

SUPPORT

A. 05149 (Gottfried)

To Codify the “Enhancing the Quality of Adult Living” (EQUAL) Grant Program for Adult Care Facilities

May 21, 2013

MFY Legal Services Inc. envisions a society in which no one is denied justice because he or she cannot afford an attorney. To make this vision a reality, for 50 years MFY has provided free legal assistance to residents of New York City on a wide range of civil legal issues, prioritizing services to vulnerable and under-served populations, while simultaneously working to end the root causes of inequities through impact litigation, law reform and policy advocacy. MFY’s Disability and Aging Rights Project focuses on protecting the rights of people who live in institutions, including adult care facilities.

Since 1997, the New York State legislature has utilized grant programs to pay eligible operators of adult care facilities to improve the quality of care they provide their poorest residents – those on Supplemental Security Income (SSI). The “Enhancing the Quality of Adult Living” (EQUAL) grant is the newest iteration of these programs, all of which provide adult care facilities with additional payments to improve the quality of residents’ life and care. These programs, which are administered by the New York State Department of Health (DOH), have dispensed millions of dollars to adult home operators state-wide.

The EQUAL grant program replaces the “Quality Incentive Payment” (QUIP) grant program, which established in statute 1996. The EQUAL program is now just a line item in the New York State budget. This bill would: (a) codify the EQUAL program into law; and (b) make critical corrections to problems in the old QUIP grant program. These corrections include:

- ✓ Requiring the DOH to conduct annual audits instead of rely on operator self-reporting;
- ✓ Ensuring true resident participation in the application process;
- ✓ Prohibiting the use of grant funds for daily operating expenses and expenditures related to corrective action that is required by the DOH;
- ✓ Requiring the DOH to investigate reports of resident abuse and retaliation related to program applications and expenditures;
- ✓ Denying funds to operators who have endangered residents without penalizing residents.

For years, MFY, through our work with adult home residents, has received anecdotal information that QUIP monies were not being used for improvement of care and that the DOH exercised little oversight over the program. In 2006, MFY issued a report titled “An Analysis of the Quality Incentive Payment Program for Adult Homes,” which was a quantitative analysis of QUIP funding for State Fiscal Year 2003/2004. This report found that, due to a lack of oversight and audits by the DOH, the program ended up doing little to actually improve the lives of adult home residents.

Since the report was issued, the Coalition for Institutionalized Aged and Disabled has expended tireless efforts and resources to educate and advocate for residents regarding grant programs, but many problems remain, including resident coercion and a lack of operator accountability. For example, in one case, after a resident representative attempted to negotiate with the facility administrator about including resident requests into the grant application, the administrator announced over the loudspeaker that “[resident representative] is the reason no one is going to have air conditioning this year” as a means of punishing the resident and coercing him into signing.

This legislation would help address these longstanding problems and abuses so that these funds can be used for what the Legislature intended - improving the quality of life and care of residents of adult care facilities.

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