



# Coalition Briefs

A SEMI-MONTHLY UPDATE ON COMMUNITY MENTAL HEALTH IN NEW YORK

## City Council testimony

Executive Director Phillip A. Saperia offered testimony before the January 15 oversight hearing of the City Council's Subcommittee on Mental Health, Mental Retardation, Alcoholism and Drug Abuse Services. Referring to Kendra Webdale who was killed in the recent subway pushing violence, he said "I speak for all of The Coalition's members when I say that we are greatly saddened by the tragedy that befell (her). Her death was a senseless end to a life of great promise. Our hearts go out to her family and friends.

Admonishing officials to be cautious about the conclusions drawn in the wake of the accident, Saperia repudiated the vicious headlines found in City tabloids that sensationalized the incident, inflamed feelings yet added "only to the stigma against mental illness." Andrew Goldstein too, he asserted, "was a victim of a debilitating disease and a system that failed to provide him with the care that he so desperately needs."

Citing evidence including the recent NYC Involuntary Outpatient Commitment Pilot Program, the Coalition demonstrated the success of community treatment along with supportive services in helping people with mental illness remain compliant with medicines and live productive lives." In closing his testimony, Saperia pleaded for more residential beds, day treatment slots, clubhouses, ACT teams, supportive case managers, intensive case managers and peer counselors: "Find a way to increase the funding of the community-based mental health system so that it keeps pace with inflation...require real discharge plans from prisons and hospitals...help close the holes in the mental health safety net."

Copies of the testimony are available on the web page or by phoning The Coalition. □

## Proposed new rules for non-therapeutic medical experiments on people with mental illness

A State Health Department advisory panel's proposal of new rules for permissible non-therapeutic medical research experiments on persons with mental illness who are unable to provide informed consent is generating controversy. Under the rules promulgated by OMH in 1990 (which were invalidated in early 1998 by the courts in *T.D. vs. OMH*; there are currently no applicable regulations) there are two categories of experiments: (1) minimal risk and (2) greater than minimal risk. Consent of a family member or close friend is required for participants in studies for which there is more than minimal risk. Under the proposed rules, there would be different threshold requirements for each of three categories of risk for human experiments: (1) minimal risk (2) minor increase over minimal risk and (3) more than minor increase over minimal risk. The ethics board of an institution seeking to do such experiments would determine the category of the individual case.

In what would be a strengthening of current protections, patients in the greatest risk category could enroll in such experiments only if they had agreed to participate before falling ill or had designated someone as their proxy. "We commend that...It's exactly what we have fought for," said New York Lawyers for the Public Interest's (NYLPI) Ruth Lowenkron. However, advocates for persons with mental illness, including NYLPI in New York City and Disability Advocates in Albany, see great problems with the middle-risk category, in which a legal guardian, court, family member, or close friend could enroll patients without their consent.

Dr. Herbert Pardes, chairman of the advisory group and dean of the faculty of medicine at Columbia University's College of Physicians and Surgeons, defended the proposed rules as striving for a balance in "safeguarding people's rights but also making sure that good, important research was not blocked." State Health Department spokesman John Signor stressed that "This was not a Health Department report, not a Health Department plan...It is a draft report, and these recommendations haven't been implemented."

Elected officials have also begun to get involved. Governor Pataki declared that "the Health Department will act responsibly and will listen very carefully, not just to the panel that recommended this but to the critics of the panel as well." Assembly Speaker Sheldon Silver has asked the Mental Health and Health Committees to begin a double-barreled probe, which will in all likelihood result in a response to the report for OMH. This issue is well known to the legislators involved. Both Committee Chairmen, James Brennan and Richard Gottfried (with their counterparts from the Senate, Thomas Libous and Kemp Hannon), wrote the Commissioners of DOH and OMH in May 1997 to request "the opportunity to open a dialogue...to ensure that New York remains a leader in research while protecting the civil rights and civil liberties of each person."

The State Health Department invites public comments on the advisory panel's report, "Recommendations on the Oversight of Human Subject Research Involving the Protected Classes," until March 1, 1999. Copies of the report are limited, but may be obtained from Sandra Hass at DOH by calling (518) 402-0976. □

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## NY/NY II...we hope

The negotiations between the City and State over a second New York/New York Agreement seem to have reached something of an impasse. A January 2<sup>nd</sup> *New York Times* article described a "breakdown in negotiations...over the scope of the program and the size of the State's contribution." These problems have, according to the *Times*, "left plans to expand the program in limbo." There seems to be an unwillingness on the part of the state to go beyond the \$40 million appropriated last year by the legislature.

Apparently the State does not want to put up the operating funds, roughly \$6 million per year to maintain the housing. Section 8 rent subsidies carried it the first time around, but that money is no longer available. The eligibility issue is apparently also causing some contention. The State seems to have heard the argument we have been making about expanded eligibility requirements and wants the housing to be available to people coming out of State psychiatric hospitals who are at risk of homelessness,

whereas the City wants to keep the same strict eligibility standards that were in place for the first agreement.

The Campaign for a Second New York/New York Agreement is not taking the news sitting down. Campaign chairman and **Community Access** Executive Director Steve Coe indicates, "We are working on a press conference and a rally in Albany and we will be meeting legislators and the business community to move the case forward. We're pressing forward on the economic arguments. Aside from the human and humane benefits, there is a strong economic argument that is not fully appreciated." The First New York/New York Agreement is credited with reducing homeless shelter occupancy by nearly 2500 people per night. That translates into a savings of over \$50 million per year.

The Coalition will continue to press for a second New York/New York Agreement to provide 10,000 units of supported housing for people who are homeless or at risk of homelessness. Keep an eye on your fax machines, Action Alerts are on the way. □

## Albany bound

The Coalition will once again join forces with the New York State Council for Community Behavioral Healthcare for a lobby day. Mental Health providers from all over the State will pour into on Albany on March 8<sup>th</sup> and 9<sup>th</sup> to make our case to the legislature and Governor's office. More information will follow so make sure to clear your calendar. □

## More technical assistance

Moving to rapidly professionalize its well received managed care technical assistance programs, The Coalition has printed a spiffy new curriculum guide to its entire managed care education series. Wide distribution among members and other interested agencies is expected, as are other brochures to reflect a growing curriculum. □

## Children's SNP Developments

Marilyn Kneeland represented The Coalition at a January 6<sup>th</sup> Albany meeting of the NYS Office of Mental Health Children's SNP Advisory Group. OMH is completing analysis of the responses to the Child and Adolescent SNP RFI (Request for Information), and this information should be available very soon. OMH has initial approval for an RFP for a consultant on the Children's SNP data book and rate-setting, and OMH and the Conference of Local Mental Hygiene Directors are seeking foundation funding for data collection.

Marcia Fazio, OMH Director of Children's SNPs, also reported that the Adult SNP RFP has received DOH approval and is now awaiting sign-off from NYS DOB (Department of the Budget). The Governor's office wishes Adult Mental Health SNP and HIV SNP RFPs to be issued at the same time; this may result in a slightly longer blackout period. At present, only 2 Adult SNPs are allotted for New York City, but hopes are alive that legislation will be introduced to bring the statewide Adult SNP total to 7, from the current 6. This would permit allocation of a third SNP to the City.

A separate procurement process is planned for the Children's SNPs, with letters of intent coming out soon. OMH is entertaining the possibility of implementing one Children's SNP on a pilot basis at first, with some interagency cooperation beyond that. □

## Upcoming Events

- January 26 Managed Care Technical Assistance: Marketing and Business Development at FFWA
- January 27 Government Relations Committee at PRFI
- January 28 Membership Meeting at CVMHA
- February 3 Children's Committee at CVMHA
- February 10 Committee on Co-occurring Psychiatric and Addictive Disorders
- February 11 Finance Committee at CVMHA  
Board of Directors at CVMHA
- February 15 President's Day - Coalition Closed
- February 23 Managed Care Technical Assistance: Clinical Pathways at CSS
- February 25 Membership Meeting at CVMHA
- March 8-9 Coalition Lobby Days with NYSCCBH in Albany**
- June 10 Mental Health Awards  
at Pfizer World Headquarters**

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— Help Wanted —

## Performance incentives

Officials from DMH met with advocates from the mental health, developmental disabilities and alcoholism sectors on Tuesday, January 12. Discussion centered on the Department's mandate to implement performance incentives in contracting with outpatient alcoholism clinics. The pilot project will begin on March 1 with full project implementation on July 1, 1999. Agencies will be made to understand that some money will be at risk if they do not reach a set of performance goals. Performance objectives are already in place for ACT teams and clubhouse contracts. Other programs are slated to follow, informed by the performance contracting that is underway. □

## Simons to speak to members

Keith Simons, Director of the Bureau of Adult Special Needs Plans of the State Office of Mental Health will be the featured speaker at the Coalition's monthly membership meeting on January 28. Mr. Simons will talk about the mental health implications of the rollout of mandatory managed health care in New York City. Since many people with substantial mental illness will be enrolled in the basic plan, his talk has great relevance for the Coalition's membership. The subject: "Implementation of The Partnership Plan: Its Relationships to Mental Health." □

## Is silence deafening?

It lasted nearly 90 minutes. Typed out it runs 19 pages. It included an estimated \$2 billion in new spending. It included not even a single word about mental health. Mayor Giuliani's 1999 State of the City address contained none of the mental health bombshells that were prominent in his 1998 speech (in which he laid out plans to merge DMHMRAS with DOH). Governor Pataki's State of the State address was similarly silent on mental health issues. Perhaps no news is good news? □

## Fire sale

The Empire State Development Corporation has indicated that preferred buyers have been selected for four of the twelve State psychiatric and developmental centers that are on the market. The four properties (Pilgrim State Psychiatric Center, Long Island Developmental Center, Central Islip Psychiatric Center and Bernard Fineson Developmental Center - Corona Unit) will bring approximately \$55 million into the State's coffers. This is a full \$15 million more than the \$40 million debt that needs to be paid on these properties. Bids are being evaluated for two other properties (Hudson River Psychiatric Center and Wilton Developmental Center).

There were no bids at all on the remaining six properties (J.N. Adam Developmental Center, Newark Developmental Center, Binghamton Psychiatric Center, St. Lawrence Psychiatric Center, Mohawk Valley Psychiatric Center and Middletown Psychiatric Center), so they will be offered for sale again in April. We will continue to watch these property sales to ensure that the State keeps its promise to Reinvest the profits from these sales. □

## Member Notes

**The Park Slope Center for Mental Health** is offering programs in hypnosis. The Hypnosis Training Institute is a 20-hour course for health care professionals and begins on February 17. There are also Friday morning lectures on alternative healing from 9:15 to 11:00 at a cost of \$10 each. For more information call Susan Blady, CSW, BCD at (718) 788-2461. □

## Expanded AG health bureau

New Attorney General Eliot Spitzer is expanding the health bureau founded two years ago by his predecessor Dennis Vacco. The bureau has opened a downstate office in Manhattan which will be the home of newly appointed bureau Director, Pam Jarvis. Ms. Jarvis assures us that the bureau is not moving, merely expanding, and that the Albany office will remain open. □

New organization of nonprofit agencies serving homeless adults (ASPHA) has opportunity for creative, energetic, bright organizer with strong writing, speaking and analytical skills. Good administrator to handle details, committees, budget and planning. Responsibilities include development of strategic plan, fund-raising, advocacy and policy development, preparation of reports, and support of board and committees. Minimum 2 years admin or organizing experience in programs for poor, homeless and/or mentally ill in similar setting. Salary up to \$35,000 depending on experience, either full or part time. Good benefits. Cover letter and resume to **Urban Pathways**, 575 Eighth Avenue, 9<sup>th</sup> Floor, NY, NY 10018. □

## 250 Baltic Street controversy

The battle over the fate of 250 Baltic Street in Cobble Hill, Brooklyn will apparently be with us for a while. Although the Mayor apparently heard the concerns that we expressed in a letter to Health and Mental Health Commissioner Neal Cohen and agreed to allow the South Beach Psychiatric Center Outpatient Clinic to remain in the building, many remain unsatisfied. Other residents of the building still slated for eviction on January 31 include Families First (a parenting center), Heights and Hill Community Center (a senior center) and Community Board Six. Although the loudest outcry in the wake of the announcement was from the mental health community, there is strong community support for the other services as well.

On the legislative front, Assembly Mental Health, Mental Retardation and Developmental Disabilities Chair James Brennan has already introduced legislation (A01574) that would require the commissioner of mental health to "acquire, by purchase or condemnation, from the City of New York, pursuant to article 71 of the mental hygiene law and the eminent domain procedure law, the premises...for the purpose of continuing the operation of the Baltic Street clinic." Minority Leader Martin Connor who has indicated that he plans to enlist the aid of Attorney General Spitzer has introduced companion legislation in the Senate. □