



# NYSILC NEWS BRIEFS

The New York State Independent Living Council (NYSILC) is a champion of systemic change promoting opportunities and full participation in all aspects of society for people with disabilities.

Volume 14 Issue 2

Winter 2011

## Health Commissioner Endorses Community First Choice Option

*Albany, N.Y. (March 18, 2011)* – State Health Commissioner Nirav R. Shah, M.D., M.P.H., today endorsed the Community First Choice Option offered to states as part of federal health reform. This option will allow states to offer enhanced personal care services to help disabled and elderly New Yorkers stay in their homes.

“Allowing disabled and elderly New Yorkers additional options to stay in their homes is consistent with Governor Cuomo’s goals,” Commissioner Shah said. “This new federal opportunity will help New York reform its Medicaid program while at the same time empower elderly and disabled individuals to stay in their own homes.”

The Community First Choice Option would provide a 6 percent enhanced federal payment under Medicaid for certain types of home and community-based attendant services and supports. The program

must be offered throughout the state in the most integrated setting appropriate to individuals’ needs.

Dr. Shah said Governor Andrew M. Cuomo has asked him to take all necessary steps to prepare New York to make use of the new care option. Action will include establishing a development and implementation council, whose membership must consist primarily of elderly and disabled individuals and their representatives.

“Patient-centered and patient-directed care needs flexibility to work, which Community First Choice will help provide,” Dr. Shah said. “This is an opportunity to rethink the way New York supports its elderly and disabled population. We look forward to implementing this new concept.”

The Community First Choice option expands on New York’s current consumer directed personal assistance program (CDPAP), in which Medicaid patients are supported in their desire to live in their community by specifying the types of care and support they require.

Governor Cuomo has directed Commissioner Shah to take all necessary steps to prepare New York to make use of the new care option. Action will include establishing a development and implementation Council, whose membership must consist primarily of elderly and disabled individuals, and their representatives♦

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## Advocates Rally Results in Victories

By Patty Black

On March 15, 250 disability rights advocates from across New York State came to Albany for the “**Defending our Freedom**” rally. These advocates, who were organized by NYAIL, CDPAANYS and ADAPT, gathered to protest the negative impact of proposed Medicaid budget cuts and the potential positive impact from pursuing policy proposals. As the advocates in their bright orange t-shirts were chanting in the War Room, Lieutenant Governor Duffy came out to speak to the group for Governor Cuomo. Intense negotiations with the Governor’s staff combined with the rallying culminated in these three big victories for the disability rights community:

- The Lt. Governor announced New York’s intention to apply for the Community First Choice Option (see lead story)
- Regulations for the Consumer Directed Program (CDP) were set to be promulgated by early April
- The administration’s commitment to work with advocates as the Medicaid redesign process moves forward♦



## Public Policy Committee Crafts NYSILC Agenda

By Joe Adler

The Public Policy Committee has been meeting monthly since last Fall to formulate a legislative agenda for submission to the Full Council in May of this year. With the addition of several enthusiastic members, including our new Chair, Shelly Klein, we have been identifying items that are also priorities with other disability organizations. The subject areas of this proposed legislation include education, civil rights, housing, transportation, employment and health care. In the area of education, we learned that several state bills, including the addition of Disability History Awareness to the NYS Curriculum, the reductions/prohibition of restraints in educational systems, and the banning of the use of Electro-Convulsive Therapy (ECT) on youth under the age of 16 have already been endorsed by the statewide Youth Power! Organization.

Public Policy Committee members have also examined the legislative agendas of such national organizations as the National Council on Independent Living (NCIL), The American Association of Persons with Disabilities (AAPD) and ADAPT. The Convention on the Rights of Persons with Disabilities (CPRD), another major initiative supported by numerous national and state organizations, is an international treaty that advocates are looking for the U.S. Senate to ratify this year. The reauthorization of the Rehabilitation Act of 1990 (which has not been reauthorized since 1998) with amendments which will maximize the impact and potential of the Independent Living Program, is a priority for many American-centered disability organizations. For those of us who work in Independent Living, and/or benefit from the services provided by the CILs or SILCs, it is imperative that this reauthorization includes changes to restore the consumer-control and original intent of these programs. To support these changes

and to empower the community to be in control of their networks, Congress must include the transition of oversight from the Rehabilitation Services Administration (RSA) to a new Independent Living Association. (Please refer to the following link on the NCIL website:

<http://www.ncil.org/news/July2010PolicyPriorities.txt>). Please contact Shelley Klein at [accwest@aol.com](mailto:accwest@aol.com) if you are interested in

joining in the meaningful work of this committee. Both Council members and non-members are eligible for membership. There are monthly meetings, usually by teleconference, and some work assignments are given out between meetings♦

### **State Rolls Back Voting Rights for Disabled**

*By Lisa Tarricone (Reprinted from The Journal News, Westchester, Rockland, Putnam)*

In October 2006, I testified before the Westchester County Board of Legislators to oppose its resolution to maintain lever voting machines at all polling places throughout the county. That night, a large contingent from the disability community also came forward to protest the county board's assertion that the lever machines had proved reliable, user-friendly and cost-effective. We argued that the lever machines have not proved user-friendly to voters with varying types of visual, mobility and cognitive disabilities. We told the board that voters with visual disabilities are not able to read the ballots, voters with limited mobility capacity are not able to reach and-or operate the levers, and voters with certain cognitive limitations are not able to visually focus on the ballot style associated with the lever machines.

Apparently, Assemblyman Tom Abinanti, who was a county legislator at the time, wasn't listening that night. Mr. Abinanti, along with several of his Westchester colleagues in the Assembly, co-sponsored a bill, recently signed by Gov. (Andrew) Cuomo, (that allows) villages, special districts, improvement districts and

library districts to use inaccessible lever machines or hand-counted paper ballots at their option during the upcoming elections. The "Fiscal Implications" section of Bill A.3093/S.3216 states that villages "will receive significant savings if the Bill is enacted," relieving them of the "high cost associated with the use of the new scanning machines."

It is disappointing that our elected officials continue to put a price tag on the hard-won right of persons with disabilities to a private and independent vote. In 2009, Westchester County legislators petitioned then-Gov. David Paterson to maintain the lever machines within polling sites despite the implementation of accessible voting systems (optical scan machines) throughout the state to comply with the federal 2002 Help America Vote Act (HAVA). HAVA requires that voting systems "be accessible for individuals with disabilities...in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters." "Replacing the lever voting machines is very costly," stated then-county Legislator Abinanti in support of the 2009 petition.

Assembly and Senate legislators shamefully and swiftly passed Bill A.3093/S.3216 last month without public notice or the opportunity to comment. It is regrettable that Gov. Cuomo signed this legislation that will allow most of the Westchester villages holding elections Tuesday to use inaccessible lever machines.

The NYS Conference of Mayors issued a statement thanking the governor for recognizing "that these changes make sense for village voters as well as village taxpayers." Unfortunately, these changes do not make sense for NY voters with disabilities, who are also taxpayers and who also vote in their village elections. Bill A.30393/S.3216 should not be extended past its sunset date of December 2010, and villages should begin now to make plans to provide accessible elections in the future♦