

WAITING-AND CELEBRATING!

In 2022, OPWDD awarded SDMNY a 3-year “implementation contract” to develop a model for a statewide facilitation service delivery system that would make our facilitation model available to everyone in the state who wanted it. That contract, which ran through August 31, 2025, was consistent with, and in support of, the groundbreaking SDMA statute that was signed by Governor Hochul on July 26, 2022. As we have previously reported, in April OPWDD issued an RFP (Request for Proposals) for a new entity to take over our work, as we had always planned. The successful applicant was to be chosen by June 30, but, to this day, has not been announced although we, like many others, are aware of its identity. We understand that the contract has been signed but still awaits some final approvals, and nothing can be officially said or done until that happens.

In the meanwhile, as our OPWDD money ran out, we were able to secure some private funding to maintain a skeleton staff and, with the generosity of many of our facilitators and/or their employers, we have been able to continue all the facilitations that were ongoing when our contract expired. Needless to say, we can’t wait until the new facilitation provider is officially in place, and had hoped to celebrate that event this week when our amazing, human-rights-based SDMA law finally came into full effect. Since that didn’t happen, we’ll have to postpone the contract approval/transition celebration for some time that will hopefully be sooner, rather than later. But, in the meanwhile....

LET’S CELEBRATE!



Governor Kathy Hochul holds the signed SDMA law

That, as of this past Wednesday, Article 82 of the NY Mental Hygiene Law is now in full force and effect. The law both recognizes the right of everyone to make their own decisions, regardless of disability, and prohibits discrimination by third parties, like healthcare providers and financial institutions, against people with I/DD who have and use SDMAs made through the SDMNY facilitation process. This is a tremendous victory, and a huge, unprecedented step forward, for the human right of legal capacity—not only the right to ***make one's own decisions, but to have the supports necessary*** to do so, and then to ***have those decisions legally recognized!***



Signed SDMA law

We're busy designing a "Notice to Third Parties" that will be part of the SDMA and make clear that, by law, they now have to treat—and honor—decisions by people with I/DD who have SDMNY-facilitated SDMAs on, as the United Nations Declaration of the Rights of Persons with Disabilities (CRPD) states, "an equal basis with all others." Prejudice, bias, ignorance, or fear of liability can no longer deny the validity and enforceability of decisions, like the informed consent necessary for medical procedures, made by people with I/DD who have and use SDMAs. And that, for sure, is worth celebrating!