are deaf or hard of hearing.

COUNTY DEPARTMENTS:

Suffolk County Office of Handicapped Services – Bruce reported earlier.

Suffolk County Parks - Terry was excused.

S. C. Department of Social Services - Linda reported to Heidi at a later date that the CDPAP open cases for

December of 2008 are 335

January 2009 – 345

I have clarified with Vinny Rothar from our Client Benefits Administration that it does, in fact, take two weeks to arrange for a person to assist a hearing impaired client/applicant.

S. C. Office of Public Information – Debbie reminded everyone that a Volunteer Income Tax Assistance (VITA) site has been established at the Suffolk County One-Stop Employment Center in Hauppauge. It will be open now through April 15, Mon. – Fri. (appt. only). Need more information, call (631) **853-6544**.

Debbie also let everyone know that County Executive Levy's Second "We Work For You" Community Forum is set for March 12, at the Kings Park High School, from 6:00p.m.–9p.m.

Information can be found on the county webpage: www.suffolkcountyny.gov.

VESID – Ingo was excused.

Old Business – Roy said, previously we spoke about the lack of services for people with mental retardation and developmental disabilities who are needing acute psychiatric in-patient care. They had a kick-off meeting in December which Roy attended but the Principals couldn't be there. About 8 or 9 different hospital representatives were there and basically said there aren't enough beds for people with psychiatric disability. Another meeting is scheduled for mid-March.

New Business - None

S.C. Department of Health/Division of Children with Special Health Care Needs - Barbara Falkman handed out some brochures on the NYS Dept. of Health Early Intervention Program. On the back of the brochure is local Suffolk County Office phone number, (631) 853-3100.

S.C. Department of Public Works/Transportation Division – John Murray was excused.

Glenn/SILO - Glenn announced SILO is trying to get several new programs into development. One is Transition Planning and SILO is also trying to develop a computer assisted technology lab specifically geared towards the visually impaired.

S.C. Human Rights Commission - Paulette had nothing new to report.

S.C. Community Development - Joseph was excused.

S.C. Library System - Valerie was excused.

ADJOURNMENT: Roy made a motion to adjourn and Beverly seconded the motion. All were in favor to adjourn the meeting. The meeting adjourned at 4:00 p.m. The next meeting will be held Wednesday, March 25, 2009 at 2:00 pm in the conference room, Building 158, Veterans Memorial Highway, Hauppauge.

Respectfully submitted,
Heidi Zeitler