



Justice Center for the Protection of People with Special Needs

ANDREW M. CUOMO
Governor

DENISE M. MIRANDA
Executive Director

NYS Justice Center for the Protection of People with Special Needs Advisory Council Meeting Summary January 21, 2021

Advisory Council Members Present: William Gettman (Chair), Denise Figueroa, Jason Hershberger, Jeremy Klemanski, Ronald Lehrer, Joe Macbeth, Tom McAlvanah, Kathy O’Keefe, Judith O’Rourke, Jeff Savoy, Mary St. Mark

Advisory Council Members Not Present: Norwig Debye-Saxinger, Walt Joseph, Sylvia Lask, Glenn Liebman, Delores McFadden, Hanns Meissner, Clint Perrin, Harvey Rosenthal, and Euphemia Strauch

Justice Center Staff Present: Christine Buttigieg, Director of Communications, Laura Darman, Executive Deputy Director, Sara Del Marter, Director of the Mortality Review Unit, Erin Lynch, Special Counsel for Ethics, Risk and Compliance, Denise Miranda, Executive Director, Davin Robinson, Deputy Director Outreach, Prevention and Support, and Rebecca Mudie, Director of Intergovernmental Affairs

I. Justice Center Updates

Denise Miranda and Laura Darman provided a summary of 2020 activities, Justice Center COVID assignments and 2021 goals. Highlights included:

- Almost 9,000 investigations into allegations of abuse and neglect were opened and over 9,000 were closed.
- 84,185 reports were received by the Justice Center’s intake unit.
- Over 75,000 criminal background checks were completed.
- Over 700 requests for care were processed by the Surrogate Decision-Making Committee
- 2,500 individuals receiving services and family members were supported by Justice Center advocates.

The Justice Center’s COVID assignments included assisting the State Liquor Authority with COVID compliance checks in New York City and the surrounding area. 35 Justice Center staff assisted in this effort.

The Justice Center’s priorities for 2021 are to ensure the well-being of staff, decrease investigative cycle time and continue to improve the quality of Justice Center processes.

In addition, the Advisory Council recommendation to ensure that the front-line workers in service provider agencies be included in the first round of vaccinations succeeded.

II. Mortality Review and the Justice Center Medical Review Board

An overview of the reports of deaths received by the Justice Center was provided. The Justice Center receives all reports of death in inpatient or residential settings operated or licensed by the Office for People With Developmental Disabilities, Office of Mental Health, Office for Children and Family Services and Office of Addiction Services and Supports. In 2020, the Justice Center received 2,149 reports of death, an increase of 741 from 2019 reports and 30 percent of those reports were related to COVID-19.

Advisory Council members were also asked for assistance in identifying medical professionals who would be interested in volunteering for the Justice Center Medical Review Board. Radiologists, orthopedic surgeons, internists, pediatricians, and forensic pathologists are the specialties most in need. Any Council member who has a suggestion should contact Davin Robinson. Additional information about the MRB follows below.

The Justice Center Medical Review Board (MRB) advises on cases as needed or warranted. The Board consists of up to 15 physicians with expertise in forensic pathology, psychiatry, internal medicine and addiction medicine. In 2020, 19 cases were referred to the MRB.

The MRB is called upon for all full death reviews to give an opinion on whether the standard of care was met for the deceased. The designated primary reviewer member of the MRB for each case is given all information pertinent to the case (documents, summary reports, interviews/interrogations). The case is presented at the next regularly scheduled MRB meeting. The primary reviewer provides their expert opinion and other members of the MRB can weigh-in on the discussion.

The MRB can also consult or perform a full review for all abuse/neglect cases with death involved as needed upon request of an investigator. A consult routinely relates to a specific question while a full MRB review happens after the completion of the investigation and the investigatory question of whether abuse or neglect occurred remains.

III. Legislation and Regulations Committee

The legislation and regulations committee met on January 13, 2021 and discussed the four legislative proposals the Justice Center submitted to the Governor's office earlier in the month. The proposals that are approved by the Governor's Counsel's Office will be advanced to the legislature for consideration in early March. Three of the proposals have been previously submitted (all three have been slightly amended from previous submission) and approved by the Governor's Counsel's Office, but only one has been introduced and acted on by the legislature.

Committee priorities for 2021

The Committee discussed legislative priorities for the upcoming session which included:

- the Staff Exclusion List (SEL) expansion bill passing the Assembly;

- working with legislators on willingness to amend/update the Justice Center statutes; and
- have reasonable conversations about departmental proposals

IV. Workforce Issues Committee

The committee met on January 13 and was provided an overview of the VPCR (Vulnerable Person Central Register) data that is available for the committee to review. Committee members discussed the importance of looking at incident data across similar sized providers. Unfortunately, the VPCR does not include utilization data. State oversight agencies have utilization data and they receive Justice Center data as well. Committee members agreed that state oversight agencies should look at this data.

Committee priorities for 2021

1. Increase the number of nominees for the Code of Conduct awards.
2. Identify any VPCR data that might guide the committee to make recommendations to the Justice Center and/or state oversight agencies regarding workforce issues.
3. Advocate for fair resources and wages for the workforce.
4. Advocate for a consistent approach to sharing information about staff who have been substantiated for Category 2 offences across state oversight agencies.

V. Abuse Prevention Committee

The abuse prevention committee held its meeting on January 28, 2021. At this meeting the committee will be provided with an overview of the Justice Center's prevention and quality improvement activities for 2021.

Committee priorities for 2021

To be determined.

VI. Investigator and Law Enforcement Training Committee

The Committee met on January 20, 2020 and reviewed investigative cycle time for the first six months of 2020 compared to the same time period in 2019. Overall, the number of cases investigated by the Justice Center and state oversight agencies decreased in 2020 while the average number of days to complete an investigation increased.

Investigative cycle time increased largely due to the pandemic. Scheduling interviews with staff and people receiving services were delayed due to illness and quarantine. There was a 12 week shut down in field work. Due to budget constraints, the Justice Center was unable to fill vacancies in investigative staff for a long period of time and an increase in death reports led to shifting some staffing resources (e.g. nurses) from investigations to mortality review.

The Justice Center remains committed to reducing investigative cycle time and is working on expanding the three-business day review process to allow the Justice Center to more accurately classify incidents initially. Staffing resources are being shifted to meet this need and the Justice Center will continue to improve training for JC and SOA investigators

Justice Center Training Update

The Justice Center has been providing a series of small, interactive workshops via WebEx for investigators focusing on investigative interviews. Committee members encouraged the Justice Center to explore ways to make these trainings available to state oversight and provider agency investigators.

Committee priorities for 2021

1. Monitor investigative case cycle time and make recommendations as appropriate.
2. Review internal and external investigator training activities and assess opportunities for promoting Justice Center investigative training.
3. Review and promote as necessary any opportunities for law enforcement training on the Justice Center as well as disability awareness training.

**Next Meeting:
April 22, 2021 via Webex**