

## **NYPWA All Commissioners' Meeting Summary**

as held on June 15, 2023

*Sarah Merrick, NYPWA President*

NYPWA President Sarah Merrick and Executive Director Paul Brady opened April's hybrid All Commissioners' Meeting by welcoming everyone attending in-person and on WebEx.

### **2023 Legislative Session Stumbles Across the Finish Line**

The 2023 Legislative Session—originally scheduled to end on June 8—was extended to the early morning hours of Saturday, June 10 for the NYS Senate. The Assembly did not complete their work until June 21. Information about legislation passed by both houses and now awaiting delivery to the Governor for review can be found in the June 11<sup>th</sup> edition of the *Quickie Report*. A more complete NYPWA Legislative Summary will be made available prior to the Summer Conference. Please note, the bill ([A.5394/S.6720](#)) related to orders of post-termination visitation and/or contact between a child and such child's parent was passed by the Assembly on June 21. The bill is identical to one that Governor Hochul vetoed in 2021 and the NYPWA will share its continued opposition to the legislation with the Governor's Office once it is delivered—likely sometime later this year.

### **Temporary Assistance/Housing/SNAP/Medicaid**

#### *Homeless Housing/Code Blue Workgroup*

The Homeless Housing/Code Blue Workgroup held a virtual meeting on May 8 to further identify priority homeless issues and potential solutions. The next workgroup meeting is scheduled for June 26. During the May meeting, OTDA informed us that OMH & OASAS have reissued an RFP for regionalized Supportive Crisis Stabilization Center grants. They are looking to develop one center in the Central NY Economic Development Region (Cayuga, Cortland, Madison, Onondaga, Oswego) and one center in the Finger Lakes Economic Development Region (Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming, Yates). Information on this RFP can be found here: <https://omh.ny.gov/omhweb/rfp/2023/scsc-reissue/scsc-reissue-rfp.pdf>

Commissioners expressed concerns over the lack of state guidance on Code Blue cap allocations (i.e., what happens if cap is exceeded?). Commissioners also highlighted the following difficulties:

- Migrant crisis: lack of communication exists between federal (Homeland Security?)/state/local that is creating confusion and tension.

- Outside vendor (DocGo) utilized by NYC to handle migrant lodging, social services and food...but communication has been poor and the long term support for the migrants (i.e., longer than 4 months is uncertain).
- Be aware of vaccination and work status (some employers taking advantage of migrant workers, whose final immigration status could be impacted without a work permit).
- OTDA needs to become more involved
- Housing those who exhibit aggressive and troubling behaviors—especially those who have burned bridges with available local housing providers.
  - Providers struggle to find staff and ensure the safety of employees and clients.
- Dealing with those who acquire a hotel/motel room but fail to show—wasting a room that could go to someone else.
- Disparity between serving homeless during Code Blue months.
- Viability of regional shelters, unused jail space, etc.—challenge of serving those who do not want to leave the communities they are from; staffing would still be a concern.
- How to best serve homeless presenting with medical concerns

## Medicaid

### *Notification of Weekly Shares*

Commissioner Kira Pospesel (Greene) provided an update on the recent DOH letter sent to districts concerning the upcoming adjustment to mandatory Medicaid Weekly Shares contributions and the table that was attached. It seems to present different expectations about what districts may be required to pay during the first quarter of 2024. The letter indicates that during SFY 2023-24, 75% of the ACA eFMAP will be used to reduce Weekly Shares—with that percentage falling to 50% for SFY 2024-25 and 0% in SFY 2025-26. However, the table shows that during the first calendar quarter of 2024, districts may be expected to pay a full amount of the annual statutory cap each week, reflecting no eFMAP credit – as if eFMAP sharing was being phased out over just 9-months, instead of multiple years as the letter described. The fiscal administrators association has reached out to DOH for clarification.

Commissioner Pospesel recommended budgeting using the statutory cap because it may take some time before things are clarified.

## Services

### *APS Staffing Survey*

Commissioners recently received a communication from Shelly Fiebich (Bureau of Adult Services, OCFS) asking for very detailed information related to local Adult Protective operations staffing for the years 2019-2023. The request is predicated on a Comptroller's Office 2021 [audit](#). At no point in the audit report does the Comptroller's Office raise the question of staffing at the local district level. In fact, the only real findings pertaining to districts relate to the timely

entry of progress notes. For the most part the report focuses on the frequency of program reviews conducted by the State, the submission and monitoring of corrective action plans for counties found to be deficient, and the reliability of data found in the ASAP system.

Compiling this information would be very time-consuming, and it may be information OCFS can already access. Attached to this summary is a list of questions from the Comptroller's Office to OCFS regarding what is being sought—it was shared with us by a fellow Commissioner.

### *Intersection of Adult Protective Services and Supported Decision-Making*

OCFS recently released a new LCM ([23-OCFS-LCM-10](#)) intended to “provide clarification of the impact of the amendments to the New York State Mental Hygiene Law...regarding the requirements of supported decision-making agreements as it pertains to the provision of adult protective services (APS) in local departments of social services (LDSSs).”

According to Mark Maves (Counsel to the NYPWA), the actual statute has not gone into effect because it requires OPWDD to first promulgate official regulations. OPWDD has not established regulations to date—and there will likely be much more in the regulations than what is in the OCFS LCM. The LCM only addresses what these “supported decision making” agreements mean in the context of assessment and eligibility—that is, even if one of these agreements exists it does not mean that the subject of the APS referral has someone who is actually “willing and able to assist the adult responsibly”—which is a primary APS eligibility criterion. Left unaddressed is that the statute also says that if APS has found that a proposed “supporter” has been found by APS to have neglected, abused, and/or financially exploited the “decision-maker” (as defined in SSL 473) they are disqualified from being a “supporter.” This ignores the fact that unlike CPS, there is no APS state register, nor is there any standard of evidence for an APS determination of neglect, abuse, or financial exploitation. The NYPWA team will be monitoring the status of the impending OPWDD regulations.

### *IMD Update*

The State OCFS/SDOH convened a meeting of stakeholders on June 16<sup>th</sup> to discuss the 1115 Waiver to be submitted relative to the Institution for the Mentally Diseased (IMD) issue impacting voluntary childcare agencies. Besides OCFS and DOH other state agencies in attendance were OPWDD/OMH/OASAS. From the provider side, COFCCA and member organizations were in attendance as were county representatives from Monroe and Westchester counties. NYPWA also participated in the meeting, which is the first in a series to be held as a requirement of the 1115 waiver process. If granted the waiver would permit QRTP programs to continue to receive Federal Medicaid dollars for services rendered to youth placed in the program for the duration of the waiver. One of the requirements of the waiver is that the average length of stay cannot be longer than 30 days, and the maximum length of stay cannot be longer than 60 days. OCFS does not currently have data which would indicate current lengths of stays but will be providing that data in the near future. Preliminary conversations have just begun around what services would be needed in the achieve compliance.

## **The Summer Conference is Just Around the Corner!**

The NYPWA Summer Conference (July 16-19) will be here before you know it...see everyone soon!

## **Upcoming Events**

NYPWA 2023 Summer Conference (Saratoga), July 16-19

All Commissioners' Meeting (Albany), September 14

Policy Forum – October 11 & 12