



Coalition Briefs

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

Prompt parity passage

With remarkable speed and laudable unanimity the New York State Assembly passed a Mental Health Parity Bill 147-0 on January 24th. The bill, identical to one the Assembly passed last April, has been referred to the Senate Insurance Committee, where it died last year. Kudos to Assembly Mental Health Chair James Brennan for moving this critical piece of legislation so rapidly. ▣

½ Fare Fairness – Take 2

Most legal experts agree that the MTA ½ Fare Fairness Bill passed last year and signed by Governor Pataki is mandate that legally binds the MTA to extend the ½ fare benefit to people with serious mental illness who receive Supplemental Security Income. The MTA, however claims that the law has a 'technical deficiency.'

Recognizing that a lengthy legal battle would not serve the best interests of people with mental illness our legislative allies who sponsored the bill last year have introduced another law this year to make absolutely clear that the MTA is violating the law by refusing the benefit to people with mental illness. On February 2nd Senator Frank Padavan and Assemblyman James Brennan introduced identical bills (S.6427 and A.9430) that demand immediate implementation of the long-overdue half fare benefit. ▣

1970 lawsuit establishing right to treatment finally settled

Alabama officials have signed an agreement that will end the 30-year lawsuit that is credited with establishing a constitutional right to treatment for people in psychiatric institutions. U.S. District Judge Frank M. Johnson stated in 1972 that in exchange for their loss of liberty, people involuntarily committed to inpatient care had a right to minimum standards of care provided in the least restrictive setting. The State of Alabama agreed on January 21st to develop a three-year plan to improve and maintain psychiatric facilities, developmental centers and community residences in exchange for an end to *Wyatt v. Sawyer*. ▣

Coalition responds to proposed privacy regulations

The Coalition is submitting comments to the Health and Human Services Department on proposed privacy regulations recently announced by the Clinton Administration. We view the administration's proposal as a first step in a process that we hope will lead to comprehensive medical privacy protections, but we strongly urge that the regulations be strengthened. In particular, The Coalition is concerned that the regulations diminish the role of patient consent, do not protect the privacy of mental health information of persons receiving services in jails or other correctional facilities, permit unwarranted law enforcement access to records and authorize creation of a vast government database of medical records.

In general, the proposed regulations restrict how information can be disclosed after it leaves the context of the patient/provider relationship. However, it makes it easier for health plans to get information from providers without the specific authorization of the patient and thereby takes some rights and protections away from patients.

The rules cover any information entered into a computer or transmitted electronically, but do not cover information that is kept only on paper. Among other things, the proposed rules: require that consumers be informed how their health information will be used; give individuals access to their own health records; restrict the disclosure of information to that minimally necessary for the task at hand; require the establishment of privacy-conscious business practices.

Among the important features of the proposed rules is that patients need

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Mini-Grants Available for Census 2000 Outreach & Education

Citizens Committee for NYC will be awarding incentive grants of up to \$500 to support grassroots organizing efforts to help ensure an accurate Census 2000 count in NYC. Contact The Coalition for a copy of the brief (2-page) application form; we will be happy to fax it to you. **Application Deadline: February 23, 2000.**

The 2000 census is also on the agenda for The Coalition's Membership Meeting on February 24th. Karen Shaw of the Mayor's Office Census 2000 will provide additional information about this year's census and the all-out effort to avoid the huge undercount of 1990, from which New York City lost an estimated \$415 million in crucial federal assistance for schools, day care and other services. ▣

Performance indicators online

The NYS Office of Mental Health recently posted on its web site its Procedures & Algorithms for Calculating Performance Indicators for the Adult Special Needs Plans Request for Proposals. This material can be accessed via the Government Links on The Coalition's web site www.cvmha.org. ▣

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Privacy regulations

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not be asked for consent to the sharing of their health information for purposes of "treatment, payment and health care operations." As a result, information about mental health treatment can be shared, without the patient's consent, with, for example, other treating providers, the health plan under which a person is insured and administrative staff in the health plan.

There is a specific protection for psychotherapy notes. Psychotherapy notes (personal notes of the treating provider) cannot be shared without the patient's specific authorization. Health plans are prohibited from conditioning treatment or payment on access to such notes. This provision will keep managed care plans and other insurers from demanding unnecessary details about the person's life before they pay for treatment.

In our response to the proposed rules we urge the Administration to place more importance on the necessity of confidentiality for effective psychotherapy and we urge them to require that patients give their specific informed consent before their personal information is disclosed -- even for treatment, payment or health care operations. We point out the results of the Surgeon General's Report on Mental Illness, as well as the decision of the U.S. Supreme Court in Jaffee v. Redmond as support for a more strict privacy protection rule of mental health records than currently proposed. We emphasize the importance of providing mental health records protection for people who receive their mental health service in jails and other correctional facilities. We underscore that law enforcement must not be allowed to access medical records without stronger privacy protections. We oppose the proposed regulations that would permit health care providers to give medical records to the government for inclusion in the government's own health data system. We point out that when faced with the realization that government agencies have access to their sensitive medical records, many patients may not seek treatment.

To obtain a copy of the entire Coalition response contact Pat Goldstein at x12 or patgg@cvmha.org.

Special thanks to Coalition consultant Lawrence K.W. Berg, Esq. for this piece.

MTA not going our way

On January 25th, Executive Director Phillip Saperia attended a Metropolitan Transit Authority Board meeting to make a final plea for implementation of the MTA ½ Fare Fairness Bill of 1999. Despite the best efforts of friendly Board members and elected officials in attendance, Chairman Conway refused to allow Phil to testify. These are the remarks he intended to deliver:

Chairman Conway, members of the Board, my name is Phillip A. Saperia. I am Executive Director of The Coalition of Voluntary Mental Health Agencies, Inc. an association of over 100 not-for-profit providers of community based mental health services in all five boroughs. I am here today to urge you to implement the Half Fare Fairness Act of 1999.

People with mental illness suffer countless forms of discrimination every day. In housing, employment, transportation, insurance coverage and in the funding of treatment services they are treated as second-class citizens. Every day they experience the effects of stigma—the negative attitude that attaches to mental illness in our society. Stigma is present in every aspect of their lives. People living with mental illness are waging a two sided struggle—one with the illness they were born with and one with the society that holds them less worthy because of it. I am here today because, unfortunately, for the past fifteen years the half fare benefit for people with disabilities has been yet another of these discriminatory practices. People with psychiatric disabilities have been unable to profit from it.

As you know, this year, the New York State legislature responded to our pleas by passing, with a remarkable degree of unanimity, the MTA ½ Fare Fairness Bill of 1999 to close the legal loophole that had cultivated discrimination in New York City's public transportation system. The Governor, recognizing that his proposed \$200 million in new mental health funding will make a greater difference in people's lives if they are able to reach their appointments and go to the services available to them, signed the bill into law.

At no point in the legislative discussions of the bill did anyone suggest that this bill should apply only to the LIRR and Metro North. At no point during the debate over this bill did the MTA step forward to warn that there was a 'technical deficiency' in the bill language that would prohibit you from extending half fare benefits to New York City residents. Yet, now that the law has passed, that is exactly what is claimed.

We want to work with you. We think of you as partners rather than adversaries. Surely, no member of this Board would deliberately discriminate against people with mental illness. We know that you are people of good faith and good conscience and that is why I am here to appeal to you one more time to do the right thing.

I ask you to please implement the law as it was intended. End the discrimination against people with psychiatric disabilities in the New York City Transit system. □

Upcoming Events

February 8	PLC: Ethics and the Risk of Professional Misconduct and Malpractice at CSS
February 10	Finance Committee at CVMHA Board of Directors at CVMHA Government Relations Committee at CVMHA
February 15	Coalition Lobby Day in Albany
February 21	President's Day — Coalition closed
February 22	TOP meeting for current NYC users at FPWA
February 24	Membership meeting at CVMHA
February 25	PLC: NCQA 2000 and You at CSS
June 15	Mental Health Awards at Pfizer

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— Help Wanted —

Member Notes

Ackerman Institute for Family Therapy hosted the annual Federation of Mental Health Centers' legislative breakfast on January 7th, 2000. Assembly Mental Health Committee Chair James Brennan and State Senator Frank Padavan were among the City and State legislators in attendance at the breakfast, which focused on Kendra's Law and community care. □

New York Society for the Deaf seeks Director of Service Coordinators. MA pref., but will accept BA in human services w/3-5 yrs. exp. Provide supervision to service coordinators. Fluency in ASL req. Exc. Benefits. Sal. Commensurate w/exp. Send letter of intent & resume to: **NYSD/Personnel Dept.**, 817 Broadway, NY, NY. Fax to (212) 777-5276. □

New York Society for the Deaf seeks Service Coordinator BA req. in human services field. 1 yr. exp. & knowledge in providing case management to adults who are Deaf/Deaf Blind, seniors, HIV+ or living w/AIDS, Substance Abuse, Developmentally Disabled and/or Mentally Ill. Exc. benefits. Sal. commensurate w/ exp. Send letter of intent and resume to: **NYSD/Personnel Dept.**, 817 Broadway, 7th Fl., NY, NY 10003. Fax (212) 777-5276. □

New York Society for the Deaf seeks American Sign Language Instructors. For both NYC & LI offices. ASLTA certified a +. Exc. benefits. Sal. commensurate w/exp. Send letter of intent & resume to: **NYSD/Personnel Dept.**, 817 Broadway, 7th Fl., NY, NY 10003. Fax (212) 777-5276. □

New York Society for the Deaf seeks Receptionist. One yr. exp. in answering TTY/phones. Good communication skills req. PT (Mon.-Thurs. 4:30-8:30pm) position also available. Fluency in ASL req. Exc. benefits. Sal. commensurate w/exp. Send letter of intent & resume to **NYSD/Personnel Dept.**, 817 Broadway, 7th Fl., NY, NY 10003. Fax (212) 777-5276. □

The New York Society for the Deaf seeks a Social Worker. CSW pref. Will accept MA in related field. One yr. Counseling exp. Fluency in Amer. Sign Language req. Exc. Benefits. Salary commensurate w/exp. Send letter of intent & resume to: **NYSD**, Personnel Dept., 817 Broadway, 7th Fl., NY, NY 10003. Fax (212) 777-5276. □

New York Society for the Deaf seeks Director of Interpreter Services CDI-P, CSC, CI/CT w/MA pref. Strong background in admin., exc. writing & communication skills. Resp. incl. coordination of operations, supervision of staff, scheduling of assignment, prep. of payments to interpreters & billing of consumers. Prepares contract proposals, monitors them, meets w/administration of agencies statewide to effectively improve interpreting service to consumers. RID certified a +. Fluency in ASL. Exc. Benefits. Salary commensurate w/exp. Letter of intent & resume to: **NYSD/Personnel Dept.**, 817 Broadway, 7th Fl., NY, NY 10003. Fax (212) 777-5276. □

Blanton-Peale Institute seeks Full-Time Intake Coordinator, for Midtown State License Clinic. CSW, managed care, marketing exp. & computer skills essential. Fax resumes to (212) 689-3212. Attn. Clinic Director. No phone calls please. □

New York Work Exchange, a project of **The Coalition** seeks an Administrative Assistant. Req. computer literacy, exceptional writing and communication skills, excellent analytic abilities and good interpersonal skills. Be well organized and able to manage a variety of simultaneous tasks and projects. No exp. necessary but be prepared to provide wrap-around support. Salary commensurate with experience. Resume w/cover letter to Norman Council, 120 West 57th Street #1014, NYC 10019. □

New York Society for the Deaf seeks Residential Counselors. FT/PT. HS Diploma/GED req. Assist individuals to become more independent. Fluency in ASL req. Exc. benefits. Sal. commensurate w/exp. Send letter of intent and resume to: **NYSD/Personnel Dept.**, 817 Broadway, 7th Fl., NY, NY 10003. Fax (212) 777-5276. □

New York Society for the Deaf seeks Administrative Assistant. Resp. for updating & maintaining data/statistical reports, draft correspondence, ordering supplies, handling tty/phone calls, & coordinate schedules. Computer skills req. Position req. individual to "own" projects. BA/BS pref. Fluency in ASL req. Exc. benefits. Sal. commensurate w/ exp. Send letter of intent and resume to **NYSD/Personnel Dept.**, 817 Broadway, 7th Fl., NY, NY 10003. Fax (212) 777-5276. □

The **Brooklyn Bureau of Community Service** in New York City is seeking a Director of Foundation and Government Funding. The outstanding candidate will be a team player and bring demonstrated skills in communication, critical thinking, conceptualization of social service programs and supervision. Successful experience in managing ambitious public and foundation grant-seeking required. Interested candidates should forward resumes to Eva Toth, DRG, 104 East 40th Street, Suite 304, NY, NY 10016, FAX (212) 983-1687 or e-mail etoth@drgnyc.com. □

University Settlement seeks Children's Intensive Case Manager to CM, & family & individual counseling to emotionally & behaviorally disturbed children ages (5-18). Caseload is 12 Manhattan families who have a child w/Axis I diagnosis & is at risk of hospitalization or residential placement. Exp. Working w/ inner city pop. & an extensive array of service providers (MH, special ed., public assistance, & recreation) req. Team player, computer literate, enjoys extensive field work & is bilingual in Span. or Chinese. BA + 4 yrs. exp. Or MSW + yrs. exp. Exc. benefits. **University Settlement**, CICM, 127 W. 127th St., Rm. 438, NY, NY 10027. Fax (212) 864-2350. No phone calls. mike@mentalhelp.net. □

New York Society for the Deaf seeks Substance Abuse Counselor BA req. in human services field. One yr. exp. Providing counseling. Training, knowledge, and/or exp. In substance abuse field pref. Provide counseling & direct services to treatment clients. Exc. benefits. Sal. commensurate w/exp. Send letter of intent & resume to **NYSD/Personnel Dept.**, 817 Broadway, 7th Fl., NY, NY 10003. Fax (212) 777-5276. □