

Testimony for the New York State Attorney General
January 19, 2023

Western New York Independent Living [WNYIL], in addition to being the independent living center within the western region of the state serving the needs of persons with disabilities, is the premier peer-led agency for the provision of peer services through our Mental Health Peer Connection [MHPC] program for over 25 years. We thank the Attorney General for her commitment to the improvement of the mental health service delivery system, and we were pleased to attend this week's hearing.

At the outset, WNYIL supports efforts that the Governor is making to invest in the mental health delivery system. We were very pleased to see, at the Buffalo hearing, that there were more requests for peer and community services than the deliberate increasing in beds. This is consistent with our agency's philosophy on deinstitutionalization – that services in the community being both cheaper and more effective than inpatient services. We are looking for support of the Attorney General to help assure that the Governor's efforts are balanced to both restore the inpatient services lost by the pandemic while protecting the right of persons with mental health issues to have services in the Most Integrated Setting (consistent with the Olmstead Decision of the US Supreme Court).

Referring to the Comprehensive Psychiatric Emergency Program [CPEP], WNYIL believes that the current situation is untenable and needs immediate action. The comparison to the Willowbrook State School during the hearing should highlight the severity of the problem. Consumers have told MHPC staff they are afraid, and that they would rather stay in situations where they are at risk to crime or violence rather than go to CPEP. That having been said, we also understand the problem is also in the failure of systems and availability of services that appear to make CPEP the only apparent option. We make the following recommendations for system improvements:

- As a partner in the Kirsten A. Vincent Respite and Recovery Center, we believe that the flexibility of the services will be a key to the program's success. The State should consider this an initial investment, and should expand the program as part of the Governor's investment Plan.
- WNYIL recognizes the staffing crisis mentioned during the hearings. The same crisis exists throughout the disability and social service spectrums, from Personal Care Attendants to Direct Service Professionals (for persons with Developmental Disabilities). We must plan in the long term to support living wages for staff so that they remain in the mental health and disability support systems, and not lost to higher paying jobs in other industries, including private practice.
- The system must assure that services are available when the consumer needs them most, including on nights and weekends.
- Peer services, by their very nature, think about how an individual experiences recovery from a first-person perspective, and try to build plans with consumers and families to avoid crisis needs. They can be an important part of the solution. However, the billing systems are overly restrictive, and not allowing the peer-programs the flexibility and creativity they require to promote effective recovery and crisis diversion, which would reduce the need for medical-model programs like CPEP. The system must support the ability of peer programs to bill directly to Medicaid rather than those programs being tied to traditional providers.

- Lastly, the coordination with the Office of Addiction and Substance Abuse Services [OASAS], the Office of Mental Health [OMH], and the Office of Persons with Developmental Disabilities [OPWDD] must be more substantial than the hearing comments may appear. WNYIL has many stories of individuals being denied Mental Health Services due to a diagnosis of a developmental impairment, and vice versa. Indeed, local officials have blamed some of the problems with CPEP on “dealing with members of the DD population.”

WNYIL remains committed to assisting the Attorney General by providing any information and assistance that the office may require. Please feel free to contact me with the information below should you need any additional information.

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