



# Southern Tier Independence Center

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Written testimony regarding Governor A. Cuomo's 2015-2016 NYS Executive Budget Proposal and Health/Medicaid priorities:

Please accept this testimony from Southern Tier Independence Center (STIC) on the Governor's proposed 2015-16 Budget.

STIC is a Center for Independent Living (CIL), a non-residential not-for-profit community based agency serving people with all types of disabilities of all ages as well as their family members and service professionals. We support people with disabilities living independent, fully integrated lives in their communities. Please consider the following requests.

1. **With the implementation of Delivery System Reform Incentive Payment (DSRIP) Program a top priority should be protecting Medicaid beneficiaries and the community based services they depend on.** This includes measuring patient health care experiences, making improvements accordingly, and investing savings generated by DSRIP into community based organizations that contribute to DSRIP project success.
2. Independent Consumer Advocacy Network (ICAN) is available to provide advocacy for people in need of long term care services. ICAN is for people enrolled in Managed Long Term Care plans, Medicaid Advantage Plus (MAP) plans, Programs of All-inclusive Care for the Elderly (PACE), Fully Integrated Dual Advantage (FIDA) plans, and for people receiving long term care services in Mainstream Medicaid Managed Care (MMC) plans. ICAN services are so very important since many health care enrollees do not understand the implications of entering or opting out of the above named plans and do not know how to make complaints or appeals regarding their health care plans, which ultimately affect quality and access to health care.

**Please consider expanding ICAN to track the mandatory managed care enrollments and beneficiary concerns through the behavioral health transition and other expansions of Medicaid Managed Care.**

3. NY Medicaid Redesign is happening very fast and there needs to be greater focus on consumer protections, especially the need for improved due process provisions. **Please consider the elimination of the requirement to exhaust a plan's internal appeal process before requesting a fair hearing.** Also, health plan notices need to be accessible (e.g., in large print or braille if visually impaired and in a consumer's primary language) and comprehensible. Managed care organizations should be penalized for not providing them in this fashion.

4. **Please support prescriber prevails in all health care programs, including fee for service Medicaid.** A patient's doctor should have the final say on medications that are necessary and insurance companies should not. Insurance companies have a conflict of interest if they're the ones deciding if a medication should be covered in full since they benefit by charging the consumer more. People with disabilities may have chronic conditions that require a complex combination of medications. In some cases only one specific medication is effective and an alternative medication may have adverse side effects that are harmful to the patient. Please support legislation that gives prescribers a convenient process to override "step therapy" and "fail first" restrictions when it's medically in the best interest of the patient.

5. Couples should not have to separate in order to become Medicaid eligible, which creates a myriad of unnecessary financial and emotional stressors for individuals. They shouldn't have to spend down and impoverish themselves to receive adequate health care in Medicaid. **Please oppose the elimination of spousal refusal.** Preserving spousal and parental refusal is extremely important and increases access to health care.

6. **Please support making amendments required to implement the expansion of the Nurse Practice Act (NPA) exemption for direct care staff in non-certified settings funded, authorized, or approved by the Office for People with Developmental Disabilities (OPWDD).** Please also support the necessary exemption to the NPA for advanced home health aides to perform advanced tasks in home care and hospice settings. This will allow individuals the opportunity to live in the community with necessary health care services. Otherwise they may be forced into institutions as we've seen many times and this jeopardizes their rights and freedoms.

7. **Please support requiring the Office for the Aging to seek public input and issue a report by December 15, 2015 pertaining to the creation of an "Office of Community Living" (OCL).** This report will address the goals of the Governor's Olmstead Plan along with a much needed expansion of community living integration services for older adults and people with disabilities. It will also explore the viability of moving Centers for Independent Living from ACCES-VR under the NYS Education Department, into the newly created OCL (a move

the CILs strongly support). Expansion of the Agency's community living integration services beginning April 1, 2016 should involve increasing funding to Centers for Independent Living, as we are a critical component and play an essential role in the implementation of NY's Olmstead Plan.

Thank you for your time and consideration of these health care priorities.

Respectfully submitted on behalf of STIC,

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