

# Office of Mental Health

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## Benefits Advisement Services for Individuals With Disabilities Seeking Employment

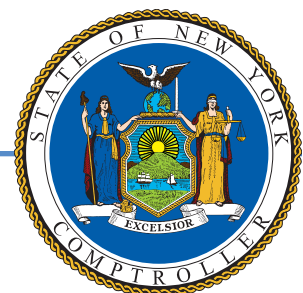
Report 2020-S-41 | July 2021

OFFICE OF THE NEW YORK STATE COMPTROLLER

Thomas P. DiNapoli, State Comptroller

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Division of State Government Accountability



# Audit Highlights

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## Objective

To determine if the Office of Mental Health (OMH) has effectively addressed the findings and recommendation related to benefits advisement in the New York State Employment First Commission report. The audit covers the period March 1, 2015 through January 13, 2021.

## About the Program

Working-age New Yorkers with disabilities participate in the work force at a rate of less than half that of people without disabilities, according to the U.S. Census Bureau's 2018 American Community Survey (ACS). In 2018, there were approximately 1 million working-age adults (ages 21-64) with disabilities in New York State. The employment rate of working-age people with disabilities was about 33 percent compared to about 75 percent for people without disabilities. Further, ACS data shows that New Yorkers with disabilities are more than twice as likely to live in poverty.

The New York State Employment First Commission (Commission), established by Executive Order 136 and composed of representatives from several State agencies, issued a report (Report) in March 2015 with the main goal of increasing the employment rate of individuals with disabilities by 5 percent while also decreasing their poverty rate by 5 percent. One way the Report recommended this be achieved was by improving benefits advisement services to assist all individuals with disabilities in making informed decisions about going to work. Specifically, the Commission tasked OMH, in partnership with other State agencies, with implementing an interactive web-based platform to provide accurate information and benefits calculators so individuals with disabilities could better assess how work would impact their benefits, and developing a life coaching network available to all individuals with disabilities seeking economic self-sufficiency.

## Key Findings

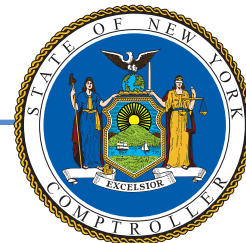
OMH designed and launched a benefits advisement system named the Work Incentives Navigator and Reports (WINR) application to address the Report's benefits advisement recommendation. However, OMH has not fully addressed all aspects of the recommendation.

- WINR does not contain certain recommended components including an interactive benefits advisement calculator, automated life coaching communications, and information regarding certain additional benefits such as nutritional and housing assistance, as suggested in the Report.
- Because WINR is only available to individuals working with an employment services provider, many individuals with disabilities who would likely benefit from WINR services do not have access to the application.
- OMH has not taken steps to assess the effectiveness of its email notification system. Active system customers may not be receiving notifications on important benefits for which they may be eligible, as notifications are delivered only via email and less than half of the 40,000 WINR customers were found to have a valid e-mail address in the application.

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## Key Recommendations

- Formally assess the current benefits advisement system and make improvements, where possible, to address the Report's recommendation. The assessment should consider key system features recommended in the Report.
- Develop a network of professional life coaches who are educated in public benefits and work incentives for individuals with disabilities; collaborate with other State agencies as necessary.
- Expand access to WINR to include all individuals with disabilities, including those who are not currently working with an employment services provider; collaborate with State agencies and other external entities as necessary.
- Capture historical notification data for analysis and assessment of the effectiveness of WINR notifications, making improvements to the notifications process as applicable and collaborating with other State agencies as necessary.



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**Office of the New York State Comptroller  
Division of State Government Accountability**

July 20, 2021

Ann Marie T. Sullivan, M.D.  
Commissioner  
Office of Mental Health  
44 Holland Avenue  
Albany, NY 12229

Dear Dr. Sullivan:

The Office of the State Comptroller is committed to helping State agencies, public authorities, and local government agencies manage their resources efficiently and effectively. By so doing, it provides accountability for the tax dollars spent to support government operations. The Comptroller oversees the fiscal affairs of State agencies, public authorities, and local government agencies, as well as their compliance with relevant statutes and their observance of good business practices. This fiscal oversight is accomplished, in part, through our audits, which identify opportunities for improving operations. Audits can also identify strategies for reducing costs and strengthening controls that are intended to safeguard assets.

Following is a report of our audit entitled *Benefits Advisement Services for Individuals With Disabilities Seeking Employment*. This audit was performed pursuant to the State Comptroller's authority under Article V, Section 1 of the State Constitution and Article II, Section 8 of the State Finance Law.

This audit's results and recommendations are resources for you to use in effectively managing your operations and in meeting the expectations of taxpayers. If you have any questions about this report, please feel free to contact us.

Respectfully submitted,

*Division of State Government Accountability*

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# Glossary of Terms

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<b>Term</b>	<b>Description</b>	<b>Identifier</b>
ACS	American Community Survey	<i>Key Term</i>
Commission	New York State Employment First Commission	<i>Key Term</i>
DOH	Department of Health	<i>Agency</i>
DOL	Department of Labor	<i>Agency</i>
NYESS	New York Employment Services System	<i>Key Term</i>
OMH	Office of Mental Health	<i>Auditee</i>
Report	Employment First Commission Report	<i>Key Term</i>
SNAP	Supplemental Nutrition Assistance Program	<i>Key Term</i>
SSDI	Social Security Disability Insurance	<i>Key Term</i>
SSI	Supplemental Security Income	<i>Key Term</i>
WINR	Work Incentives Navigator and Reports web-based application (formerly known as the Work Incentives Navigator, or WIN)	<i>System</i>

# Background

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According to the 2018 American Community Survey (ACS),<sup>1</sup> there were approximately 1 million working-age adults (ages 21-64) with disabilities in New York State in 2018. The employment rate of working-age people with disabilities was about 33 percent compared to about 75 percent for people without disabilities. Further, about 29 percent of individuals with disabilities were living below the poverty line versus only 12 percent of people without a disability. Approximately 7 percent of individuals with disabilities who were not working were actively looking for work. With adequate assistance and support, many people with disabilities can successfully gain employment in the general workforce. Employment can enrich and enhance quality of life and is associated with improved health outcomes and potentially reduced costs of publicly funded benefits for people with disabilities.

In September 2014, Governor Cuomo signed Executive Order 136, which established the New York Employment First Initiative to increase the employment rate of New Yorkers with disabilities. The order created the New York State Employment First Commission (Commission), composed of representatives from various State agencies including the Department of Health (DOH), Department of Labor (DOL), Office of Mental Health (OMH), Office for People With Developmental Disabilities, Division of Veteran's Services, and Office of Temporary and Disability Assistance, to establish an Employment First policy in New York State. The Commission was tasked with developing a report (Report) that would include recommendations for implementing competitive integrated employment as the first and preferred option for individuals with disabilities. Competitive integrated employment for individuals with disabilities refers to work conducted in a typical workplace setting where they have equal opportunity to interact with co-workers without disabilities and are compensated at the same level as their co-workers without disabilities who are doing similar work.

The Report, dated March 1, 2015, established an Employment First policy for New York State with the goal of increasing the employment rate of individuals with disabilities by 5 percent while also decreasing their poverty rate by 5 percent. The Report had 11 recommendations, including one specifically for improving benefits advisement services to assist all individuals with disabilities in making informed decisions about going to work. Benefits systems are complex, and limited resources are available to help individuals accurately understand both the benefits that are available and how going to work will affect their eligibility for those benefits. As a result, people with disabilities may be deterred from working because they do not know or understand the impact of employment on their benefits. To address these issues, the Commission designated OMH as a primary agency responsible for implementation of the following steps to provide improved benefits advisement services:

- Development, by March 1, 2016, of a life coaching network to assist all individuals with disabilities seeking economic self-sufficiency. The life coaching network should be an informed and educated network of professional benefit

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<sup>1</sup> The American Community Survey is an ongoing survey conducted by the U.S. Census Bureau that generates vital information each year about our nation and its people.

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advisors and peers throughout the State who understand public benefits, various work incentives, and the implications of employment on these benefits. The Report recommended that OMH incorporate tools into the New York Employment Services System (NYESS) to ensure life coaching is deployed at strategic times when assistance is most needed, such as when OMH notifies a customer regarding their potential eligibility for a benefit.

- Implementation, by March 1, 2017, of an interactive web-based platform to provide accurate, up-to-date information and benefits calculators so individuals with disabilities can better assess how going to work will impact their benefits. The Report suggested that this system be fully integrated with NYESS and incorporate information on multiple benefit programs, including publicly funded health insurance and income support programs such as Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), Supplemental Nutrition Assistance Program (SNAP), housing assistance, and other public benefits. The Report further suggested that the system be integrated with DOL's web-based employment services like JobZone and CareerZone to allow people with disabilities and anyone working with or caring for these individuals to utilize tools to explore employment options and understand the impact of a specific job on an individual's benefits over time.

NYESS provides all New Yorkers, regardless of disability, with a single point of access to all employment-related services and supports, including job matching. OMH is responsible for operating NYESS, which was collaboratively designed by OMH and DOL. Seven participating governmental entities, including OMH, are responsible for licensing or contracting with providers for employment-related supports and services. Any provider of disability employment services in New York can be a NYESS provider affiliate, regardless of funding source or program type.

To address the Report's benefits advisement recommendation, OMH designed a New York-specific system named the Work Incentives Navigator and Reports (WINR) application (formerly known as the Work Incentives Navigator, or WIN). WINR has been integrated into NYESS, providing people with disabilities with one comprehensive platform to assist them in successfully gaining employment while also maximizing the support and services necessary to understand the benefits and services available to them.



# Audit Findings and Recommendations

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While OMH successfully designed a New York-specific disability benefits advisement system, it did not fully address all aspects of the Report's benefits advisement recommendation, specifically measures that would increase the system's functionality and usefulness such as an interactive benefits calculator and the development of a professional life coaching network. These additional actions could help provide the system's approximately 40,000 customers with valuable information and support that could help them take the next step toward economic independence.

We also determined that, due to various factors (some outside of OMH's control), not all individuals with disabilities have access to the system. While we could not determine an exact number of potentially eligible individuals, according to the 2018 ACS, there were approximately 1 million working-age individuals with disabilities in the State. Additionally, current customers are potentially missing out on relevant benefits information, as the system provides email notifications and officials do not assess the effectiveness of those emails. We found that only about 17,000 of the system's approximately 40,000 customers had valid email addresses in the system as of October 2020.

## Benefits Advisement Services – Interactive Web-Based Platform

The New York-specific WINR system provides information on specific work incentives to individuals with disabilities. WINR sends notifications to individuals with disabilities to help them take advantage of various employment support services and work incentive programs. Currently, WINR utilizes data from the State Education Department, DOL, and DOH to generate notifications for four different benefits: the Earned Income Tax Credit; Medicaid Buy-In for Working People with Disabilities; continued Medicaid eligibility (Social Security Act Section 1619(b)); and continued payment under vocational rehabilitation (Social Security Act Section 301).

While WINR contains useful benefits information, it does not fully address all aspects of the Report's benefits advisement recommendation. The Report suggested implementing a specific platform – DB101 – to provide functionalities such as an interactive benefits calculator that would allow individuals with disabilities to better assess how employment will impact their income, health coverage, and other publicly funded benefits. However, OMH officials stated the DB101 platform did not meet their minimum internal security requirements, so they instead developed WINR, which does not include an interactive benefits calculator. According to OMH officials, the DB101 platform is a self-service tool that they would have had to purchase, modify, and optimize. Officials stated that, in order to use the benefits calculator as intended, they would have needed to negotiate with external entities to obtain access to the required data sets. However, OMH officials were unable to provide any documentation to show that the recommended system was not sufficiently secure, nor could they provide documentation for the rationale they used to support their decision that WINR would be sufficient to address the Report's recommendation. While OMH officials cited a lack of resources as the reason they did not fully

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incorporate the benefits calculator recommended in the Report, they did not complete a formal written analysis to support this determination.

WINR also does not provide information on all relevant benefits that the Report recommended, including SSI, SSDI, SNAP, and housing assistance, because, according to OMH officials, NYESS does not currently have access to the necessary data sources from other entities. Without this additional information, OMH can provide only limited benefits information to customers. OMH is also unable to determine with certainty whether an individual is actually eligible for the benefits they provide notifications for. With access to the additional data sources, OMH could improve the usefulness of WINR notifications and, in conjunction with additional system enhancements, eventually develop an interactive benefits calculator. While OMH officials have not attempted to obtain these additional data sources, they expressed the desire to develop notifications for additional benefit types, such as SSI, SSDI, SNAP, and housing assistance, if and when they have the resources to do so.

## **Benefits Advisement Services – Life Coaching Network**

The Report also recommended the development of a life coaching network and associated enhancements to the benefits advisement system. However, OMH has not fully developed a network of educated professionals who understand public benefits, work incentives, and the implications of employment on these benefits. According to OMH officials, while the term “life coaching” is not used in practice, life coaching interventions are delivered by various support roles in the services system, including peers, employment service providers, and rehabilitation professionals. While those resources are available, the individuals providing advice may not be specifically trained on how the various benefits work together and may not proactively address these issues when meeting with a customer.

Further, OMH has not implemented a tool to pre-emptively prompt employment services providers to provide life coaching interventions at key decision points as recommended in the Report. These pre-emptive prompts would notify providers that they should deploy benefits advisement services at strategic times when assistance is most needed. According to OMH officials, they determined that this type of notification, such as email alerts, would be too frequent and numerous to be effective. Instead, they stated that employment services providers can use WINR to view notifications their customers received about benefits for which they may be eligible. However, OMH officials could not provide documentation on how they reached their decision to consider their existing employment services provider network to be life coaches, as well as their decision not to implement automated life coaching notifications for providers.

By not fully implementing all components of the Report’s recommendation, including interactive functionality in the benefits advisement system or the development of a professional life coaching network, the approximately 40,000 WINR customers may

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be missing out on valuable information and support, such as disability benefits they may be eligible for and how a specific job could impact these benefits, which could help individuals with disabilities take the next step toward economic independence.

## **WINR – Eligibility and Access**

Currently, OMH limits eligibility to participate in WINR to individuals with disabilities who are receiving employment support from a NYESS-participating employment services provider. This means that only individuals who have evidence of what OMH officials refer to as a “countable activity” can take advantage of the site’s services. Countable activities include receiving almost any type of assistance from a NYESS-participating employment service provider, from something as simple as a phone call or meeting between the provider and an individual’s family or employer, to receiving more in-depth services, such as development of an employment service plan or case management.

When we asked how many additional individuals could benefit from WINR, OMH officials said they do not know the total population of individuals with disabilities in New York. According to the 2018 ACS, there were approximately 1 million working-age individuals with disabilities in New York State. Given that only approximately 40,000 individuals are using WINR, many State residents are missing out on valuable benefits information that could result in greater employment outcomes. OMH officials acknowledged that they have not assessed whether they are meeting the Report’s goals for improving employment outcomes for all New Yorkers with disabilities and that there are individuals with disabilities who may not be able to benefit from WINR’s services due to its eligibility requirements. OMH officials also stated that they are limited at this time in the information they receive from State agencies and external entities to identify more individuals with disabilities. While officials pointed out this limitation in receiving more information about unemployed individuals with disabilities, complications with changing the algorithm they use, and having enough staff to complete the tasks involved in these steps, they have not attempted to remedy any of these barriers.

## **WINR – Benefits Notifications**

Because WINR only provides email notifications to customers and OMH officials do not assess the effectiveness of those emails, current WINR customers could be missing out on relevant benefits information. WINR customers are sent emails when they potentially become eligible for a benefit; however, according to OMH’s records, only about 17,000 of the approximately 40,000 WINR customers had valid e-mail addresses in the system as of October 2020. Furthermore, we were unable to determine if the valid email addresses consistently received appropriate notifications during our scope.

We requested historical notification data for emails sent during our scope for a sample of 50 customers to determine if they were receiving appropriate notifications and whether those notifications were effective (i.e., whether customers were

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receiving and opening the emails and clicking on any relevant links). OMH officials originally told us they would be able to provide this information but, upon further review, determined they were only able to provide the most recent notification data due to an issue with their vendor's email system. OMH officials said they intentionally never requested or reviewed such data before, based on a decision not to commit significant resources to email analysis, as such analysis would never determine whether an individual became eligible for or chose to act on potentially available benefits. However, data collection and analysis are vital to assessing the effectiveness of any program. OMH could only provide information for three benefit types for which notifications were recently sent and, as a result, we could only verify that a notification was sent to 1 of 50 customers we selected.

## Recommendations

1. Formally assess the current benefits advisement system and make improvements, where possible, to address the Report's recommendation. The assessment should consider key system features recommended in the Report, including:
  - An interactive benefits calculator that allows individuals to assess how employment will affect access to publicly funded benefits.
  - Automated life coaching notifications sent to professional life coaches.
  - The addition of information for other benefit types including SNAP and housing assistance.
2. Develop a network of professional life coaches who are educated in public benefits and work incentives for individuals with disabilities, collaborating with other State agencies as necessary.
3. Evaluate the feasibility of expanding WINR to include all individuals with disabilities, even those who are not currently working with an employment services provider, collaborating with other State agencies and external entities as necessary.
4. Work with the email notification vendor to capture historical notification data and use that data to assess the effectiveness of WINR notifications, making improvements to the notifications, as applicable, and collaborating with other State agencies as necessary.

# Audit Scope, Objective, and Methodology

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The objective of this audit was to determine if OMH has effectively addressed the findings and recommendation related to benefits advisement in the Report. The scope of the audit covered March 1, 2015 through January 13, 2021.

To accomplish our objective and assess internal controls related to our objective, we reviewed Executive Order 136 and the Report as well as relevant policies and procedures. We met with agency officials to gain an understanding of their responsibilities and the actions they took to implement the Report's benefits advisement recommendation. We also reviewed draft WINR software specifications and took a virtual tour of the WINR application to better understand the system's functionality.

To determine whether the approximately 40,000 current WINR customers were receiving appropriate notifications and whether those notifications were effective, we selected a judgmental sample of 50 current WINR customers. The sample was selected to include customers working with employment services providers of various sizes (based on number of WINR customers served). As noted in the report, however, we were unable to completely review the information we expected to, as OMH was unable to provide historical notification data and, instead, was only able to provide data for the most recent notification. Our sample was not designed to be projected to the entire population.

# Statutory Requirements

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## Authority

The audit was performed pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Article II, Section 8 of the State Finance Law.

We conducted our performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

In addition to being the State Auditor, the Comptroller performs certain other constitutionally and statutorily mandated duties as the chief fiscal officer of New York State. These include operating the State's accounting system; preparing the State's financial statements; and approving State contracts, refunds, and other payments. These duties may be considered management functions for purposes of evaluating organizational independence under generally accepted government auditing standards. In our professional judgment, these duties do not affect our ability to conduct this independent performance audit of the Office of Mental Health's oversight and administration of the benefits advisement services for individuals with disabilities seeking employment.

## Reporting Requirements

A draft copy of the report was provided to OMH officials for their review and comment. Their comments were considered in preparing this final report and are attached in their entirety to the end of it. In general, OMH officials agreed with our recommendations, but took exception to the characterization of certain findings. We have clarified our position in our State Comptroller's Comments, which are embedded within OMH's response.

Within 180 days after final release of this report, as required by Section 170 of the Executive Law, the Commissioner of the Office of Mental Health shall report to the Governor, the State Comptroller, and the leaders of the Legislature and fiscal committees, advising what steps were taken to implement the recommendations contained herein, and where recommendations were not implemented, the reasons why.

# Agency Comments and State Comptroller's Comments

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ANDREW M. CUOMO  
Governor

ANN MARIE T. SULLIVAN, M.D.  
Commissioner

MOIRA TASHJIAN, MPA  
Acting Executive Deputy Commissioner

June 1, 2021

Brian Reilly  
Audit Director  
Office of the State Comptroller  
Division of State Government Accountability  
110 State Street – 11<sup>th</sup> Floor  
Albany, NY 12236-0001

Dear Mr. Reilly:

In accordance with Executive Law § 170, the following are the responses from the Office of Mental Health (OMH) to the Office of the State Comptroller's (OSC's) draft audit report entitled, "*Benefits Advisement Services for Individuals with Disabilities Seeking Employment*" (2020-S-41).

OMH has concerns with several statements made by OSC in the draft report which are either inaccurate or misinterpretations by OSC of OMH comments. Additionally, it is important to note that OSC failed to acknowledge that recommendations made within the Employment First Commission Report (Report) came without any additional resources or funding, an important point in providing context in this case. As described in OSC's draft report, the Employment First Commission issued their Report in March 2015 which made eleven recommendations, including one for improving benefits advisement services to individuals with disabilities in making informed decisions about going to work. It should be noted that although benefits advisement encompasses several State agencies including the Office for People with Developmental Disabilities, the Department of Health, and the New York State Commission for the Blind and Visually Handicapped, OMH willingly took on the task of implementing the entirety of this recommendation, again, without any additional resources or funding.

OMH believes in Employment First principles, supports the Executive Order, and agrees that its overall goals of improving outcomes and reducing poverty are imperative for OMH and our partner agencies. OMH also commends the Commission for the vision of what may be possible pertaining to the development of a pre-emptive and comprehensive benefits advisement system. However, the challenges of creating a system that encompasses *every* aspect of this vision, unfunded, are many. To fully implement the suggested recommendations within the Report, additional funding and resources are necessary. Without this context, any review of what has been accomplished up to this point is incomplete. OMH will continue to commit resources to improve the Workforce Incentive Navigator Reports (WINR) and overall benefits advisement for all New Yorkers experiencing a disability and is committed to being a leading ambassador for Employment First principles and practices.

Statements within the draft report that OMH takes issue with are detailed below:

**Recommended Benefit Advisement System:** On page 8, OSC discusses OMH's decision to not use the DB101 platform recommended in the Report. While OSC explains that OMH chose not to use this platform because it did not meet the minimum security



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requirements, they go on to state that “OMH officials were unable to provide any documentation to show that the recommended system was not sufficiently secure, nor could they provide documentation for the rationale they used to support their decision that WINR would be sufficient to address the Report’s recommendation. While OMH officials cited a lack of resources as the reason they did not fully incorporate the benefits calculator recommended in the Report, they did not complete a formal written analysis to support this determination.”

**OMH Comments:** This statement is not entirely accurate. As OSC states, the DB101 platform would not have met privacy security requirements. The DB101 platform was being explored as a tool in collaboration with the Developmental Disabilities Planning Council. At its outset, the product appeared to be promising and was a convenient addition to the Commission recommendations; however, during the vetting process OMH IT staff confirmed that the product did not meet minimum security requirements, would not be approved by ITS, and therefore was abandoned. OMH did not find an in-depth analysis, or associated documentation to support this decision, to be necessary as the DB101 platform was found to use non-secure server connections and had no security at all on its website for login information.

**State Comptroller’s Comment** – OMH officials were unable to provide auditors with any evidence, including the IT staff’s determination, that DB101 did not meet minimum security requirements. Moreover, our report does not state that OMH should have done an in-depth analysis to support its decision. Further, OMH’s comment fails to address why it did not complete a formal written analysis to support its decision to not fully incorporate the benefits calculator in WINR.

**Pre-Emptive Prompts:** On page 9, OSC states that “OMH has not implemented a tool to pre-emptively prompt employment services providers to provide life coaching interventions at key decision points as recommended in the Report. These pre-emptive prompts would notify providers that they should deploy benefits advisement services at strategic times when assistance is most needed.”

**OMH Comments:** This statement is not accurate. OMH has implemented a tool, WINR, that pre-emptively prompts employment services providers to provide interventions as described. The Benefits tab is refreshed daily based on available data sets. Rather than alerting the provider who entered the data every time this happens for each customer, the provider can get the necessary information through the WINR application in a centralized way, as opposed to getting separate notifications per individual. WINR allows multiple staff from a provider location to view customers and their potential eligibility for benefits and work incentives.

**State Comptroller’s Comment** – OMH’s response demonstrates that providers are not pre-emptively alerted at key decision points. Rather, each provider needs to proactively access WINR to obtain the necessary information.

**WINR Eligibility and Access:** On page 10, within paragraph two of the section entitled, “WINR – Eligibility and Access”, OSC states that, “OMH officials said they do not know the total population of individuals with disabilities in New York”. They go on to say that, “while OMH officials pointed out this limitation in receiving more information about unemployed individuals with disabilities, complications with changing the algorithm they use, and



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having enough staff to complete the tasks involved in these steps, they have not attempted to remedy any of these barriers.”

**OMH Comments:** This statement is inaccurate. OSC misinterpreted OMH’s comments regarding knowing the total population of individuals with disabilities within New York state. As OSC states in the report, baseline data to determine how many individuals in New York have a disability is publicly available. ACS and other data sources can be used to get a general idea of the total **number** of individuals; however, this data set is not comprehensive (i.e., lists of individuals are not available). That said, OMH would not have the legal authority under Federal or State law to obtain the Personally Identifiable Information (PII), much less the Protected Health Information (PHI), for this population (the 1 million people OSC references). Additionally, it appears that OSC is under the assumption that WINR may be able to operationalize direct contact to a protected and vulnerable population. At minimum, individual consent is required and the only mechanism WINR currently has in place to obtain consent is through NYESS participation.

OSC also states that “only approximately 40,000 individuals are using WINR”, which needs to be taken into context. Prior to WINR, these 40,000 individuals may not have been prompted for potential benefits at all. While not as broad in scope as the potential population described in the Commission’s recommendation and admirable vision, the audience is nonetheless an improvement.

OMH is unclear what OSC is referring to regarding the comment that, “while OMH officials pointed out this limitation in receiving more information about unemployed individuals with disabilities, complications with changing the algorithm they use, and having enough staff to complete the tasks involved in these steps, they have not attempted to remedy any of these barriers”. It should be reiterated that this project is operating without any funding and that staff and resources will continue to be a challenge; however, the algorithm currently used to identify potential benefits for customers does not need to be modified. OSC continues to imply that the legal challenges associated with obtaining PII and PHI for the disabled population in New York could somehow be overcome without legislative authority, limited staff resources and access to relevant data.

**State Comptroller’s Comment** – We did not imply that the legal challenges associated with obtaining PII and PHI for the disabled population in New York could somehow be overcome without legislative authority, limited staff resources, and access to relevant data. Rather, our intent was to indicate that OMH should evaluate the feasibility of expanding WINR access to include all individuals with disabilities.

Further, OMH’s response to Recommendation 3 states that “OMH will communicate with other stakeholder state agencies to explore strategies and opportunities to continually expand the NYESS customer scope,” demonstrating that OMH is willing to evaluate the feasibility of expanding WINR to include all individuals with disabilities.

While OMH officials have pointed out various potential challenges with obtaining the information they need, the fact remains that they have not explored how to overcome these potential challenges in order to expand their customer base. There are various options that OMH could explore, like the current data sharing agreements it has with the State Education Department.

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**Historical Notification Data:** On page 10 under “WINR-Benefits Notifications”, OSC discusses the number of WINR customers (17,000 out of 40,000) with valid e-mail addresses and their request for notification data for 50 WINR customers. They go on to say that, “OMH officials said they intentionally never requested or reviewed such data before, based on a decision not to commit significant resources to email analysis, as such analysis would never determine whether an individual became eligible for or chose to act on potentially available benefits. However, data collection and analysis are vital to assessing the effectiveness of any program.”

**OMH Comments:** While these statements may not be factually inaccurate, there are significant omissions from OMH’s response to the preliminary audit report that offer context and more completely describe the issue of e-mail communications and tracking for WINR. WINR is limited by data available in the OSOS/NYESS system, in which e-mail is not a required field. This fact provides a more nuanced explanation as to why only 17,000 of the 40,000 WINR customers have valid e-mail addresses.

As explained to OSC, OMH had previously determined that retaining historical data related to e-mail communications was not useful and had not investigated the availability of data until the OSC review process. While it is true that OMH expected this data and analysis would be available through the e-mail vendor, OSC’s focus on lack of this information as a deficit is misplaced.

OMH intentionally decided not to commit significant resources to e-mail analysis, including whether someone clicked on a link or visited an attached resource, as there was not significant value to be gained. Considering that notifications are linked to e-mail availability, and that we don’t have e-mails for all customers, the resulting data would only show counts of “clicks” to resource links of a subset of our target population. The counts may be useful anecdotally, but are of little value in determining whether individuals chose to act on potentially available work incentive options, or ever became eligible. While OMH agrees that data collection and analysis are beneficial in assessing effectiveness, when it comes to benefits advisement, a useful analysis would be to investigate whether customers applied for, or connected to, related benefits. However, OMH does not currently have access to that information. It is not useful to analyze the path or number of individual clicks if we are not able to determine whether an individual took advantage of, for example, Section 1619(b) after reducing SSI cash benefits to zero, or whether they applied for and obtained the Medicaid Buy-In for Working People with Disabilities. This outcome data is not currently available.

OMH feels that the level of detail being noted as a deficit would require significant resources for insignificant gain.

**State Comptroller’s Comment** – It is unclear why OMH believes it would require significant resources to obtain and analyze email data from its email vendor. Without this data, OMH is unable to assess the effectiveness of the email notifications.

OMH’s responses to the recommendations are as follows:

**OSC Recommendation 1:** Formally assess the current benefits advisement system and make improvements, where possible, to address the Report’s recommendation. The assessment should consider key system features recommended in the Report including:

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- An interactive benefits calculator that allows individuals to assess how employment will affect access to publicly funded benefits;
  - Automated life coaching triggers sent to professional life coaches; and
  - The addition of information for other benefit types including SNAP and housing assistance

**OMH 30-Day Response:** OMH will continue to assess and explore the implementation of each of the features OSC identifies in their recommendation. Specifically, OMH will explore:

- the implementation of a benefits calculator, which may include the following:
  - purchasing or re-creating an existing benefits calculator;
  - determining the level of calculator sophistication; and
  - determining the most appropriate, accessible, and secure location for a calculator.
- a trigger or alert mechanism as interpreted by OSC after reviewing the interpretation of the term “life coach” and determining what the most effective and efficient triggers would be.
- other benefit and work incentive types which may include:
  - investigating what benefit types would have the greatest impact on job seekers facing disability; and
  - determining whether additional data is required to make benefit determinations and, if so, working with the appropriate parties to see if data sharing is feasible.

**OSC Recommendation 2:** Develop a network of professional life coaches who are educated in public benefits and work incentives for individuals with disabilities, collaborating with other State agencies as necessary.

**OMH 30-Day Response:** OMH recognizes the systems-wide need for additional improved benefits advisement capacity, and will continue efforts to provide training, technical assistance, and develop resources to address this need. OMH will:

- categorize NYESS provider affiliates and their staff as benefits resources; and
- explore existing partnerships to determine whether there are opportunities to share benefits training, technical assistance, and resources. Since OMH partners with NYS DOL as it relates to NYESS, OMH plans to begin coordinating benefits training, technical assistance, and resources with Workforce partners at existing NYS DOL Career Centers before the end of 2021.

**OSC Recommendation 3:** Evaluate the feasibility of expanding WINR to include all individuals with disabilities, even those who are not currently working with an employment services provider, collaborating with other State agencies and external entities as necessary.

**OMH 30-Day Response:** Expanding WINR to include all individuals with disabilities presents significant challenges related to PII and PHI. The baseline data threshold to be included in WINR is participation in the NYESS system, for which all participating

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individuals sign a consent. Obtaining PII and PHI data for individuals beyond that scope (i.e., for individuals with a disability who are not NYESS customers) is not achievable based on current data agreements and access. However, OMH will communicate with other stakeholder state agencies to explore strategies and opportunities to continually expand the NYESS customer scope.

**OSC Recommendation 4:** Work with the email notification vendor to capture historical notification data and use that data to assess the effectiveness of WINR notifications, making improvements to the notifications, as applicable, and collaborating with other State agencies as necessary.

**OMH 30-Day Response:** OMH does not consider e-mail notification analysis an effective method for measuring impact; however, OMH will explore options to continuously improve the value and impact of the current WINR strategy by exploring the addition of external data sets to measure outcomes related to Employment First Commission recommendations.

Please let us know if you have any questions or require additional information concerning the above.

Sincerely,



Moira Tashjian  
Acting Executive Deputy Commissioner

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