State of New York

NOV 30 2012

Department of State
Secretary of State

No. 84

EXECUTIVE ORDER

ESTABLISHING THE OLMSTEAD PLAN DEVELOPMENT AND IMPLEMENTATION CABINET

WHEREAS, the United States Supreme Court held in *Olmstead v. L.C.*, 527 U.S. 581 (1999), that Title II of the Americans with Disabilities Act prohibits the unjustified segregation of people with disabilities and requires states to provide people with disabilities with necessary support and services in the most integrated setting appropriate to their needs;

WHEREAS, the *Olmstead* court recognized that unnecessary institutional placement can isolate people with disabilities and severely diminish their family relations, social contacts, employment options, economic independence and educational advancement;

WHEREAS, the State of New York is committed to the principle that people with disabilities should have access to community-based services, accessible housing with appropriate supports, and employment opportunities that enable them to live productive lives in their communities;

WHEREAS, all New Yorkers with disabilities and their families should have the opportunity to make informed choices regarding services, settings and related issues;

WHEREAS, the State of New York has taken important steps to strengthen community-based supports for people with disabilities, including accelerated access to care management that better addresses individual needs; and the creation of health homes that provide integrated care coordination for complex populations, including people with disabilities;

WHEREAS, the State of New York continues to fulfill its commitment to people with disabilities, through the inclusion of a supportive housing initiative and funding for supported housing in the State Fiscal Year 2012-13 Executive Budget; and

WHEREAS, it is critically important for the State of New York to develop and implement a comprehensive Olmstead Plan on behalf of all of New York's children and adults with disabilities;

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and laws of the State of New York, do hereby order as follows:

A. Definitions

As used herein, the following terms shall have the following meanings:

1. "State agency" or "agency" shall mean any state agency, department, office, board, bureau, division, committee, council or office.

2. "Authority" shall mean a public authority or public benefit corporation created by or existing under any New York State law, with one or more of its members appointed by the Governor or who serve as members by virtue of holding a civil office of New York State, other than an interstate or international authority or public benefit corporation, including any subsidiaries of such public authority or public benefit corporation.

B. Olmstead Plan Development and Implementation Cabinet

1. There is hereby established the Olmstead Plan Development and Implementation Cabinet (the "Cabinet") to provide guidance and advice to the Governor.

2. The Cabinet shall be comprised of the Governor's Deputy Secretary for Health/Director of Healthcare Redesign; the Counsel to the Governor; the Director of the Budget; the Commissioner of Developmental Disabilities; the Commissioner of Health; the Commissioner of Labor; the Commissioner of Transportation; the Commissioner of Mental Health; the Commissioner of Alcoholism and Substance Abuse Services; the Commissioner of Children and Family Services; the Commissioner of Homes and Community Renewal; the Commissioner of Temporary and Disability Assistance; the Director of the State Office for the Aging; and the Chair of the Commission on Quality of Care and Advocacy for Persons with Disabilities. Additional members may be appointed to the Cabinet at the discretion of the Governor.

3. The Governor shall appoint the Chair of the Cabinet from among the members of the Cabinet.

4. Each member of the Cabinet may designate a staff member to represent him or her and participate in the Cabinet on his or her behalf. The Cabinet shall meet at the call of the Chair as often as is necessary and under circumstances as are appropriate to fulfill its duties under this section.

C. Cooperation with the Cabinet

1. Each agency and authority of the State of New York shall provide to the Cabinet such information, assistance and cooperation, including use of State facilities, which is reasonably necessary to accomplish the purposes of this Order.

2. Staff support necessary for the conduct of the Cabinet's work may be furnished by agencies and authorities (subject, as necessary, to the approval of the board of directors of such authorities).

D. Duties and Purposes

1. The Cabinet shall make recommendations to the Governor concerning the development, implementation and coordination of an Olmstead Plan (the "Plan") for the State of New York. In making such recommendations, the Cabinet shall consider potential elements of the Plan, including but not limited to:

a. identification of the essential requirements of compliance with *Olmstead* and the Americans with Disabilities Act;

b. assessment procedures to identify people with disabilities who could benefit from services in a more integrated setting and the development of a coordinated assessment process for individuals of all ages with disabilities in need of services;

c. measurable progress goals for achieving integrated residential living, including transition goals from segregated to residential housing, and employment opportunities for people with disabilities;

d. measurable goals for providing supports and accommodations necessary for successful community living;

e. statutory and regulatory changes to implement the Plan;

f. a coordination strategy for the work of state agencies and authorities to implement the Plan, including specific and reasonable timeframes for implementation;

g. actions to promote community understanding of and support for integrated residential living for people with disabilities;

h. other appropriate measures to achieve and implement a comprehensive and unified Plan; and

i. how best to maximize available resources in support of the Plan.

2. In developing recommendations for the development of the Olmstead Plan and its implementation and coordination, the Cabinet shall consult with the Most Integrated Setting Coordinating Council and other relevant entities and stakeholders concerned with development and implementation of the Olmstead Plan.

3. In carrying out its responsibilities under this Order, the Cabinet shall seek the guidance and expertise of stakeholders, including, but not limited to, organizations that advocate on behalf of people with disabilities, providers of services to people with disabilities, associations concerned with housing and employment for people with disabilities, academic institutions and local governments, and shall solicit input from the public.

4. The Cabinet shall commence its work immediately. On or before May 31, 2013, the Cabinet shall submit a final report to the Governor, setting forth its recommendations concerning establishment, implementation and coordination of the Olmstead Plan, at which time the Cabinet shall terminate its work and be relieved of all responsibilities and duties hereunder. Prior to such date, the Board shall issue additional reports to the Governor of its activities, findings, recommendations and coordination in furtherance of the purposes of this Order from time to time as directed by the Governor or the Governor's designee.

GIVEN under my hand and the Privy Seal of the State in the City of Albany this thirtieth day of November in the year two thousand twelve.

BY THE GOVERNOR

Secretary to the Governor