

# Statewide FSS Committee Quarterly Meeting

October 25, 2022



# FSS Quarterly Statewide Meeting Agenda

- Central Office Update
  - Family Reimbursement ADM Implementation
- Counsel Update
  - Conflict of Interest/Bylaws
- Fiscal Update
  - RFP Process/Distribution of Funds
- Statewide Committee Update
- Next Steps

# Central Office Updates



# FSS Family Reimbursement ADM

- Family reimbursement application, respite verification form & family satisfaction survey are now available in the top 12 languages in NYS on OPWDD website -  
<https://opwdd.ny.gov/regulations-guidance/adm-2022-02-family-support-services-fss-reimbursement-guidelines>
- Dispute resolution process is being updated to clarify how items being reviewed by Central Office can be appealed
- Central Office has clarified what is needed in a proper justification in order to review items

# Counsel Update



# Bylaws/Conflict of Interest

Why Does the Statewide FSS Committee  
Need Bylaws?

# Purpose of Bylaws

The purpose of bylaws is to guide the Committee's Action and Decisions.

Bylaws:

- Provide consistency in governance and practice
- Can prevent or resolve conflicts or disagreements
- Can protect the FSS Committee from potential problems by outlining rules around leadership roles and members rights and expectations
- Ensure appropriate stewardship of taxpayer dollars



# NYS Family Support Services Bylaws

## Article I

### Statewide Membership

- The Statewide Family Support Services (FSS) Committee is created by the developmental disabilities advisory council (DDAC) pursuant to Mental Hygiene Law section 13.05 and section 41.43.
- Membership consists of members selected by the commissioner of the Office for People With Developmental Disabilities.
- Members shall include persons with I/DD, family members of persons with I/DD who are living at home, professionals, and others with an interest in the care of I/DD individuals.
- Majority of the committee members shall be family members of I/DD individuals.
- Committee members shall serve no more than two, three -year terms. (Are these terms staggered?)
- Compensation shall not be given to members of the FSS for their services, but members shall be reimbursed for all reasonable expenses incurred in the performance of their duties.





## Article 2 - Officers

- **The Officers of the Statewide Council shall be the Chair and Vice Chair**
- **Officers shall be chosen biannually by a majority vote of the members**
- **Members shall elect the officers at the last quarterly meeting of that year.**
- **Any Statewide Council member may be nominated for these positions.**
- **Such nominations shall be called for and made to the existing (outgoing) chair/vice-chair 30-days prior to the last quarterly meeting.**
- **Nominees shall be placed on a ballot from which the Statewide Council members shall vote.**
- **If any election results in a tie, the outgoing chair shall draw lots to determine the winner of the office.**
- **The chair and vice-chair shall each serve a two- year term. All officers shall serve until their successor is elected and qualified.**
- **No Member may serve as Chair or Vice Chair for more than two consecutive terms**



## Article 2 – Officer Duties

- **The Chair shall preside at all meetings of the Committee at which the Chair is present. The Chair shall also perform such other duties as may be assigned from time to time by the Committee.**
- **The Vice Chair shall act when the Chair is absent or lacks the capacity to act or if the Office of the Chair is vacant**
- **On such occasions, the Vice Chair shall preside at all meetings of the Committee and shall perform the duties and exercise the powers of the Chair, subject to the right of the Committee from time to time to extend or confine such powers and duties or to assign them to others.**
- **The Vice Chair shall have such powers and shall perform such other duties as may be assigned by the Committee or the Chair.**

# Article 3

## Mission, Responsibilities, and Duties

- Section 41.43 of the Mental Hygiene Law establishes the mission of the Family Support Services committee.
- The Statewide FSS Committee's mission is to provide advice and recommendations to the Commissioner of OPWDD on the following areas:
  - needs of families caring at home for a family member with a developmental disability;
  - policies related to family supports and services; and offering advice
  - on the design, implementation and monitoring of family support services.



# Article 3

## Mission, Responsibilities, and Duties

- Statewide FSS committee members act as the liaison between the Commissioner and the local advisory councils, communicating the local council's diverse needs related to culture, diagnoses, level of needs and age of family members caring for a developmentally disabled individual at home.
- Family supports are goods, services, and subsidies, provided to meet the goals of:
  - providing quality of life comparable to a family not caring for a developmentally disabled individual at home;
  - maintaining family unity;
  - preventing premature or inappropriate out-of-home placement;
  - reuniting families;
  - enhancing parenting skills; and
  - maximizing the potential of the developmentally disabled family member.



# Article 4

## Local Advisory Councils

- There are Nineteen local FSS Advisory Councils, comprised of individuals with developmental disabilities and family members,
- Local Advisory Councils assist the Developmental Disability Regional Offices (DDRO), to plan, coordinate and monitor the delivery of FSS across the State.
- The local councils shall, in conjunction with the DDRO FSS coordinators, design and review FSS Requests for Proposals (RFPs), to determine how allocated funding shall be dispersed.



# Article 4

## Local Advisory Councils - Membership

- One member from each local advisory council shall serve as a member of the Statewide FSS committee.
- Membership on the local advisory council is open to anyone who has a family member with a developmental disability living with them or a developmentally disabled individual within the local advisory council region
- Membership of the local advisory council should reflect the diverse characteristics and needs of local individuals and families.
- A minimum of five members are necessary for each local advisory council



# Article 5

## Meetings of the Statewide Council

- The Statewide FSS committee shall meet at least four times per calendar year.
- The meeting calendar is established in advance.
- Additional meetings may be called at the request of the Commissioner. The Commissioner's office shall notify members two weeks in advance of any meeting other than a regularly scheduled meeting so that ample notice may be provided to members.
- Committee members shall indicate an email address (or mail address) for receipt of Council notices.
- The FSS Committee, by resolution adopted and dated August 12, 2022, has authorized its members, pursuant to Public Officers Law, to attend FSS Committee meetings by videoconferencing, under extraordinary circumstances and has established a written policy governing member and public attendance



# Article 6

## Code of Ethics and Conflict of Interest

- No member of either the Statewide or local advisory committee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his or her dues as a Council member.
- Members should exercise their duties and responsibilities as Council members in the public interest of the state, regardless of their affiliation with, or relationship to, any facility, agency or program, category of provider, or interest group.
- Members are bound by the standards set forth in Public Officers Law Section 74.
- Members who are unsure of the application of the Code of Ethics should seek advice either from OPWDD's Counsel's Office or the New York State Commission on Ethics and Lobbying in Government.





# Article 6

## Code of Ethics and Conflict of Interest

- Statewide FSS Committee and local Advisory Council members are expected to:
  - 1. Make objective, fair, and impartial recommendations
  - 2. Avoid actual and potential conflicts of interest and shall not allow their personal interests financial or otherwise (including familial situations), or those of a relative, to interfere with or appear to interfere with their independent advice as a FSS member
  - 3. Never disclose information obtained as a result of Committee membership that is not otherwise public, and shall not use such information to further their own interests or those of another member or relative; and
  - 4. Not use or attempt to use their position as a FSS member to secure unwarranted privileges for themselves, a family member or any other person or entity
- All affected individuals shall disclose conflicts in connection with Committee activities and recuse themselves from advice and recommendations which may involve their own personal interests.

# Article 6

## When Does a Conflict Exist?

- A conflict of interest exists where any financial or personal interest, direct or indirect, is incompatible with the discharge of the member's duties, or might reasonably be expected to impair a member's objectivity and independence of judgment in the exercise of his or her official duties. Such interests include:
  - Employment or a debtor/creditor relationship
  - Fiduciary relationships
  - Income sources
  - Matters pertaining to a known relative (i.e. Spouse, domestic partner, or person who is a direct descendent of the individual's grandparents or the spouse of such descendent)
  - Matters pertaining to a co-worker or collaborator
  - Matters pertaining to a business investment or contractual relationship
  - Investments, where a decision of the Committee could reasonably be expected to result in any material impact upon the value of such investment, either positive or negative
  - A leadership role or other substantial role in professional, trade, charitable or not-for-profit organization
  - An incompatible financial or personal interest may exist in other situations which are not clearly within the provisions above. A member is encouraged to contact the OPWDD ethics officer for guidance.

# Article 6

## Disclosure of Conflicts

- Upon appointment and annually thereafter, each member must file a general disclosure form listing organizations with whom they are associated and individuals to whom they are related, and/or associated with, who might benefit from the recommendations or advice of the Committee. This form must be filed with the OPWDD Commissioner's office within 30 days of appointment and every year thereafter.
- Individuals must also report conflicts or potential conflicts at the earliest opportunity. The disclosure of circumstances which present or could lead to a conflict of interest, does not create a presumption that any person has violated this policy.
- When a member or his or her relative has an interest, financial or otherwise, whether as an owner, officer, director, fiduciary employee, consultant or supplier of goods or services, to or in a program, agency or facility funded or licensed by OPWDD regarding a matter pending before the Council or a Committee of the Council for consideration that might reasonably be construed to raise an appearance of conflict of interest, he or she shall, at the time of formal consideration of such application and prior to any discussion with regard thereto, disclose such interest or association.

# Article 6

## Member's Recusal

- Recusal means the process by which a person is disqualified, or disqualifies him or herself, from a matter because of a conflict of interest. Recusal is not the same as abstaining from a vote. Recusal means that you are not participating in deliberations or debates, making recommendations, giving advice, or in any other way assuming responsibility for, or participating in, any aspect of the discussion related to the matter in which there are potential conflicts of interest.
- Members will be apprised in advance of the subject for consideration or action so as to afford an opportunity for appropriate recusal.
- All members that perceive a conflict of interest should immediately recuse themselves from the conversation, recommendations, and advice of the particular subject of the conflict.
- If a member chooses to recuse him or herself, the member shall so inform the Chair as soon as practical, but before any meeting involving the subject of the conflict. The reason for such recusal should be given but should not compromise or jeopardize the rights of any party related to the reason for recusal nor any rights, duties or privileges of the member or any party of interest.

# Article 6

## Member's Recusal

- If a member recuses him or herself, he/she will:
- Remove him/herself from that segment of the Committee meeting wherein the matter is to be discussed and avoid discussion of the matter with other members.
- Receive no further information from the Committee or staff regarding the matter.
- Receive redacted copies of minutes of the meeting so as to not disclose the matter to the member, except for those Committee matters that are part of any public proceedings or meeting of the council.
- Should the Chair need to recuse him/herself, the Vice – Chair of the Committee shall conduct the Committee meeting.

# Article 7

## Amendment of Bylaws

These bylaws may be amended by the affirmative vote of a majority [three-fourths (3/4) of the Council members present at any regular or special meeting, provided that notice of the proposed amendment and a copy of the proposed amendment has been sent to each member of the Council at least 30 days prior to the meeting.



## Article 6

# Code of Ethics and Conflict of Interest

- When a member or his or her relative has an interest, financial or otherwise, whether as an owner, officer, director, fiduciary employee, consultant or supplier of goods or services, to or in a program, agency or facility funded or licensed by OPWDD regarding a matter pending before the Council or a Committee of the Council for consideration that might reasonably be construed to raise an appearance of conflict of interest, he or she shall, at the time of formal consideration of such application and prior to any discussion with regard thereto, disclose such interest or association.



# Fiscal Update



# FSS RFP Allocations

- OPWDD has identified \$3.5 million in resources that will be available to be reallocated to the FSS program.
- These funds will be allocated based on the percent of individuals living at home in each DDRO Region.

Region	Regional Weights	\$ Allocation
1	18.2%	\$ 636,390
2	13.8%	\$ 483,143
3	18.2%	\$ 636,259
4	37.4%	\$ 1,308,025
5	12.5%	\$ 436,183
<b>Total</b>	<b>100.0%</b>	<b>\$ 3,500,000</b>

# Statewide Committee Updates



# Next Steps



# Contact

Contact Nick Hobson,  
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