

Memo of Opposition

S.4838 (Hannon)/A.7258 (Goldfeder)

AN ACT to limit the reduction of the mental health census of adult homes and to establish a workgroup.

On behalf of the Schuyler Center for Analysis and Advocacy, we have set forth below our concerns over the above-referenced legislation that would interfere with the State's efforts to find permanent and more appropriate housing for persons with psychiatric disabilities that currently reside in adult homes. The Schuyler Center is a 141-year-old statewide, nonprofit, policy analysis and advocacy organization working to shape policies that improve health, welfare and human services in New York State.

The Issue:

There is widespread consensus that residents of adult care facilities who have psychiatric disabilities deserve a range of housing options in the community. Although adult homes were originally designed for elderly New Yorkers who are no longer able or choose not to live on their own, now nearly 40% of adult home residents have a psychiatric diagnosis.

Few populations have waited so long or been studied as much as adult home residents with psychiatric disabilities. Discussions about assisting adult home residents with psychiatric disabilities to move into alternative housing go back decades. The 2002 Adult Care Facilities Workgroup report noted that "a large percentage of adult home facilities are profitable" and that "6,000 of the residents with psychiatric disabilities could reside in a more integrated setting" (http://www.health.ny.gov/facilities/adult_care/). The residents are still waiting.

There are now funds, regulations, and a process in place to help adult home residents with psychiatric disabilities who *choose* to move to community housing. It is expected that the funding for community housing will be available both in New York City and upstate.

Our concerns with the legislation are as follows:

- **Legislative action should not slow down or stop adult home residents from moving to more appropriate settings.**
- **The Executive is already moving forward to create an Adult Home Workgroup; invitations were issued in the first week of June 2013.**
- **Transitioning to ALP is not a simple solution. Exempting from regulations adult homes that have a certain percentage of assisted living program (ALP) beds is a mechanism to reduce the number of the numbers of adult homes that are subject to regulations and residents who move to community housing. A June 2007 study by the Commission on Quality of Care (CQC) identified concerns about the cost effectiveness of the ALP program, the needs assessment process of the program, and substantive disparities between level of need ratings and plans of care and between plans of care and actual services provided. This legislation delays the adopted regulations until after the ALP program is expanded.**

- **Hospital discharges to adult homes.** The legislation includes language about permitting, rather than prohibiting discharges from inpatient psychiatric centers or Article 28. We are concerned about replenishing adult homes with new individuals for whom this is not the best setting. The language should be more rigorous about exhausting all other options.
- **Assessments.** Requiring that an assessment has to be performed by a managed long term care provider or a health home is restrictive and problematic with regard to capacity and timing.

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