



NEW YORK
**ALLIANCE FOR
INCLUSION & INNOVATION**

Testimony to Joint Fiscal Committees of the New York State Legislature

2022-23 Executive Budget for the NYS Office for People With Developmental Disabilities

Mental Hygiene Budget Hearing (Virtual)
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Testimony Delivered by:

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OPENING

Good morning/afternoon Chairwoman Krueger, Chairwoman Weinstein, Chairman Mannion , Chairman Abinanti, and distinguished members of the New York State Legislature. Thank you for the opportunity to provide you with our perspective on the 2022-23 Executive Budget as it relates to supports and services to people with disabilities, necessary investments in the workforce and the administration of New York's Medicaid program.

My name is Michael Seereiter and I am the President and Chief Executive Officer of the New York Alliance for Inclusion and Innovation.

INTRODUCTION

The NY Alliance is a statewide association representing nearly 150 not-for-profit agencies serving people with disabilities. Our association envisions a society where people with disabilities are contributing citizens with equal rights and the ability to live full, productive, and meaningful lives.

I will focus my testimony on the Executive Budget proposal as it relates to:

- The importance of **sustaining the investments included in the Executive Budget and building upon them;**
- recommendations to address **workforce crisis** faced by the intellectual and developmental disabilities sector;
- expansion of the **Statewide Health Facility Transformation;** and
- the necessity for increased **housing supports,** increased access **to enabling technology,** and the creation of ombudsman services in the I/DD sector.



GENERAL OVERVIEW

I would like first to take the opportunity to acknowledge the significant investments that are being made in the world of individuals with intellectual & developmental disabilities (I/DD). In the Spring of 2021 with the passage of the American Rescue Plan Act in Congress, we learned that our State would receive a significant amount of money due to the enhanced Federal matching funds on Home and Community Based Services. The majority of the funds in the spending plan associated with these enhanced Federal funds are being directed at the portion of our sector where it's desperately needed – the workforce. Not to be outdone, the Governor's Executive Budget includes a number of investments in the I/DD sector, most notably the 5.4 percent cost of living adjustment (COLA) and the healthcare workforce bonuses which will provide up to \$3,000 for frontline health care workers including Direct Support Professionals. We commend Governor Hochul for including significant investments in Executive budget proposal for individuals with I/DD and those that care for them. We thank you, the members of the State Legislature for your ongoing commitment to people with I/DD and service delivery sector.

While we are appreciative of the investments in the Executive Budget, we also know that the job is not done and that this is only the beginning of the Budget process. To that end, there are a number of issues and priorities that we would like to bring forth for this body to consider as we move through the Budget process. Some of which are amendments to the Executive's investments which we believe would provide even greater value for individuals with I/DD and some of which are priorities not included in the Executive Budget that we would like to see as part of the final Enacted Budget.

WORKFORCE INVESTMENTS

Before focusing on the specific programs and proposals we would like to highlight as a means to alleviate the current workforce crisis it is important to understand the gravity of the crisis that we are currently in. I would like to share with you some statistics regarding the workforce that we, as part of New York Disability Advocates (NYDA) have collected from the field in regard to the workforce:

- As of April 2021, the average statewide DSP Staff Vacancy for not-for-profit providers stood at 24.75%.



- 50% of providers reported a staff vacancy of 20% or higher
- 10.5% of providers reported a vacancy rate of 40% or higher.
- 69.2% of agencies reported that they have had to require senior staff to cover DSP shifts.
- 47.9% of agencies have had to close programs or reduce operations due to staffing shortages
- 39.2% of agencies reported that they could not open new programs due to staff shortages or inability to recruit new staff.
- 93.16% of agencies reported a decrease in job applicants over the past year.
- 66.4% of agencies have seen an increase in staff vacancies since April 2021.
- The estimated number of vacant DSP positions at not-for-profit agencies statewide stands at 23,563.

Recurring Workforce Investments For Direct Support Professionals

Continued and sustained investment in DSPs' salaries is essential to recruit and retain staff and for the future viability of the field. The Executive Budget includes a proposal to make up to \$3,000 bonus payments to frontline health care and mental hygiene workers. This is a welcome proposal that will provide additional resources to help address the current workforce crisis. However, this is only a temporary measure and won't solve the crisis. Some providers are already offering \$3,000 bonuses to prospective employees as a sign on bonus with limited success. What we need is an investment in the workforce that will allow DSPs to earn a living wage as opposed to near minimum wage.

Before the minimum wage was incrementally increased over the past 10 years, providers were consistently able to pay their DSP's 30-50% above minimum wage. This is no longer the case as evidenced by the fact that in 8 of the 10 economic development regions across the State, the average starting salary for DSP's is actually below the fast-food minimum wage of \$15/hour. Furthermore, there are currently more than 23,500 vacant DSP positions in not-for-profit provider agencies across the State. Agencies want to hire; they simply cannot afford to do so since over 90% of provider revenue comes from the State. We must work collaboratively to



address the workforce shortages that exist and to support future higher wages for our Direct Support Professionals.

Tax Credit for Direct Support Professionals

To address the significant workforce challenges of the I/DD and mental hygiene service delivery systems and to recognize the vital work that DSPs do to support individuals with disabilities, a personal income tax credit should be established to provide recruitment and retention incentives to these vital employees.

Senator Mannion has introduced a bill (S.7643-A) that would create a new refundable tax credit for direct care staff working with individuals with developmental disabilities or a behavioral health diagnosis of up to five thousand dollars. Thank you, Senator Mannion, for introducing this important bill.

In combination with low pay, mandated overtime directly contributes to the inability to recruit and retain direct support professionals. The creation of a refundable tax credit would provide a significant pay boost to almost all individuals working in the field. The increase in take home pay would also assist with recruitment efforts, reducing the need for mandated overtime.

We call upon the State Legislature to include this tax credit in the Enacted Budget.

Direct Support Professional Credential Pilot Program

In 2015, the Legislature and Governor Cuomo charged OPWDD to provide recommendations for the design and implementation of a New York State-specific DSP Credential Program. The research in the report states that credentialing programs provide targeted educational opportunities that help people master increasingly specialized or rapidly changing content areas in professions without necessarily investing in a longer-term degree program. Since then, there have been two comparative analyses done with 5-6 agencies in NY credentialing a small set of workers that includes wage increases or bonuses for accomplishing the credential work.

The comparative analyses show:

- Improvements in quality outcomes and affordability of long-term supports and services;
- the ability to attract applicants into the DSP field, and decreased turnover and vacancy rates;





- enhanced competence in the field;
- higher quality supports and services to people with I/DD; and
- advanced competence in health and safety requirements set forth by the State of New York.

The Assembly and Senate have consistently recognized the importance of the DSP workforce and the tremendous value placed on training and career advancement. Legislation to advance a credential pilot program has been introduced in the Assembly by Chairman Abinanti (A.8408). Assemblywoman Gunther and Senator Brouk sponsor other similar bills, based on the study I previously mentioned (A.80 and S.4346). On behalf of the NY Alliance, we thank you for your ongoing support of this legislation.

As it will require funding to support the credentialing program and to bring it to a broader group of DSPs, we recommend the Legislature invest \$1.5 million as part of the 2022-2023 Enacted Budget to implement the professional credential pilot program for direct support professionals in the I/DD field. This investment will build upon the use of existing core competencies, skills building, and other educational resources. The funds would support the credentialing of over 300 DSPs in this pilot program; and, coupled with the wage enhancements in the proposed budget, begin to address the structural fix needed to support recruitment and retention of workforce in the I/DD field.

Expansion of the current BOCES and Community College Programs statewide to create a pipeline for the DSP care field.

Currently, too many direct care workers lack access to any form of career pathway or advanced training opportunities, which limits their ability to build their competency and expertise, leading to a net loss in valued experienced DSPs. An expansion of the current BOCES and Community College Programs that currently offer a career pathway for DSP's is a potential solution toward ensuring an educated, trained, and passionate workforce using a model that currently exists.

Nurses Across New York

Part A of the Health and Mental Hygiene (HMH) Bill creates the Nurses Across New York Program which would provide loan forgiveness for nurses working in underserved communities, for the purpose of supporting recruitment and retention in that field. The current language of the



bill stipulates that nurse who work in physicians' office or facility that primarily serves an underserved population as determined by the Commissioner of Health. Our request is that this language be amended to specifically include nurses that serve individuals with intellectual and developmental disabilities to ensure that our sector is not overlooked for this program. Just like physicians' offices and hospitals, I/DD service providers have had a difficult time recruiting and retaining qualified nurses and inclusion in this program would ensure that I/DD providers are not acknowledged as well.

EXPAND THE ELIGIBILITY OF THE STATEWIDE HEALTH FACILITY TRANSFORMATION

The new Statewide Health Facility Transformation Capital Projects Fund in Part K of the Health and Mental Hygiene (HMH) provides \$1.2 billion for healthcare-related capital improvement projects across a number of facilities. While general healthcare facilities are included in the allocation of dollars for this initiative, we believe that facilities that serve individuals with disabilities should be specifically awarded a dedicated amount of funding as part of this initiative. To that end, we are asking the Legislature to amend Part K of the HMH bill to specifically include community-based intellectual/developmental disabilities providers that are authorized, approved and/or funded by OPWDD as eligible applicants.

BETTER ACCESS TO AFFORDABLE AND INDEPENDENT HOUSING

The Executive Budget invests \$13 million State share to provide housing subsidies through the Individual Supports and Services (ISS) and Self Direction (SD) program to increase payment standards and align reimbursement for administration of these subsidies with changing policies. While this is certainly a step in the right direction, there is still more that can be done to address the housing inequities faced by individuals with I/DD.

New York is facing a housing crisis for people with I/DD; housing costs are high, housing is scarce, and the I/DD system is undergoing urgent transformational changes. It has been long noted that the current residential system is not sustainable and more importantly, many younger individuals transitioning from school to adult supports do not need, nor do they want as their only option, to live in congregate certified residential homes.

It must be acknowledged that supporting people to find housing opportunities can be challenging with today's evolving systems, higher costs, and leaner budgets. Agency professionals may have





limited knowledge of housing systems, eligibilities, entitlements, and the opportunities afforded through housing networks. The Community Transition Services do not extend to supporting the individual in securing a home. There is an emergent need for Housing Navigation or Housing Counseling services to be administered as part of care management activity to assist the individual to assess their housing needs and options, provide assistance in securing housing, and establishing procedures and contacts to create and retain housing.

The New York Alliance recommends a series of recommendations to help alleviate this crisis including:

- Incorporating the three housing related activities and services that CMS outlined in the Informational Bulletin: Individual Housing Transitional Services, Individual Housing & Tenancy Sustaining Services and State-level Related Collaborative Activities - into the HCBS waiver renewal submission to the federal government
- Creating a Housing Task Force including all stakeholders to examine ways to address the housing crisis, including regulatory reform, innovative pilot projects and non-certified options.
- Eliminating the 15-minute increment standard for billing.
- Actively Promoting existing ways to increase housing options, including Paid Neighbor and Live-In Caregiver, Key Ring models and Enabling Technology.
- Providing caregiver stipends to family members to reduce the DSP shortage and enable people to stay in their family home longer.
- Repurposing large congregate settings where possible and desired. Allow reinvestment of dollars to create smaller and more person selected homes. Some larger certified settings will and must remain, especially if they are accessible, but more can be done to support this direction. Sale and Lease back arrangements should be explored.
- Exploring ways to enhance and encourage shared living arrangements by reviewing the potential complexities with regards to DOL standards and provide technical assistance.



TECHNOLOGY

Access to comprehensive information and usable communication technologies has become a necessity for all people in our society, particularly people with intellectual and developmental disabilities. Enabling technology promotes self-determination, advances person-centeredness, increases independence, and allows for natural safeguards and valued outcomes. The use of enabling technology also allows people with I/DD to engage meaningfully in aspects of life such as employment, education, recreation, civic participation, and all other social determinants of health. It also creates new markets, employment opportunities, reduces healthcare costs and improves independence and people's quality of life. It's important for society to recognize the importance of enabling technology in the lives of people with I/DD as a means by which to realize their basic civil rights. We call upon the State Legislature to adopt a resolution acknowledging the importance of enabling technology and establishing the State of New York as a technology first state.

SPECIALIZED I/DD OMBUDSMAN PROGRAM

The NY Alliance strongly believes that the role of an Ombudsman is essential in publicly funded human services delivery systems and is especially vital when new systems are put in place.

An ombudsman is officially charged with representing the interests of the public and is independent from government. Through the NYS Budget process, a (NYS) substance use disorder, and Mental Health Ombudsman had been created. This helps individuals, and their families navigate New York's behavioral health care system to ensure people have access to necessary care and services and to help resolve issues when care has been delayed or denied as part of Medicaid managed care.

An independent, specialized I/DD Ombudsman would be tasked with assisting people in New York's I/DD system and their families to navigate in a managed care and other environments

A bill passed both houses last year and was vetoed by the Governor on October 25th. We thank Senator Mannion and Assemblywoman Buttenschon for sponsoring the legislation. The NY Alliance supports a specialized I/DD ombudsman program and would be supportive of funding in the Enacted Budget to authorize its creation.





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CLOSING

On behalf of the NY Alliance, we thank you for the opportunity to provide you with our recommendations and feedback on the 2022-23 Executive Budget.

