

MEMORANDUM OF SUPPORT

S.4871-B (Fahy) and A.7465-B (Buttenschon)

An act to amend the mental hygiene law, in relation to the duties of the independent developmental disability ombudsperson program

The Arc New York supports legislation to modify the duties of the independent developmental disability ombudsman program. The measure, S.4871-B (Fahy) and A.7465-B (Buttenschon), adds some necessary components to the statutorily designated ombudsman program and puts in place a protection to ensure that conflicts of interest do not arise.

In 2023, the independent developmental disability ombudsman program was established in NY Mental Hygiene law to help New Yorkers with IDD successfully navigate the system of supports and services, ensure that people have access to such supports and services and preserve their rights.

The Arc New York firmly believes that the role of any ombudsman program, in publicly funded human services systems, is essential. Oftentimes people with IDD and their families face challenges with understanding systems simply because structures that are in place to access services are complex, difficult to understand, and can involve numerous layers of bureaucratic requirements and foreign terminology. The ombudsman program provides people with IDD with information about the system that's helpful to them based on their needs and assist with complaints and grievances.

For context, we commend the Legislative and Executive branches of government for authorizing the independent IDD ombudsman program. This was hard fought for. We're pleased that the NYS Office for People with Developmental Disabilities (OPWDD) embraced the notion of an Independent Developmental Disability Ombudsman Program. Through an RFP process, OPWDD selected Community Service Society (CSS) of New York in 2024.

CSS is charged to provide independent, conflict-free Ombudsman services to assist people with IDD and act as a resource and advocate for people and families as they navigate OPWDD programs. To its credit, CSS has worked diligently to inform stakeholders with informational meetings about how they are able to assist people with IDD.

Importantly, S.4871-B (Fahy) and A.7465-B (Buttenschon) are important pieces of legislation to further strengthen and clarify this ombudsman program, allow it to be more accessible, and to ensure important conflict-free protections. Specifically, the bills establish a service delivery structure based in New York state, which includes a toll-free telephone hotline, interactive website, and would make ombudsman staff and/or volunteers available to people with IDD through telephone or email.

The measure provides people with IDD the ability to access assistance with paperwork, documentation, filing appeals, preparing appeals and also representing people in hearings and appeals concerning adverse

benefit determinations. The legislation also includes an information component for people with IDD on their rights and responsibilities with respect to accessing services provided by OPWDD, care coordination organizations, or services by providers. It also requires the publishing of an annual report, which should be posted on the Ombudsman and OPWDD website.

People and families sometimes need help and assistance. They can be frustrated with not understanding how the system works and need an independent, go-to resource to assist with the process that is accessible and comprehensive.

About The Arc New York

The Arc New York is a family-led organization that advocates and provides supports and services to people with intellectual, developmental, and other disabilities, emphasizing choice and community engagement. With 34 Chapters across New York state, our organization supports more than 50,000 individuals and families and employs more than 30,000 people statewide.

The parents who created our organization were among the earliest advocates for quality services and opportunities for people with intellectual and developmental disabilities (IDD). With over 75 years since our founding, we have witnessed – and at many times driven – massive transformation and progress in our field.

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