

Alliance of Long Island Agencies, Inc.

Seth Stein, Esq.

Executive Director & General Counsel

**Cerebral Palsy Associations
of New York State, Inc.**

Mike Alvaro, *President & CEO*

Developmental Disabilities Alliance of WNY

Rhonda Frederick, *President*

**InterAgency Council of Developmental
Disabilities, Inc.**

Tom McAlvanah, *Executive Director*

**New York Alliance for Inclusion &
Innovation**

Michael Seereiter, *President & CEO*

**New York Association of Emerging &
Multicultural Providers, Inc.**

Yvette Watts, *Executive Director*

The Arc New York

Erik Geizer, *Chief Executive Officer*

**TESTIMONY SUBMITTED TO THE
NEW YORK STATE LEGISLATURE**

**Joint Hearing of the
Senate Finance and Assembly Ways and Means Committees**

**2022-2023 Executive Budget
Mental Hygiene**

For New York Disability Advocates (NYDA)

February 14, 2022

New York Disability Advocates (NYDA) is the coalition of the seven statewide provider associations representing the not-for-profit providers of supports and services to people with disabilities.

For more than a decade, New York State did not make sufficient investments to sustain essential supports and services for New Yorkers with intellectual and developmental disabilities (I/DD). Without adequate state funding, I/DD provider agencies have been unable to offer competitive wages needed to recruit and retain the skilled direct care staff that provide critical supports and services, resulting in a workforce crisis that has grown for over a decade.

First, we want to recognize and thank the Legislature for your tireless advocacy on behalf of this sector and specifically for the inclusion of the full COLA in last year's budget. While only 1%, this was an important step in the right direction for the field.

Governor Hochul's Executive Budget is a critical step in the right direction of making investments and providing adequate resources for the I/DD service delivery system following more than a decade of cuts and neglect from New York State.

The rising cost of inflation, the significant fiscal impacts of COVID-19, and the immediate need to increase wages are among the reasons NYDA is supportive of the Executive Budget's proposed 5.4% COLA.

Additionally, NYDA supports the Executive's frontline health care and mental hygiene worker bonus proposal. We believe that this bonus can serve as a helpful tool to recruit and retain staff in the midst of a detrimental workforce crisis.

However, NYDA asks that Legislature amends the language to include part-time employees who work 15 hours per week and to reduce the top tier average to 35 hours or less if considered full time by the individual provider agency. These changes will be crucial to ensure that vital part-time employees, who cover weekend shifts or overnight shifts would be eligible to receive a bonus.

NYDA additionally requests that the Legislature include language to establish a Refundable Personal Income Tax Credit for Direct Support Professionals (DSPs) in the OPWDD and OMH systems, in order to recognize the exhausting and vital work that DSPs perform to support individuals with disabilities in living enriched, fulfilling and safe lives. This proposal would be a well-earned recognition of their work and provide crucial recruitment and retention incentives by adding up to \$5,000 to DSP salaries.

The Nonprofit Infrastructure Capital Investment Program will significantly improve the operations of nonprofit human services organizations and we support the Executive's inclusion of these funds.

Similarly, the Executive Budget's Statewide Healthcare Transformation Program will provide grants to transform and modernize health and Medicaid services but I/DD providers must be included in this as well. NYDA urges the Legislature to advance these amendments.

Across the nation, the nursing home shortage has had massive ramifications on healthcare and service systems, including supports and services for individuals with disabilities. The Executive Budget's proposed Nurses Across New York Program will provide loan forgiveness for nurses, which will benefit the rebuilding of New York's healthcare workforce. Therefore, NYDA is requesting that the nurses and nursing assistants who work for our provider agencies be included in this program.

The Governor's commitment to addressing inequities in frontline healthcare and mean hygiene worker wages is essential in supporting a strong, stable service delivery system and the I/DD community is eager to work collaboratively with the state to make meaningful progress and permanent improvements for our essential workforce.

To achieve this goal, the state should build on the resources provided by the federal government, which will provide a 20% one-time bonus to DSPs. We believe that the opportunity is now for the state to build on this investment and make these increases permanent

In addition to increased wages for staff, we have identified practical solutions to increase DSP recruitment and retention that must be included in the FY 2023 Budget, including:

- Implementation of Statewide Recruitment Programs
 - The expansion of the current BOCES and Community College Programs statewide to create a pipeline for the DSP care field.
- Implementation of statewide Credential and Career Ladder Programs
- New York State’s Advocacy for a new Federal Standard Occupational Classification for Direct Support Professionals
- Regulatory Reform Proposals as Suggested by the Arc New York in the areas of:
 - Hiring, training and evaluation of staff
 - Supportive apartments
 - Medical/Nursing documentation
 - Emergency Drill Streamlining

By the numbers

- According to a recent survey conducted by New York Disability Advocates:
 - 93% of providers saw a decrease in job applicants this year
 - Statewide vacancy rates increased 75% since pre- pandemic levels
 - 25% of all DSP positions are currently vacant statewide
 - 48% of providers were forced to close or reduce programs due to lack of staff
 - 39% of providers did not reopen programs due to staff shortages
 - Senior & administrative staff at 69% of providers were pulled from leadership responsibilities to cover direct care shifts.
 - The average statewide starting average wage for a residential direct care worker is \$14.56, in comparison to the statewide fast food minimum wage of \$15.
- As of October 2021,
 - There are 23,563 vacant DSP positions statewide
 - 66.14% of not-for-profit agencies have seen an increase in staff vacancies since April 2021
 - Nearly 50% of Provider Agencies reported that they have had to close or modify programs over the past year due to financial hardship
 - 77% of Provider Agencies reported that over the past year, they have attempted to expand program offerings, but have been unable to do so because of staffing shortages
 - 50% of provider agencies report that they had DSP staff vacancies in excess of 20%
 - Around 10% of Agencies statewide report staffing vacancies in excess of 40%
 - 93.1% of agencies have reported a decrease in the number of job applications.

It is a new day for our community with Governor Hochul’s Executive Budget’s proposed investments. DSPs perform life preserving and affirming jobs; administering medication, physical and behavioral health services, teaching, transporting and otherwise supporting people who depend on them 24/7. While these are not minimum wage jobs and should not be treated as such, the State must keep the \$40 million investment in the Executive Budget to support minimum wage increases for our severely underpaid staff.

NYDA and the I/DD community look forward to working with Governor Hochul, her administration and the New York State Legislature to ensure the One House Budgets and FY23 State Budget include Governor

Hochul's proposed investments to protect our vulnerable community members, providing them the long-term investment they need to live healthy, fulfilling lives.