



GOVERNOR SIGNS JONATHAN'S LAW

Governor Eliot Spitzer has signed into law a bill that would provide full access to incident reports for individuals in mental hygiene facilities. The measure, known as "Jonathan's Law," was sponsored by Assemblyman Harvey Weisenberg (D-Long Beach) and Senator Thomas Morahan (R-New City).

Effective May 5, 2007, the law requires that:

- A "qualified person" be contacted by telephone within 24 hours of "an accident or injury that affects the health or safety of the patient."
- "Qualified person" is defined as the consumer, Article 17A guardian, parent, spouse or adult child.
- Provide the "qualified person" with a copy of the incident report upon their request and offer to hold a meeting to discuss the incident.
- Provide the "qualified person" with a written report within ten days of the action taken to address the incident.
- All records and documents pertaining to allegations and investigations of patient abuse, mistreatment, including complaints and reports, shall be provided to "qualified persons" upon a written request and within 21 days of the investigation's conclusion. The names and personally

identifying language shall not be released unless authorized by the employee or patient.

- CQC prepare and disseminate an educational pamphlet on the rights of parents to access records and reports relating to care and treatment and to appeal any denials of requests.
- Establish a Task Force on Mental Hygiene Records which shall study and make recommendations regarding access to patient records and reports including: incident reports, medical review board reports, and "other reports." The Task Force members are appointed by the Governor and include two provider agencies, two labor unions, two mental hygiene patient advocates, and four parents or legal guardians of patients who are or were receiving services. The Task Force report is due September 30, 2007.

CP of NYS has always supported parents' rights to receive more comprehensive information surrounding incident investigations. CP of NYS has also supported the Task Force as the thoughtful and intelligent approach to determine exactly what information is appropriate and for whom it is appropriate. But, we have serious concerns with the way the law is currently written and feel that without amendments, the bill should have been vetoed so that a corrected version could be approved. Among our concerns is the fact that the law was effective May 5, 2007 and OMRDD and OMH will not be able to promulgate regulations and guidelines for several months.

When signing the bill, the Governor noted several improvements that could be made and called upon the State Legislature to enact those improvements, which include:

- adopting the current Mental Hygiene Law standard that protects information from release if such disclosure could "cause substantial and identifiable harm to the patient";
- creating a mechanism for parents and guardians to appeal denials of access to information; and

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- ensuring that the new law does not conflict with existing provisions governing the reporting of child abuse.

We will continue to work with the Governor's Office and the other advocates to have amendments introduced that address all our concerns. We will update Affiliates as OMRDD progresses with guidelines and regulations. CP of NYS also plans to provide training sessions for Affiliates on how to implement this new law once more information is available.

RESNA CERTIFICATION EXAM TO BE HOSTED BY CP OF NYS

The RESNA certification exam for Assistive Technology Practitioners/Suppliers will again be offered during the CP of NYS Annual Conference, scheduled for Monday, October 22, 2007, at the Desmond Hotel in Albany. Please note that due to the new Medicare requirement for RESNA-certified practitioners, which will become effective in April 2008, we expect there will be significantly more applicants to take the certification exam, so we suggest that anyone interested begin the application process as soon as possible. All application materials and instructions can be obtained on RESNA's web site at www.resna.org, then click on certification program. The application deadline is September 7.

A helpful hint: we have heard that, of the references listed in the RESNA application packet, the following book seems to be most helpful in preparing for the exam: Fundamentals in Assistive Technology – 3rd Edition, published by RESNA, 1700 North Moore Street, Suite 1540, Arlington, VA 22209-1903; 703-524-6686; www.resna.org.

Please share this information with any interested colleagues. For further information, contact Judi Gerson at the Affiliate Services Office.

VISIONS OF NEW YORK DEADLINE

We would like to remind everyone that the deadline for submitting artwork for the CP of NYS consumer art contest is just two weeks away. Once again, we will produce a commemorative poster containing the individual winners from each of our Affiliates. We ask that each Affiliate select and submit **one piece of original artwork** created by someone receiving services from your agency, to be included in the poster. The entry must be an original painting, drawing or sketch, produced by a consumer within the past year and **submitted by the Affiliate**.

We had a display of the entries at our Annual Conference last October. We plan to do that again this year and will also

offer pieces for sale if authorized by the individual artists to do so. So please ask your artist if they would like to make their work available for sale in our silent auction and set a minimum bid for us.

2007 WELLNESS CHALLENGE

CP of NYS has implemented a Wellness Challenge for our employees and we encourage every Affiliate to try a similar program. Here's how the Wellness Challenge will work at CP of NYS. (You may want to do the same thing, or customize it for your organization.)

Initially staff have been asked to set a personal wellness goal, such as lowering their cholesterol, quitting smoking, lowering your blood pressure, or running a marathon. Staff who are interested are asked to submit their goals and then begin working toward them. We have set a six month period, from May 15 to November 15, for staff to achieve their goal. All participants will be encouraged to share their accomplishments or a wellness tip and we will use them in newsletters or e-mails to everyone in the agency.

In December, we will collect staff's accomplishments in writing, and then publish some of the stories in an agency-wide memo, newsletter or website. To sweeten this challenge, CP of NYS will present an award to five of our employees, picked at random, from among those who set and achieve their personal wellness goals. We will most likely award winners with a plaque, an extra vacation day, or perhaps a healthy prize donated by a local business.

We hope this will help spur all our Affiliates to commit to get fit!

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Use GoodSearch.com to search the internet. Every time you do, money goes to support CP of NYS. Give it a try and support the good programs at CP of NYS. The site is powered by Yahoo!, so you'll get the same quality search results that you're used to. What's unique is that they have developed a way to direct money to CP of NYS with every click.

Anybody can sign up and direct donations to Cerebral Palsy Associations of New York State without incurring any cost. The more people who use this site, the more money will go to those in need. So please spread the word to your friends and family.

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