



Justice Center for the Protection of People with Special Needs

KATHY HOCHUL
Governor

DENISE M. MIRANDA
Executive Director

NYS Justice Center for the Protection of People with Special Needs Advisory Council Meeting Summary June 23, 2022

Advisory Council Members Present: Norwig Debye-Saxinger, Walt Joseph, Jeremy Klemanski, Ronald Lehrer, Glenn Liebman, Joe Macbeth, Delores McFadden, Megan O'Connor, Kathy O'Keefe, Judith O'Rourke, J Harvey Rosenthal, Mary St. Mark, Jeff Savoy, and Euphemia Strauchn

Advisory Council Members Not Present: William Gettman (Chair), Denise Figueroa, Jason Hershberger, Tom McAlvanah

Justice Center Staff Present: Laura Darman, Executive Deputy Director, Melinda Dolezal, TRAIID Director Denise Miranda, Executive Director, Davin Robinson, Deputy Director Outreach, Prevention and Support, Susmita Saha, Director of Intergovernmental Affairs, Jody Signoracci, Assistant Director, Outreach, Prevention and Support

I. Office of the Chief Disability Officer

Kim Hill, the recently appointed Chief Disability Officer for NYS provided an overview of this office. The office was established through legislation that was signed by Governor Hochul in February 2022. The office is charged with advising and assisting state agencies in developing policies designed to help meet the needs of persons with disabilities. This can include the development of legislation and regulations. The Chief Disability Officer acts as the state's Americans with Disabilities Act Coordinator for state agencies and works to ensure that programs for people with disabilities provide services in the most integrated setting appropriate to their needs. The Chief Disability Officer also chairs the Most Integrated Setting Coordinating Council (MISCC) established in 2002 which is responsible for developing and updating an Olmstead plan for New York.

One of the top priorities for this office is to improve the unemployment rate for people with disabilities. The Governor has set a goal of adding 1,200 people with disabilities to the state workforce. Ms. Hill and her staff have been meeting with a wide range of stakeholders. For more information or to provide recommendations, you can contact the office via email at accessibility@exec.ny.gov.

Members of the Advisory Council encouraged Ms. Hill to direct the Most Integrated Setting Coordinating Council to give more attention to the needs of people living in adult homes who wish to move to more independent settings.

II. Justice Center Updates

New Advisory Council Member

Veronica Crawford was appointed by the Governor and approved by the NYS Senate to be an Advisory Council member. Ms. Crawford is a peer advocate at Care Design NY. An orientation session for her will

be held during the summer and all members are invited to attend and welcome her to the advisory council.

Justice Center Summit

The Justice Center conducted eight webinars in April providing information to stakeholders on a variety of topics including policy updates, trends, prevention tools and investigative techniques. Over 1,000 people registered from 53 different counties. The majority who signed up were from provider agencies and included family members, peer advocates, state agencies, local government, the Board of Visitors and Disability Rights NY.

The feedback obtained from those attending was very positive. Recordings of each of the sessions can be found on the Justice Center website.

New Prevention Resources:

The Justice Center received approval from OASAS to offer OASAS credentialing credit to credentialed counselors and prevention specialists for attendance at the Justice Center's Professional Boundaries Training. The first such training will be held on August 10th.

A new tool kit on Medical Emergencies was also recently developed and has been very well received. The Office for People With Developmental Disabilities has shared it widely with providers and internally across its units.

Process updates:

The State Education Department was added to the Justice Center's 3 Business Day Review process as a pilot in early 2022. As a reminder this process is available to providers and facilities licensed, certified and operated by the Office for People With Developmental Disabilities, Office of Mental Health, Office of Addition Supports and Services, and the Office of Children and Family Services. The review process is for incidents that lack critical information and allows providers and facilities to submit additional information to the Justice Center prior to final classification. This process helps the Justice Center ensure appropriate classification of incidents and more accurately target limited investigative resources. In 2021, over 4,000 reports were assessed and 50% were appropriately classified from abuse and neglect to a significant incident or non-JC incident.

The Justice Center has also made changes to the letters of determination issued at the conclusion of investigations. The letters on substantiated cases now include a summary of investigative findings with the letter. This provides information to the subject so they can better assess whether they wish to appeal and to the provider sooner so corrective actions can be taken as necessary.

Recruitment

The Justice Center has launched a new LinkedIn page as part of the agency's continuing effort to recruit individuals with diverse backgrounds to join state service. The page is filled with updated information, including upcoming events conducted throughout the year. It also outlines the benefits of becoming a New York State employee. Justice Center employees are encouraged to use their individual LinkedIn accounts to connect with the page.

Agency Wide Meeting

The Justice Center held an agency wide virtual meeting in early June to provide all staff with updates on policies and initiatives and answer any questions they had.

New Staff

Susmita Saha has been hired as the Justice Center's new Director of Intergovernmental Affairs. Ms. Saha has experience with various political, governmental, and grassroots organizations at the local, state, and federal levels. She has worked on legislation, public policy, and lobbying for government agencies in New York, Illinois, and Colorado.

The forensic monitoring unit has been increasing steadily as the Justice Center assumes new duties under the HALT legislation enacted last year to reduce the use of solitary confinement in NYS prisons. When all positions are filled there will be 10 staff dedicated to this effort. A year ago, there were 3.5 staff.

III. Justice Center Abuse Prevention Committee Update

The Justice Center's internal abuse prevention committee is charged with identifying preventative actions that address conditions that cause or contribute to incidents of abuse and neglect. The committee met in June 2022. During these meetings, committee members working in different business units across the Justice Center received updates on corrective action plan audits conducted in 2022, systemic reviews underway and new prevention resources.

Corrective Action Plan Audits

The Justice Center conducted over 100 corrective action plan audits between January and May 2022. Approximately 48 percent of the corrective actions assessed were implemented. Corrective Action Plan audits have resulted in positive actions by provider agencies. One provider agency installed cameras in all public areas after repeated recommendations from the Justice Center.

Review of Food Choking Incidents

The Justice Center began visiting OPWDD providers at the end of January 2022 to review mealtimes as part of a multi-agency review of efforts by OPWDD providers to prevent incidents of choking on food. At the time of the meeting the Justice Center had completed documentation review and site visits for 6 voluntary residential and day treatment providers. The Justice Center is working with OPWDD and their Medical Task Force on the prevention of these types of choking incidents. More site visits are scheduled and underway. A final report should be issued before the end of the year.

Professional Boundary Issues at OASAS Providers

Since 2020, the Justice Center has conducted 35 corrective action plan audits at OASAS providers for cases involving substantiated allegations of sexual abuse and/or failure to maintain professional boundaries. The Justice Center is working with the Office of Addiction Services and Supports (OASAS) to identify ways to reduce these incidents. The Justice Center and OASAS recently met with a group of addiction providers who are similarly concerned about this issue. At this meeting, the Justice Center shared recommendations to bolster an agency's abuse prevention efforts in professional boundaries. These recommendations can be found on the Justice Center's website at: [recommendations-for-professional-boundaries-final.pdf \(ny.gov\)](#).

New Prevention Products

Two new toolkits were recently added to the Justice Center's website. One toolkit provides guidance to provider agencies about how to prepare a corrective action plan audit and the other toolkit is on responding to medical emergencies. These new prevention resources were featured during the Justice Center Summit in April. Justice Center staff have also been doing conference presentations on these new tools. These toolkits can be found on the Justice Center's website at: [Medical Emergencies | Justice Center for the Protection of People With Special Needs \(ny.gov\)](#) and [sop-caps-full.pdf \(ny.gov\)](#).

IV. Committee Reports

Legislation and Regulations

The committee met in May and an update on the Justice Center's Departmental bills and other legislative items of interest was provided.

None of the Justice Center's four legislative proposals for this year were forwarded to the legislature by the Governor's office. In other legislative matters, the NYS proposed budget included a requirement that Sober Homes be licensed by the Office of Addiction Services and Supports (OASAS) and placed Sober Homes under the jurisdiction of the Justice Center. This requirement was not included in the final budget.

There has been interest in finding ways to streamline the criminal background process for provider agencies. Senator Mannion introduced a bill (S. 7907) to relax criminal background check requirements. Committee members discussed the need to reduce the frequency of checks without sacrificing the need to do thorough checks to support the safety for people in care. The Justice Center will continue to explore ways to make the process more efficient.

A7682 (Fernandez)/ S7106 (Mannion) to expand the types of entities that can check the Justice Center's Staff Exclusion List (SEL), passed the Senate but did not pass in the Assembly. This bill expands SEL checks to include all adult homes, nursing homes, home health aides (the DOH providers currently subject to criminal background checks) as well as all summer camps.

A7927-A(Gunther)/S6881-A(Mannion) that codifies a recent Court of Appeals decision allowing the Justice Center to continue assisting local district attorneys in criminal cases with the consent of the district attorney also did not pass this year.

Workforce Issues

The committee met in June and discussed the state budget and Code of Conduct Recognition award. The 5.4% COLA for the human services workforce in the Governor's proposed budget was included in the final budget passed by the Legislature. Committee members expressed concern that this increase, while very helpful, is not enough to combat the years without COLAs and the recent increase in inflation exacerbates the problem. The budget also made state funding available for retention bonuses. Implementation of retention bonuses has been difficult and committee members are concerned that a one-time retention bonus is also not enough to address the workforce crisis. Further, Office of Children and Family Services providers were not included in the retention bonuses. This omission adds more complexity and problems for provider agencies serving children because they are often funded and licensed by multiple state agencies, like the Office of Mental Health, that do have funding for retention bonuses.

Abuse Prevention

The committee met in June and received an update on the Justice Center's new prevention products and systemic reviews. The committee also discussed the need to develop a survey to collect information from provider agency management and direct care staff concerning the Justice Center's current prevention products as part of an effort to improve current and future products, gather feedback on topics agencies would like more information about, and assess website usability.

Investigator and Law Enforcement Training

The committee met in May and received updates on Justice Center training activities. The Justice Center hosts an impact panel of people who are either receiving services or are family members of those receiving services as part of training for Justice Center investigators. This panel provides investigators

with their first-hand experience with service systems under Justice Center jurisdiction. An impact panel as held in June via Webex and Judy O'Rourke, advisory council member, was one of the panel members.

As noted earlier in the meeting, the Justice received approval from OASAS to offer OASAS credentialing to Credentialed Alcoholism and Substance Abuse Counselors (CASAC), Credentialed Prevention Professionals (CPP) and Credentialed Prevention Specialists (CPS) for attendance at the Justice Center's Professional Boundaries Training.

The next session for the Investigator Topics series of trainings will be on basic interviewing skills and it will be held in July. These hour-long sessions are intended for non-Justice Center investigators. Registration will open in June and committee members are welcome to attend.

The Justice Center will be hosting a one-day virtual in-service in the fall for all Justice Center staff. In the past, these in-service trainings were targeted toward investigators but this year we will be having sessions that are geared to all Justice Center staff. The agenda for this training will be shared with the committee and members are encouraged to attend any sessions they are interested in.

**Next Meeting
September 22, 2022**