



Justice Center for the Protection of People with Special Needs

KATHY HOCHUL
Governor

MARIA LISI-MURRAY
Acting Executive Director

NYS Justice Center for the Protection of People with Special Needs Advisory Council Meeting Summary April 11, 2024

Advisory Council Members Present: William Gettman (Chair), Veronica Crawford, Norwig Debye-Saxinger, Jason Hershberger, M.D., Ron Lehrer, Glenn Liebman, Joe Macbeth, Tom McAlvanah, Kathy O’Keefe, Jeff Savoy, Euphemia Strauchn

Advisory Council Members Not Present: Walt Joseph, Judith O’Rourke, Mary St. Mark

Justice Center Staff Present: Maria Lisi-Murray, Acting Executive Director; Robert Miller, Executive Deputy Director, Christa Book, General Counsel, Erin Hogan, Assistant Director of Public Information; Davin Robinson, Deputy Director of the Outreach, Prevention and Support Unit; Nadia Chanza, Director of Special Projects; Charlie Pensabene, Director of Intergovernmental Affairs.

I. Justice Center Updates

Leadership Changes

Denise Miranda was appointed by the governor to be the Acting Commissioner of the Division of Human Rights and Maria Lisi-Murray was appointed Acting Executive Director of the Justice Center in March of 2024. Maria joined the Justice Center in 2023 as the Deputy Director for the Office of Audit, Control, and Quality Management. In that role, she oversaw internal audit, internal controls, and quality management. Prior to joining the Justice Center, Maria served as Chief Risk Officer at the New York State Department of Motor Vehicles. Maria is an attorney with more than 20 years of private and public litigation experience in both state and federal courts, most recently as an Assistant Attorney General in the Office of the New York Attorney General. She is also a former police officer/SIU investigator with the City of Binghamton Police Department.

In March of 2024, the Justice Center began reporting to the Deputy Secretary for Public Safety in the Governor’s office. Prior to this, the Justice Center reported to the Deputy Secretary for Human Services and Mental Hygiene. Since the Deputy Secretary for Human Services and Mental Hygiene also oversees the Office of Mental Health and Office for People With Developmental Disabilities, this change in reporting will support the Justice Center’s independent oversight role and will also assist in increasing awareness in public protection agencies, like the State Police, about the special needs of the people under the Justice Center’s jurisdiction. This change will not result in any changes to the Justice Center’s current operations.

Justice Center Summit



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The Justice Center's annual online Summit will be held on April 16, 17, 23 and 24. Sessions offered cover policy updates, trends, and prevention materials. In addition, in-depth sessions on Justice Center programs like TRAIID and SDMC will be available. The event is targeted for provider agencies under the jurisdiction of the Justice Center, individuals receiving services, families, peer advocates and other interested stakeholders. Over 2,000 people registered for the Summit and come from 61 of NYS's 62 counties. This is the highest number of registrants received since the online Summit began in 2022. All the sessions will be recorded and posted on the Justice Center website in early May.

TRAIID

The Justice Center administers the Technology-Related Assistance for Individuals with Disabilities (TRAIID) program which provides access to assistive technology to any New Yorker with a disability through Regional TRAIID Centers. Regional TRAIID Centers provide device loans and hands-on training on assistive technology. The Justice Center's TRAIID director was invited to present at the Pacific Rim International Conference on Disability and Diversity in Honolulu in February and did a presentation with on promoting recreational accessibility that was very well received.

Code of Conduct Recognition Award

The Justice Center is shifting to a year-long celebration of winners of the Code of Conduct award. The Justice Center will still solicit nominations during the normal time (spring/early summer) and select winners in the same manner. Once a quarter, select Executive staff members will travel to one of the winner's work locations and present them with their award, do a meet and greet, and tour the provider agency. Additionally, if there are any certificate winners at the same provider, they too can be involved in this event. This will allow the Justice Center to post regularly on social media and on the agency website, celebrating members of the workforce rather than doing it all once a year. Four to six winners are normally selected which fits into this proposal of once a quarter.

II. Web-based Abuse Prevention Materials and Advisory Council Media Policy

Prevention Materials

The Justice Center conducted an online survey as part of an effort to ensure that the Justice Center's prevention tools are reaching the right audience and that they are useful. The Justice Center received 73 responses and all of them were thorough. The survey offered participants an opportunity to compare older prevention products with newer prevention products.

Most of those responding to the survey appreciated the content and said they would bring the materials back to their supervisors and treatment teams to use for training and there were many who were not aware that these materials were available and were excited to use them. Suggestions to improve the materials included using more visuals instead of text and developing downloadable posters for programs to use and share with staff. Those responding to the survey also made suggestions for additional topics including self-harm and fall prevention.

Two new prevention tools have been added to the Justice Center's website; a systemic review of inappropriate supervision findings at OCFS licensed programs and a prevention blog. The link to the systemic review is [here](#) and the prevention blog can be found [here](#).



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Advisory Council Media Policy

Members were reminded that all advisory council emails are private and should not be shared with members of the media or any external audiences. If a member receives a media inquiry related to the Justice Center, they should share the inquiry with the Justice Center's Communications unit.

III. Committee Reports

Legislation and Regulations

At the time of the meeting, the state budget had not yet passed the legislature. Both the Senate and Assembly budget bills included the Governor's proposal for increased funding for more Justice Center staff. One of the items included in the Governor's budget proposal is a technical "clean-up" bill that would amend the standard for the cases referred by Justice Center to the Office of the Medicaid Inspector General (OMIG). The *Protection of People with Special Needs Act* requires that the Justice Center forward information to the OMIG and this proposal seeks to clarify exactly what the Justice Center sends. When the Justice Center began operations over ten years ago, the Justice Center sent all Category 1 and 2 substantiated cases to OMIG and we have changed this to be only Category 1 substantiated cases that have been fully appealed. This legislative proposal would codify that. The Senate included this proposal in their budget bill but the Assembly did not.

The Governor's office has also advanced the Justice Center's Departmental proposal that would make checks of the Statewide Register of Child Abuse and Neglect optional for abuse and neglect investigations to the legislature. Under current law, this check is required for every case and delays investigations even though it is not relevant for most investigations.

Workforce Issues

The committee met in March. In addition to the change to the presentation of the Code of Conduct awards, the workforce issues committee received an update on the OPWDD E-Badge Credentialing grant and the state budget.

E-Badge Academy

Joe Macbeth provided an update on the three-year grant NADSP received to credential staff in voluntary OPWDD agencies. The goal of this project, the E-Badge Academy, is to introduce a career pathway that will help increase job satisfaction and retention among the workforce and improve outcomes for people receiving services. OPWDD has extended the contract from October 31, 2024, to October 31, 2025.

So far there have been 1,200 E-Badge learners who are DSPs and 400 learners who are front-line supervisors in NYS and 1,250 certificates have been awarded. As part of the grant (funded through federal ARPA funds), workers receive a one-time bonus that ranges from \$500 to \$2,250. Currently, NADSP reimburses provider agencies for these bonuses at the end of each quarter. This funding is also supporting a collaboration between SUNY and OPWDD that allows SUNY students to take a micro-credentialing course and earn up to \$750 for completion. Students enrolled in this program do not have to pay for the course because federal ARPA funds pay for it. This program will continue through 2028 and will be available on 21 campuses and will hopefully provide a pipeline for additional DSPs.

An agency in Long Island that is licensed by OPWDD and OMH recently signed a contract with NADSP to include the workers in the program licensed by OMH to receive E-Badges. While the E-Badge is based



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on federal CMS core competencies, the federal AARPA funds can only be used for services that are funded by Medicaid, so OCFS providers are not eligible to receive these bonuses for their staff.

The program is being evaluated and it is hoped that a permanent source of funding can be found for this credentialing. More information can be found on the NADSP website at: <https://ebadge.nadsp.org/>.

During the April 11, 2024, Advisory Council meeting, Joe Macbeth shared the survey results NADSP has received to date and so far, over 90 percent of the direct support professionals who have gone through certification state that the process is worthwhile and has helped them in their job. Mr. Macbeth also stated that on April 15, U.S. Senators Casey, Kaine and Baldwin will introduce the “Long-term Care Workforce Support Act”. The intent of the proposed legislation is to stabilize, grow, and support the direct care professional workforce to ensure a strong, qualified pipeline of workers to provide needed services to older adults and people with disabilities. This bill was introduced and is S. 4120.

2024 State Budget

The Senate and Assembly budget included a 3.2% COLA for the workforce but limited this increase to staff who have caseloads and can not be used for supervisory staff. Advocates are requesting that provider agencies receive more flexibility in using the COLA.

Abuse Prevention

This committee met in April and received an overview of a recently completed systemic review of Driving Related Offenses in OPWDD State Operated Programs. One of the key findings of the review was that although the camera system installed in agency vans used to transport people receiving services was effective in identifying unsafe driving and acts of abuse or neglect, the cameras were not monitored after business hours which resulted in staff who had exhibited unsafe driving or other acts of abuse and neglect being allowed to continue to drive until the video was reviewed, sometimes days later. This delay puts others at risk and OPWDD accepted the Justice Center’s recommendation to monitor the video during evenings, weekends and holidays. The Justice Center also found that staff at the different sites visited were following different and/or outdated driving policies. OPWDD has created and updated one comprehensive policy to address this. The complete review will be posted on the Justice Center website. Members of the committee believed that there were many takeaways for all state oversight agencies in this review.

Investigator and Law Enforcement Training

The committee met in April and in addition to discussing the Justice Center Summit, the committee received an update on the in-person training for all Justice Center staff that will be held in October.

The Justice Center is once again offering disability awareness training to law enforcement agencies in New York State. In addition to the 6-hour training curriculum that follows the New York State Division of Criminal Justice Services (DCJS) Basic Course for Police Officers guidelines, the Justice Center is working on 2-hour training for refresher training.

This training is intended to assist law enforcement officers in identifying persons with disabilities and interacting with them in respectful and effective manner. The training will also provide an opportunity to increase awareness about the Justice Center with local law enforcement agencies. To aid in that



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endeavor, one of the Justice Center’s criminal investigators has joined the training unit to provide the training and to reach out to law enforcement agencies and encourage them to take advantage of this free training. This investigator is a former police officer, and it is hoped that this background will help more local law enforcement agencies take advantage of this opportunity.

**Next Meeting
June 20, 2024
Via Webex**