



**LEGAL
SERVICES**

INCORPORATED

299 Broadway
New York, NY 10007
Phone: 212-417-3700
Fax: 212-417-3891

www.mfy.org

Mark E. Segall
Board Chair

Jeanette Zelhof
Executive Director

Elise Brown
*Deputy Director & Director
of Litigation for Housing &
Economic Justice*

Kevin Cremin
*Director of Litigation for
Disability & Aging Rights*

Carolyn Coffey
Ramonita Cordero
Mallory Curran
Kenneth Lau
Christopher Schwartz
Supervising Attorneys

Submitted via email to mfasolo@health.nyc.gov on 4/10/2012

**NYC Department of Health and Mental Hygiene
Mental Health System Planning Forum
Wednesday, April 18, 2012, 3:00 p.m.
DOHMH Auditorium
125 Worth Street, 2nd Floor
New York, NY 10013**

Testimony by Mallory Curran:

Good afternoon and thank you for the opportunity to participate in today's Mental Health System Planning Forum.

I am Mallory Curran, the new supervising attorney for MFY Legal Services' Mental Health Law Project, which is funded by the Department of Health and Mental Hygiene to provide free civil legal services to mental health consumers in all five boroughs.

Although new to MFY, I have spent the past 10 years as a civil legal services attorney working in partnership with medical providers, including psychiatrists, psychologists, and social workers.

Today, I ask you to encourage mental health providers to embrace the electronic medical record as a tool to quickly and easily advocate for mental health consumers.

As you know, many mental health providers have moved from a paper file system to an electronic system known as the electronic medical record or EMR. Within a few years, most if not all providers will be using this technology.

The EMR provides an opportunity for practitioners to advocate for mental health consumers by uploading commonly requested letters and forms in template form. Instead of completing forms by hand or writing each advocacy letter from scratch, practitioners can simply pull up a template in the EMR, add information specific to the individual requesting the letter or form, and print it

out. The result is a document which is easy to read, carefully targeted to a specific purpose, and saved within the EMR.

While practitioners should think broadly when developing a set of advocacy templates to include in the EMR, one example we at MFY have identified – and which would provide a substantial benefit to consumers – is a letter to support a request for a reasonable accommodation under the Fair Housing Act. Consider a situation in which a mental health consumer would greatly benefit from an emotional support animal, such as a small dog, and his or her building generally prohibits pets. For a mental health organization which has stocked the EMR with advocacy letters, the psychologist working with the consumer could quickly pull up and print out two letters: one letter from the consumer to the landlord requesting the reasonable accommodation under the Fair Housing Act, and a second letter from the psychologist documenting the need for the accommodation which is tailored to the individual but also uses all the best “magic words” directly from the Fair Housing Act and related case law.

By presenting a landlord with the necessary documentation upfront – typed, dated, and easy to read – the consumer is much more likely to have the request approved by the landlord. In the event the landlord denies the request, MFY is here to provide additional advice or representation. As lawyers we are always happy when our clients have attempted resolution on their own and can provide us with a neat and tidy paper trail documenting those efforts.

Another area which is ripe for templates uploaded into the EMR is one which I know is a source of endless frustration for many: the forms mental health providers are asked to complete to assess disability for SSI and Social Security Disability applications. These forms contain many questions which are completely irrelevant to the consumer’s mental health status. MFY has forms specific to each mental health category under which a consumer might qualify for SSI or SSD. A provider who has uploaded those templates to the EMR can quickly select the appropriate form, respond to questions which directly apply to the consumer’s condition, and submit the form as a substitute for the generic one provided by Social Security. Providing relevant mental health documentation upon application makes a consumer who qualifies for SSI or SSD much more likely to be approved quickly and can eliminate the stressful and time consuming appeal process.

MFY has drafted many other letters and templates, which we are happy to share. I invite representatives of DOHMH and mental health providers themselves to contact us – we welcome the opportunity to work together to maximize the advocacy potential of the EMR. Our contact information is available at www.mfy.org. Thank you.