



Toll free  
877-399-4867  
[www.vor.net](http://www.vor.net)

Executive Director  
Julie M. Huso  
836 S. Arlington Heights Rd. #351  
Elk Grove Village, IL 60007  
605-370-4652 Voice  
605-271-0445 Fax  
[jhuso@vor.net](mailto:jhuso@vor.net)

Dir. of Govt. Relations & Advocacy  
Tamie Hopp  
PO Box 1208  
Rapid City, SD 57709  
605-399-1624 Voice  
605-399-1631 Fax  
[thopp@vor.net](mailto:thopp@vor.net)

Washington, D.C.  
Larry Innis  
529 Bay Dale Court  
Arnold, MD 21012-2312  
410-751-1VOR Voice/Fax  
[LarryInnis@aol.com](mailto:LarryInnis@aol.com)

June 8, 2011

FOR IMMEDIATE RELEASE

CONTACT: Tamie Hopp, 605-399-1624; [thopp@vor.net](mailto:thopp@vor.net)

## National Organization Calls for Immediate Reform As Breakdown of New York System for People with Disabilities Becomes Apparent

VOR was deeply saddened to read yet another article in the New York Times about New York State's failure to serve its citizens with disabilities. (Danny Hakim, "A Boy's Death and a System in Disarray," *New York Times*, June 5, 2011; *see also*, Hakim, "At State-Run Homes, Abuse and Impunity," *New York Times*, March 12, 2011; and Sulzberger, "Judge Orders New York to Mentally Ill Out of Large Housing," *New York Times*, March 1, 2010).

As a national advocacy organization, VOR supports individuals with intellectual and developmental disabilities and their families. The people we represent are served in all types of care settings, from family homes to community homes to licensed facility-based homes (ICFs/MR). VOR is uncompromising in our support of the principle that a continuum of quality care options is necessary to meet the vast array of individual needs across the disability spectrum. We are no less uncompromising in our support for high quality care in all settings. The happiness, well-being and very survival of the individuals depending on these services require nothing less.

Based on the *New York Times* articles, New York has failed across the board. From the privately-operated "Adult Homes," which a federal court found to be violating the rights of 4,000 people with mental illness, to the state-operated group homes and developmental centers, thousands of New York's most vulnerable citizens were victim to the systemic failures of New York's Office for People with Developmental Disabilities.

The questions foremost for VOR are, "How did New York's system become so broken?" and "Where was the federal oversight?" Two federal agencies were already investigating other aspects of New York's broken system. The U.S. Department of Justice (DOJ) has been involved in a federal case on behalf of adult care home residents, and does have the authority to investigate conditions of care at state-operated developmental centers (in recent years, DOJ has been especially aggressive in its investigation of state operated institutions).

In addition, the U.S. Department of Health and Human Services' Centers for Medicare & Medicaid Services (CMS), conducts annual inspections of ICFs/MR. If the New York Developmental Centers are licensed ICFs/MR – and we suspect they are – CMS is required by law to inspect the facilities once per year and immediately, upon knowledge of a "substantial allegation of noncompliance" that impacts the residents' health and safety. A CMS investigation with regard to the state's Medicaid payments for Developmental Centers was pending, but we have no knowledge of a "conditions of care" investigation.

VOR would caution advocates and state and federal officials to avoid the temptation to use the New York *exception* to justify the elimination of any quality service option. One should no more support the elimination of community group homes in light of the expose "At State-Run Homes, Abuse and Impunity" than one should use New York's broken system as justification for eliminating state operated ICFs/MR. Given the vulnerabilities of the residents, their families and legal guardians take great comfort in the magnitude of state and federal oversight applied to the ICF/MR program. As a result, the quality of care in ICFs/MR is, typically, exceptional.

Those responsible for the apparent complete breakdown that occurred in New York State must be held accountable and the problems fixed immediately. At the same time, we must recognize the situation in New York is the exception and keep our eye on the ball – providing quality care for people with intellectual and developmental disabilities in a full range of service options.