Partners Health Plan (PHP) is a non-profit organization and operates the nation's only fully integrated duals (Medicare/Medicaid) plan for people with Intellectual and Developmental Disabilities (IDD).

PHP Benefits Include:

- **$200 every month** that can be used for items at the pharmacy, groceries, and for home delivered meals and utilities.

- **Free transportation** to and from medical and other important appointments.

- **Expedited Self-Direction** process and approvals.

The PHP Vision: PHP, as a trusted partner and advocate for people with developmental disabilities and their families, strives to help our members achieve their life goals, improve their personal health and fully participate in their communities of choice.

Supported Decision-Making: A New Paradigm for New York State

Joan Cornachio, Associate Director, SDMNY

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Overview

- SDMNY Timeline from 2016-2025

- SDM vs. Guardianship: a human rights lens

- What is Supported Decision-Making?

- SDMNY's Process

- The Future of SDM in NYS

  - SDM and Self-Direction

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SDMNY from 2016-2025

- **2016-2021**: 5-year pilot funded by the NYS Developmental Disabilities Council (DDPC)

- **2021-2022**: pandemic "bridge" year funded by the Ford Foundation, the FAR Fund, and the Taft Foundation

- **2022-2025**: OPWDD grant: design and implement a sustainable SDMNY facilitation and service delivery system throughout NYS

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Goals Met in First 5 Years

- Educated stakeholders on the emerging global practice of supported decision-making (SDM)

- Developed and piloted an SDM facilitation process as an alternative to guardianship for individuals with I/DD

- Developed an evidentiary base for Supported Decision-Making Agreement (SDMA) legislation

Artwork by Kim Plaut

SDMNY Results and Successes

- SDM widely recognized by the courts, AAIDD, ARC US (and NY), National Council on Disability, American Bar Association, Administration for Community Living, Social Security Administration, National Guardianship Association as a "less restrictive alternative to guardianship"

- SDMA Statute signed by Gov. Hochul July 26, 2022

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What is
Guardianship?

The legal process by which the right and power to make decisions and enter into legal relationships is taken away from one person because of his/her alleged incapacity, and given instead to another, the Guardian.

Surrogate's Court Procedure Act

Article 17-A – Instituted in 1969

Indefinitely removes all legal rights from the person with I/DD, based on determination of lack of capacity to make decisions (voting, marriage, ability to contract, where to live, with whom to associate, healthcare decisions, employment, etc.)

Why do parents seek
Guardianship?

- Misinformation that it is necessary for continued services, to participate in the IEP process, etc.

- A belief that guardianship will protect their children and concern that their loved one is not ready or able to be in charge of making big life decisions (healthcare, finances, etc).

- Third parties (e.g. health care providers, landlords, and financial institutions) may refuse to provide services unless they are dealing with a guardian

Since 17-A
Changes in the Landscape

- The Americans with Disabilities Act, IDEA, and Rehabilitation Act of 1973

- Concept of "least restrictive environment"

- Availability of services and opportunities to promote inclusion and self-determination

- Disability rights movement --> individuals with I/DD advocating for their rights

What is
Supported Decision-Making?

Supported decision-making (SDM) is "a series of relationships, practices, arrangements and agreements of more or less formality and intensity designed to assist an individual with a disability to make and communicate to others decisions about the individual's life."

-- Robert Dinerstein, 2012

Director of the Disability Rights Law Clinic at

American University Washington College of Law

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Supported Decision-Making
An Alternative to Guardianship
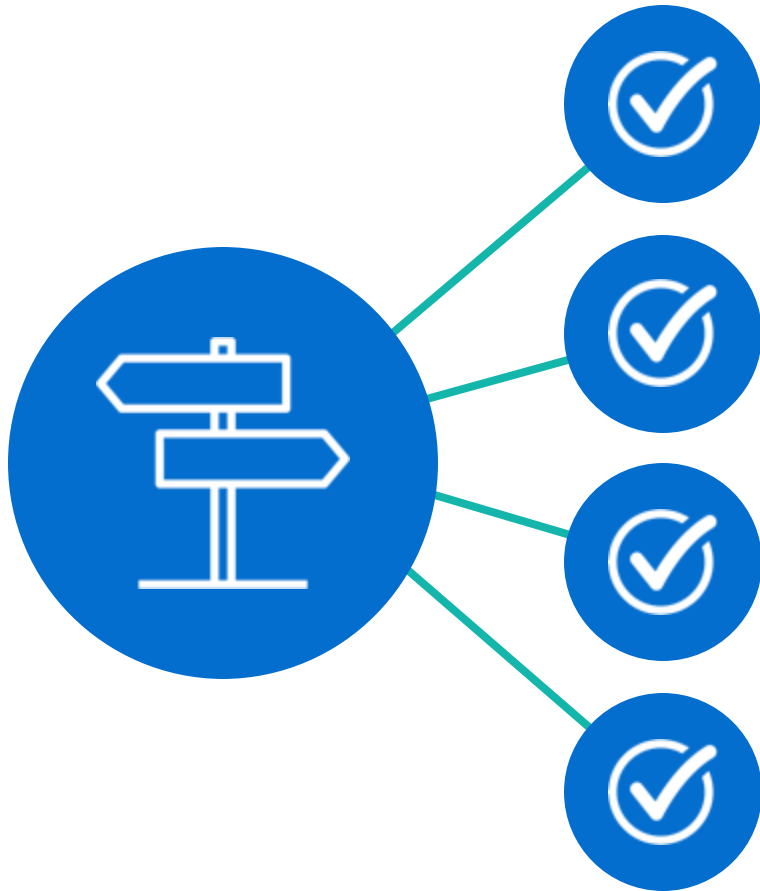
Retain Rights
Persons with I/DD never lose important rights

The Dignity of Risk
SDM allows a person to take risks and learn from their choices

Enhanced Support
SDM helps to form a network of supporters that can protect against exploitation

Exercising Human Rights
Persons with I/DD have a human right to make their own decisions

Types of
Supported Decision-Making
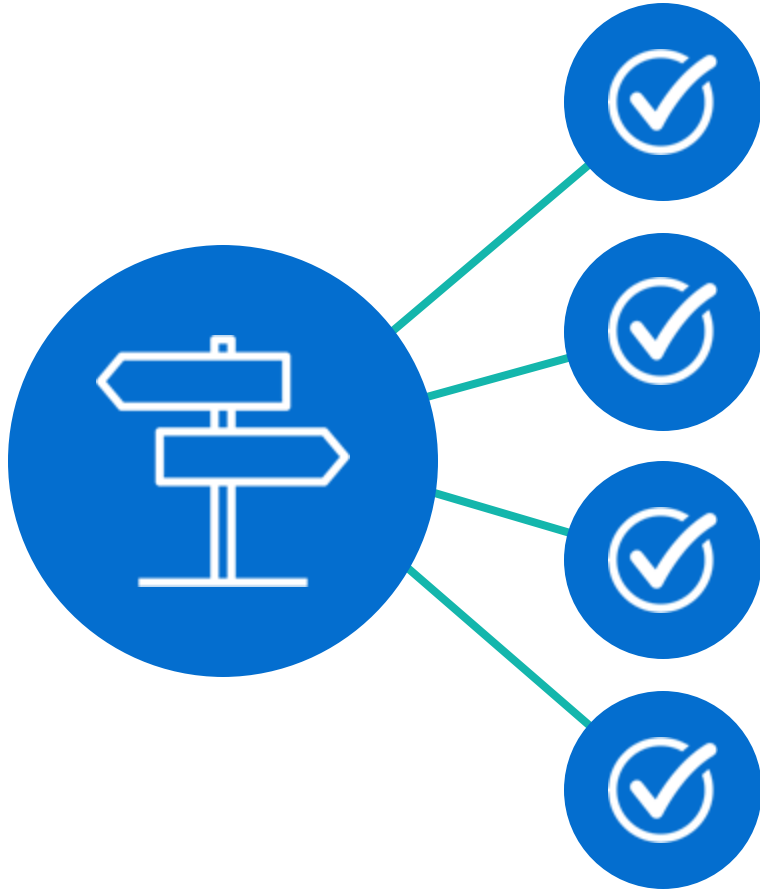
Informal
Can be invisible-- natural supports

Informal with SDMA
Informal, but with an oral or written Supported Decision- Making Agreement (SDMA)

Formal Facilitated SDMA
Formalized through a facilitation process that results in a written and signed SDMA (SDMNY model)

Legalized by Statute
Third parties required to accept decisions made by persons with SDMAs (Future NYS model - regulations in process)

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SDM Statute in NYS
Article 82 of the Mental Hygiene Law

Passed in July 2022
Signed into law by Governor Hochul

Establishes SDM as a Valid Alternative
Acknowledges SDM as a "less restrictive alternative to guardianship"

Decisions must be Recognized
Third parties required to accept decisions made with SDMAs, and must presume competence

Protection Against Liability
Third parties are protected against legal action when they recognize decisions made using SDMAs

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SDMNY
Facilitation Process

Phase 1: Exploration of decision-making; strengths and interests; ways of receiving support

Phase 2: Supporters invited to learn about SDMNY and to understand roles and responsibilities to the decision-maker

Phase 3: Decision-maker and Supporters create a Supported Decision-Making Agreement (SDMA)

SDMA Signing Ceremony

Artwork by Kim Plaut

1 Gather Information

2 Understand Information

3 Identify & consider possibilities & alternatives

4 Think about consequences

5 Weigh options (decide!)

6 Communicate decision to others

7 Carry out what I decided!

Steps in
Decision-Making

Big Four Chart: Page One

Which decision-making areas do you want to work on?	**What** types of support do you want?	**Who** will support you?	**How** do you want to receive support?
Health	☐ Help gather information ☐ Help understand information ☐ Identify & consider possibilities & alternatives ☐ Help understand consequences ☐ Help weigh options (decide) ☐ Communicate decisions to others ☐ Help carry out decisions		
Work	☐ Help gather information ☐ Help understand information ☐ Identify & consider possibilities & alternatives ☐ Help understand consequences ☐ Help weigh options (decide) ☐ Communicate decisions to others ☐ Help carry out decisions		
Money	☐ Help gather information ☐ Help understand information ☐ Identify & consider possibilities & alternatives ☐ Help understand consequences ☐ Help weigh options (decide) ☐ Communicate decisions to others ☐ Help carry out decisions		
Education	☐ Help gather information ☐ Help understand information ☐ Identify & consider possibilities & alternatives ☐ Help understand consequences ☐ Help weigh options (decide) ☐ Communicate decisions to others ☐ Help carry out decisions		

SDMNY Resources
Big Four Chart: Page Two

Which decision-making areas do you want to work on?	**What** types of support do you want?	**Who** will support you?	**How** do you want to receive support?
Housing	☐ Help gather information ☐ Help understand information ☐ Identify & consider possibilities & alternatives ☐ Help understand consequences ☐ Help weigh options (decide) ☐ Communicate decisions to others ☐ Help carry out decisions		
Services	☐ Help gather information ☐ Help understand information ☐ Identify & consider possibilities & alternatives ☐ Help understand consequences ☐ Help weigh options (decide) ☐ Communicate decisions to others ☐ Help carry out decisions		
Community Access	☐ Help gather information ☐ Help understand information ☐ Identify & consider possibilities & alternatives ☐ Help understand consequences ☐ Help weigh options (decide) ☐ Communicate decisions to others ☐ Help carry out decisions		
Relationships	☐ Help gather information ☐ Help understand information ☐ Identify & consider possibilities & alternatives ☐ Help understand consequences ☐ Help weigh options (decide) ☐ Communicate decisions to others ☐ Help carry out decisions		

Beth: SDMNY Parent & Supporter

SDMNY Facilitation

Supported Decision-Making Agreement (SDMA)– a signed contract that outlines the areas, types, and sources of support determined by the Decision Maker in a collaborative process

A flexible (modifiable) document that describes the process the Decision-Maker will use in making decisions and utilizing support throughout their life

Enhanced self-determination, confidence and autonomy for the Decision-Maker

Changed relationships between the Decision-Maker and supporters, with recognition of the Decision-Maker as an adult with the ability to make their own decisions with support

Self-Direction & SDM Values

- SDM and SD are both based on the principles of autonomy, self-determination and person-centeredness
- SD enables a more individualized plan of support and services while maximizing efficiencies between the individual, the FI, OPWDD and the Broker
- SDM builds in a structured and natural circle of supporters

Artwork by Kim Plaut

Questions?

Artwork by Kim Plaut

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For more information
Connect with SDMNY

Use the QR code to fill out "Contact Us" form– sign up for our newsletter, request more information, learn about upcoming events, or get materials to share.

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sdmny.org

sdmny.info@gmail.com

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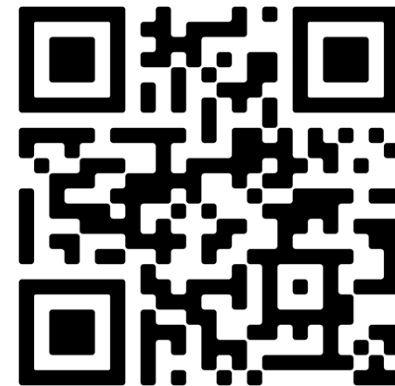
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@SDM_NY

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Thank you for joining us!

Stay tuned for invitations to upcoming Support Broker trainings.

November 20: Whole Person Care

Visit our website for more information about Self-Direction with Partners Health Plan, and for other helpful resources for Support Brokers and Fiscal Intermediaries:

Self Direction with PHP - Partners Health Plan (phpcares.org)

Yes! You can Self Direct and be a PHP member!

	Fee for Service	PHP
Currently SD	• N/A	• **No change to budget, FI , and SB**
New SD Enrollment	• OPWDD approves request (up to 1 month) • Must attend OPWDD Self-Direction Info Session	• **Notify CM. Once FI selected and CM submits DDP2, initial budget process can begin**
Start-Up Budget	• OPWDD approves in @1 month	• **PHP approves in 5-10 business days**
Self Direction Budget	• OPWDD approves in up to 3 months	• **PHP approves the Medicaid Funded SD Services portion of the budget**
Support Broker Billing	• Support Brokers can begin to bill against the start-up budget – Up to 1 month	• **Support Brokers can begin to bill against the start-up budget – 5-10 business days**
CNBA	• OPWDD approval – up to 3 months	• **Medicaid Funded Services are approved in 5-10 business days**