



NEW YORK STATE SENATOR

John E. Brooks

## Senator Brooks And New York State Senate Democratic Majority Expands Protections For New Yorkers With Disabilities

JOE AGOVINO May 29, 2019

| ISSUE: **DISABILITY FUNDING, DISABILITY SERVICES, OPWDD**



(Albany, NY) on Wednesday, May 29, 2019, Senator John E. Brooks (SD-8) had two bills passed on the Senate floor that will substantially improve safeguards and practices in managing state financial allotments for people living with disabilities in New York.

Under New York State law, residents who live in individualized residential alternatives (such as community residences) and family care home settings are entitled to personal allowance

accounts that the resident can use for personal expenses such as personal shopping, entertainment, vacation, home and family visits. In October 2016, Inspector General Catherine Leahy Scott released the results of an investigation of personal allowance accounts maintained by the Office of People with Developmental Disabilities (OPWDD) on behalf of OPWDD residents. The Inspector General's office investigated ten instances of mismanagement of cash accounts maintained by OPWDD and concluded that OPWDD's current policies regarding the management of personal allowance accounts fails to adequately safeguard residents' personal allowance accounts.

Among other things, the report found that residents' personal allowance accounts were "pilfered" by OPWDD employees because of inadequate safe- guards and oversight of the accounts by supervisors and OPWDD. The report recommended OPWDD take the following actions:

- Provide standardized training on the management and review of individuals' personal allowance accounts to staff in supervisory positions
- Develop a state- wide approach to implement the use of debit cards for individuals' personal allowance accounts and a policy on their use
- Issue a policy on the process for purchasing, recording and using gift cards for individuals in its care
- Reinforce the requirement of an original receipt from the vendor documenting a transaction for out-of-residence mean purchases
- Reinforce existing policy requiring purchases to be inventoried upon receipt in the home
- Retrain staff on the requirement to conduct an inventory at the time of purchase and to follow proper procedures.

Senator Brooks authored the following bills in response to the Inspector General's report:

- **Safeguarding Cash Accounts:** This bill, [S.1672A](#), sponsored by Senator John Brooks, establishes a uniform set of procedures and guidelines for the management of cash accounts for residents who live in individualized residential alternatives. Under this legislation, OPWDD will be required to implement the recommendations made in the Inspector General Report in order to better safeguard OPWDD residents' personal allowance accounts.
- **Study on Potential Debit Card Usage in Residential Facilities:** This bill, [S.5538](#), sponsored by Senator John Brooks, will direct the commissioner of the Office for People with Development Disabilities (OPWDD) to conduct a study on the viability of providing debit cards to individuals in licensed residential facilities.

According to Senator Brooks, “It is a shameful thing to prey on the disabled who are susceptible to fraud and abuse in their financial well-being. There have been far too many instances of this vulnerable population being scammed out of their OPWDD personal allowance allotments by inside operators acting with little or no oversight. This legislation is designed to protect those who need safeguards from predators by creating a strict set of guidelines and managerial review procedures which would ensure safe financial independence to people at risk.”

These bills were passed on the Senate floor as part of a legislative package delivered by the Senate Democratic Majority designed to help protect New Yorkers with disabilities. Other bills in this package include legislation that will create an advocacy office for New Yorkers living with disabilities and expand Medicaid coverage for applied behavior analysis services for people who have autism spectrum disorder. Additionally, these bills will also provide housing protections for New Yorkers with disabilities living with therapy animals and allow tenants with disabilities to terminate their leases to move into housing that is more appropriate.

“New Yorkers living with disabilities deserve the protections and access to care that these bills will provide,” Senator Brooks said. “Creating safer living environments, expanding medical care, and establishing an advocacy office will improve the lives of our constituents with disabilities. I am proud of my efforts, and the entire Senate Majority, for standing up to protect members of our community who need assistance.”

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#### RELATED LEGISLATION

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### **2019-S1672A**

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- Introduced
  
- - In Committee Assembly
  - In Committee Senate
  
- - On Floor Calendar Assembly
  - On Floor Calendar Senate
  
- - Passed Assembly
  - Passed Senate
  
- Delivered to Governor
  
- Signed By Governor

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Safeguards cash accounts for people with developmental disabilities in a facility

January 15, 2019

In Assembly Committee

Sponsored by [John E. Brooks](#)

Do you support this bill?

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## 2019-S5538

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- Introduced
- - In Committee Assembly
  - In Committee Senate
- - On Floor Calendar Assembly
  - On Floor Calendar Senate
- - Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Relates to directing the commissioner of the office for people with developmental disabilities to conduct a study on debit card use

May 06, 2019

Signed by Governor

Sponsored by **John E. Brooks**

Do you support this bill?