

Suffolk County Disabilities Advisory Board
August 12, 2009 Meeting Minutes

Approved

A meeting of the Suffolk County Disabilities Advisory Board was held on August 12, 2009 in the Conference Room of Building 158, North County Complex, Hauppauge at 2:14 pm, Chairwoman Beverly Cody presided.

PRESENT:

GROUP A

Frank Krotschinsky	Representing County Executive Steve Levy
Lew Johnson	Representing S.C. Department of Public Works, Design & Construction Division
Paulette Bartunek	S.C. Human Rights Division
Terry Maccarrone	S.C. Department of Parks
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
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GROUP C

Teresa Strum	Member, Western Suffolk BOCES
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GROUP D

Mitchell Shapiro	Member
Glenn Campbell, Esq.	Member
Jodi Nicaastro	Rep., Ingo Gloeckner, Member, VESID

GUESTS: Douglas King, Representing Congressman Steve Israel and Erin King

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

EXCUSED: Leg. Kate Browning, Jack Caffey, Rep. William J. Lindsay, Judy Record, Joseph Sanseverino, Valerie Lewis, Linda O'Donohoe, Kleo King, Esq., Jim Sorrentino, Roy Probeyahn, Debbie Epple

APPROVAL OF MINUTES OF JUNE 24, 2009: Beverly asked if there were any changes to be made to the minutes as distributed. There were none. Terry made a motion to accept the minutes as distributed and Glenn seconded the motion. All were in favor and the minutes were unanimously approved.

CORRESPONDENCE: Frank had nothing new to report.

CHAIRPERSON'S REPORT: Beverly mentioned that handicapped parking at the Borders Bookstore in Lake Grove isn't accessible for people with disabilities. The parking lot directly across from the Bookstore entrance has about 3-4 handicapped parking spots but the disabled person would not be able to make it up the 3 steps leading up to the entrance. Frank said that he and a staff member from OHS went there to check it out and noticed that there is additional handicapped parking on the side of the building between the Borders store and the Lowe's Home Improvement store. Frank said there are two levels to the parking lot and it doesn't look like there would be enough room for a ramp. It's over 100 ft. from the building's entrance to the side parking lot. Beverly said the Border's store should at least have signage posted informing people of additional handicapped parking on the side of the building.

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Frank said at a minimum, our board can write to the Property Manager at the Border's store and ask them to put up some signs. Mitch asked about handicapped parking zoning regulations, is it a state, city or town mandate. Frank said the law in New York is, you can have several different municipalities, and they all have their own codes. In regard to handicapped parking under the Americans with Disabilities Act, whichever code is the strictest is the one that applies. Accessibility issues will follow the ADA. Mitch also mentioned on a recent trip to the Tangers Outlet Center in Deer Park he couldn't believe how far the handicapped parking was from the Nike store. Mitch said there were more green parking spots for hybrid cars than handicapped spots. This same issue was brought to the board a couple of months ago by Beverly and will be revisited. Mitch brought up another handicapped parking issue which was at a Costco, where the handicapped parking was more towards the back of the store. Glenn said the handicapped parking should be the most accessible route to the entrance. Glenn also mentioned that SILO is working with the Town of Islip regarding the Bay Shore Marina on accessibility issues such as boat slips, handicapped parking, handicapped bathroom, curb cuts, ramps, etc.

Beverly said we never talk about the problems that are facing the aging, especially the disabled aging population, who face unique challenges. Beverly suggested the possibility of having someone from the S.C. Office for the Aging come onto the board. Frank said he would give a call over to Holly Rhodes Teague, who is the director of that office.

Mitch mentioned his "Help America to Hear Program," has had about 48 inquires from around the country, from sons and daughters looking for hearing aids for their elderly parents who can't afford it. Mitch is in the process of making our county legislators aware of his program and he is also starting a public relations campaign in the tri-state area. This is a major issue among the aging and disabled population.

COMMITTEE REPORTS:

Architectural Barriers – Lew had nothing new to report.

Community Partnership – Reported under OHS Staff Report.

Education – At an earlier meeting Teresa reported how the Center for Medicare and Medicaid Services (CMS) ruled to discontinue Medicaid reimbursement for transportation services provided to and from school, this was to go into effect September 1, 2008. Due to concerns raised by stakeholders, there was a moratorium passed to delay enactment of this rule. The discontinuation of Medicaid reimbursement was delayed through April 2009 and finally rescinded. A new Medicaid in Education Alert was recently received on July 30th. Back in 2002 the Federal Government began an audit of the *School Supportive Health Services Program* in certain school districts in New York State, including New York City. This took several years to complete. For the most part they were looking at the Medicaid claims, the result of the audit was a recommendation of disallowances that equaled in excess of a billion dollars. Recently New York State reached a settlement with the federal government concerning those audits and the settlement provided for repayment of \$539 million dollars to the federal government and resolved the threat of any further litigation. Addendums to the settlement included development of a New State Plan Amendment which would revise the New York State School and Preschool Board of Health Service Program and an implementation of a program integrity agreement between New York State and the Federal government. No Medicaid claims can be submitted until this New State Plan is developed, suspending all claims from July 1st, 2009 forward. Teresa had a conversation with a contact person in the NYSDE Medicaid Unit after the Medicaid alert came out.

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He confirmed that no schools can submit claims for Medicaid reimbursement at this time and informed her there is a proposal to completely revamp the structure of Medicaid and Medicaid reimbursement with respect to schools and school districts. It doesn't mean that eventually they won't be able to submit claims they just don't know at this point in time which direction it's going to take. School districts are encouraged to continue collecting documentation related to services provided which were formerly Medicaid claimable. Beverly said a couple of months ago we talked about parents who were opting to not have their kids vaccinated, what will the procedure be in regards to the swine flu, when school starts again in the fall? Teresa said the flu vaccine is not mandatory for entering school. Teresa said her District Superintendent was going to attend a meeting this week with Eastern BOCES and Suffolk County Department of Health and they are looking to put together a protocol plan.

Housing - Vacant. Beverly suggested we fill this vacancy with someone either from L.I. Housing or Economic Development and Workforce Housing. Frank said he has a couple of people in mind.

Legislation – Vacant. Frank spent a good part of the day looking at the health care legislation which is pending in Congress right now. There are some legitimate concerns but Frank believes there is a lot of misinformation out there as well. The proposed law is 1,018 pages and is available on the web under your Congressman's website. Beverly suggested that maybe an organization like SILO could get the facts straight about the proposed legislation. Glenn said people are very fearful when they hear the word socialized medicine. One of SILO's biggest concerns for people with disabilities is how it is going to affect the Medicaid and welfare programs. Glenn said there is a lot of misinformation out there; we need productive town meetings because people have legitimate concerns and questions. Beverly said maybe the board could come up with a list of questions and then have a representative from Congress come to our board meeting to help decipher them. Barbara asked if there were any reform organizations that are in existence already who might already be working on this. Beverly said depending on your political persuasion or how you feel about it there are a lot of sites that have crazy information out there. It's not a matter of opinion; this information finds its way out to the public and is misconstrued. Frank said he feels that there are people out there trying to get the facts straight but he also feels that it is incumbent upon the American public to keep themselves informed. People should listen to arguments from both sides and make up their own minds.

Transportation - Cliff was absent.

Employment – Alice said she attended a presentation at Steve Israel's office called "Understanding Constituents", which focused on deaf and blind adults and was presented by Helen Keller. Frank also was in attendance and it was a very informative presentation. The One-Stop's VESID orientations are now conducted 3 times a month and are outsourced with Skills Unlimited doing the orientations. The One-Stop has been doing a lot of reaching out to Mental Illness housing agencies and case managers to tour the One-Stop to learn about all the employment options, especially CONCERN for Independent Living and OPTIONS for Community Living. They are also getting a lot more agencies from Nassau County utilizing the One-stop, because they have a full-time Disability Program Navigator on hand. Alice also brought along a fact sheet on "Disability Benefits for Wounded Warriors," the fact sheet can be obtained by visiting the website www.socialsecurity.gov Alice also brought along a fact sheet on "Business Tax Credits & Deductions for Employment of People with Disabilities."

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COUNTY DEPARTMENTS:

Suffolk County Office of Handicapped Services - Frank received a phone call from Holli Dunayer, Director of Government and Community Affairs for the MTA Long Island Railroad. She invited Frank to attend their ADA Task Force roundtable meeting which will be happening sometime in December 2009.

Frank also attended a program which was put on by Congressman Steve Israel's office and said it was very informative. Frank visited the facility "Horseability", which is a horse farm in Huntington where they provide a variety of therapies and rehab for children and adults with disabilities. They have a Hippo therapy program and they will be having a fundraiser in October 2009.

A number of SCAT issues have come up. SCDAB acts as an appeal board if SCAT applications are denied. As you all know SCAT now requires medical certification from a doctor as of 6/1/09. OHS is still getting SCAT applications from people who are suffering from depression or agoraphobia and on their applications they state that because of their disability, it would be difficult to use the fixed route bus system. Another SCAT application we received has a mental health diagnosis and they don't mention why they can't use the fixed route bus. Does the board feel these SCAT applications should be approved?

Teresa said, the Board of Education always request specifics. What is their threshold? How does their disability impact them and what is their specific limitation or duration of disability, ask for clarification.

Frank asked the board if we feel there should be a different standard for someone that is recertifying then for someone who already has an existing SCAT card. Teresa and Glenn feel that people should meet certain criteria across the board, even when reapplying for SCAT. Frank said he will take a look at the SCAT regulations. Frank said if people need to file an appeal the board will be asked to rule on that again.

Frank asked the advisory board if they considered an optometrist or a psychologist a medical professional when asking to certify a SCAT application. Frank feels that an optometrist is considered a medical professional and a psychologist is not, because a lot of people call themselves psychologists, whereas an optometrist has a very specific licensing.

Glenn said a lot of people with disabilities only see psychologists so he feels they should fall under medical professional. Frank said he will probably wait to hear back from the Health Dept. regarding this.

OHS received a complaint from someone who indicated that he was unable to vote. The Board of Elections said that there is an accessible voting machine at each polling place. This person insists that at the last November election there wasn't an accessible voting machine at his polling place. It was pointed out to Frank that the Board of Elections takes care of accessible voting machines at the November elections and primary elections but not at school board elections.

Glenn mentioned that the Board of Elections will be coming to their SILO office tomorrow and he will bring this up.

Frank also added that everyone on the board has received a draft of the Annual Report and if anyone has any changes to please forward them to either Debbie Epple or Heidi.

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Frank received a phone call from the County Executive's office regarding the membership of the Advisory Board and they wanted to know if Frank had any suggestions for new Advisory Board members and also filling vacancies. Frank said that he and Heidi sat down with statute that created SCDAB and reviewed all members' positions. If anyone has any suggestions we ask that you contact us. There was a copy of the law that created the Advisory Council to the State Advocate on Disabilities and that law is similar to the law that created us. One difference is that the State Advisory Council actually mentions that there should be a representative from Veterans and Aging. Paulette said we might have to make a recommendation from the board to the legislature to amend the resolution. Paulette made a motion to revisit law that established SCDAB and to look at the resolution regarding member's attendance. Once we review the law, to also take a look at all the people who are on the board and their attendance in general and respond accordingly to those who have not consistently attended. Mitch seconded the motion, all were in favor and the motion was approved.

Frank said he will suggest to them to consider someone from Veterans and Aging. Beverly added that we don't have anyone on the board representing mental health.

Alice feels that Probation is a big target population and having someone on the board from that department would be beneficial. Alice said she will look into statistics.

Suffolk County Parks - Terry handed out copies of a story that was in "Athletic Business Magazine," about a Paralympics sled hockey competition. An overwhelming majority of the players lack the use of their legs. Players are strapped to lightweight, custom-designed sleds with skates beneath them and propel themselves by pushing off the ice with metal picks attached to the butt end of shortened hockey sticks. It was also noted that sled hockey is one of the fastest growing wheelchair sports in the country right now.

S. C. Department of Social Services - Linda was excused.

S. C. Office of Public Information - Debbie was excused.

VESID - Jodi said she handles the transition caseload; these are students with disabilities transitioning out of High School. VESID has also seen an increase of people coming to VESID because they have lost their jobs. Some of their regulations have changed because of the economy; driver training is now based upon financial need.

Old Business – None.

New Business – None.

S.C. Department of Health/Division of Children with Special Health Care Needs - Barbara Falkman distributed *The Consumer's Guide to Quality Home Programming for Children with Autism Spectrum Disorders*. The guide was developed through the Suffolk County LEICC (Local Early Intervention Coordinating Council). We received a 2009 NACo Award for the publication.

S.C. Department of Public Works/Transportation Division - John retired.

Glenn/SILO - Glenn had nothing new to report.

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S.C. Human Rights Commission - Paulette said the Suffolk County Human Rights Commission 2008 Annual Report was mailed out in May or June.

The total number of discrimination cases opened by the Commission in 2008 was 191.

35 were disability related (in 2007, 30 complaints were related to disability). Of the 35 disability cases opened in 2008,

23 alleged employment discrimination,
1 was related to credit,
6 had to do with public accommodation, and
5 alleged discrimination in housing

Employment is always the largest category by far, for disability as well as all other types of complaints.

Of the 35 disability cases opened in 2008, 8 cases were mediated and were settled to the satisfaction of both parties, 7 cases were found to have no discrimination, 6 decided not to pursue their cases for various reasons, 6 cases were determined to be non-jurisdictional, 1 complainant withdrew to take their case to court, and 7 are still open, on-going investigations.

S.C. Community Development - Joseph was excused.

S.C. Library System - Valerie was absent.

ADJOURNMENT: Paulette made a motion to adjourn and Glenn seconded the motion. All were in favor to adjourn the meeting. The meeting adjourned at 4:13 p.m. The next meeting will be held Wednesday, September 30, 2009 at 2:00 pm in the conference room, Building 158, Veterans Memorial Highway, Hauppauge.

Respectfully submitted,
Heidi Zeitler