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New York State Assembly  
Public Hearing on the

**ADEQUACY OF SUPPORTS AND SERVICES  
FOR INDIVIDUALS WITH DEVELOPMENTAL  
DISABILITIES**

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Legislative Office Building  
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On behalf of the New York State Association of Community and Residential Agencies (NYSACRA) and the New York State Rehabilitation Association (NYSRA), we thank Assemblywoman Gunther and the members of the Assembly Mental Health and Developmental Disabilities Committee for scheduling a public hearing on the adequacy of supports and services for people with developmental disabilities.

NYSACRA represents approximately 200 voluntary not-for-profit agencies throughout New York State. These dedicated agencies provide direct services and supports to thousands of individuals with intellectual and developmental disabilities and their families. The agencies are located in many communities across the state and provide jobs to the more than 75,000 direct support professionals who are relied upon to provide these essential services and supports.

NYSRA is a statewide 501 (c) (6) organization representing rehabilitation providers who advocate on behalf of individuals with differing abilities and the agencies who serve them. NYSRA's community providers offer a full spectrum of services to people throughout New York State, including individuals with developmental disabilities, mental illness, deaf and hearing impaired, and vision problems, in addition to addictions, traumatic brain injuries and veterans' services.

NYSACRA and NYSRA believe this hearing is timely as state agencies recently submitted their budgets to the Administration to craft the proposed 2016-17 Executive Budget. Equally as important is the overwhelming amount of substantive changes and dramatic structural shifts in which the intellectual and developmental disabilities (I/DD) sector has been undergoing and will continue to experience in the next several years. While we certainly believe tremendous opportunities exist with change, the system is vulnerable to significant challenges if such changes continue to be swiftly implemented and without realistic timeframes and meaningful planning to properly transition. Likewise, an appropriate level of resources must be invested, not just reinvested, to successfully transform the system of supports and services to people with I/DD.

Our testimony will focus on the following: Sustainability; Infrastructure, Workforce, Keys to Successful Transformation.

**Sustainability** – For the past several years and continuing through today, we have seen a steady erosion of the capacities of the community-based OPWDD services delivery system. This erosion is a result of the massive systemic transformation underway that has brought about fundamental changes to policy (e.g. transition from ICFs to IRAs, elimination of sheltered workshops) and funding (i.e. rate rationalization). The result of these often hastily executed changes has left many within the network of community-based providers of services with fiscal vulnerabilities, and in many cases, unsustainable futures. Now, NYS is charting a new course for the delivery of services to individuals with I/DD into the world of managed care and value-based payments that are intended to result in improved individual and systemic outcomes than the existing fee-for-service system. That new structure is often held out as the alternative to the current, unsustainable environment. While that may be true, the caustic nature of the current environment threatens the very ability of many organizations providing services to people with I/DD to get to a new systemic paradigm. If NYS expects to maintain a robust system of community-based services upon which New Yorkers with I/DD rely for their daily support needs, significant resources must be dedicated to shore up that system and avoid a systemic collapse as the transition to a new environment plays out.

**Infrastructure** – Any reasonable plan for implementing change recognizes the need for up-front resources to successfully achieve said change. As the magnitude of the change increases, so does the magnitude of the resources needed. The complete systemic transformation underway in the OPWDD field, including major components of the OPWDD Transformation Agenda – wherein a traditional fee-for-service Medicaid-funded system will move into a managed care environment with the delivery of services reimbursed based on the value of the outcome on the individual service recipients life – is nothing short of enormous. In order to successfully operate in such a redesigned environment, providers of services within the system will need resources in order to:

- gain an in-depth understanding of the concepts and operations of managed care
- develop electronic health records and deepen case management records
- develop information/data collection infrastructures
- become expert at using data as a primary management tool
- develop meaningful outcomes and metrics by which service delivery should be measured and reimbursed
- successfully negotiate contracting arrangements with managed care entities, Performing Provider Systems, and others never previously encountered
- examine their operations to determine viability within a new environment
- entertain and execute any mergers and acquisitions determined to successfully position for the new environment
- change the culture of their organization and workforce to let go of decades of “per unit” mentality and adopt a highly competitive “value-based” approach to service delivery

For this type of transformation to be successful, NYS will need to invest significant resources in order to avoid an otherwise all-but-certain failure of managed care – one that could have catastrophic consequences on the lives of individuals with I/DD and their families who rely on these daily living supports.

**Workforce** - The core of the service delivery system is a well-trained direct support workforce that provides the full continuum of services and supports in a professional, skilled and ethical manner. A fundamental part of any transformation will embrace the direct support professional (DSP) and highlight the core competencies important to a sector. Well trained direct support professionals:

- help build and maintain relationships

- demonstrate ethical practices
- support good health and safety and
- support individuals with I/DD to have active and productive lives both at home and in the community.

To successfully attain core competencies, it will be necessary to include training, learning resources and incentives such as a credential and career ladders to promote the success of the direct support professional. Only by doing so will they be able to effectively promote success in the lives of individuals with I/DD.

We wish to thank you, Assemblywoman Gunther and the members of the State Legislature for your continued support of a direct support professional credential. The enacted 2014-15 State Budget contained a provision calling upon OPWDD to undertake a study for the design and implementation of a direct support professional credential. A comprehensive project, with three main components resulted and the study is likely to be released soon. We urge your support of the credential in the budget.

Separately, the State's economy has continued to improve. As a result, recruitment and retention issues are increasing and DSP turnover is a fast growing problem. Filling staff vacancies has become an issue and this leads to dramatic increases in overtime expenditures. Transformation should address this through necessary adjustments for providers to offset increases in the minimum wage that we believe will again likely be considered in the 2016 State Legislative Session.

Both NYSACRA and NYSRA are gratified that the Administration recognizes that minimum wages have not kept up with the pace of the rising costs of living. We applaud Governor Cuomo for making the minimum wage a priority and support his efforts to implement multi-year increases. However, increasing the minimum wage includes responsibilities for the state to provide adequate funding in the State Budget to increase wages for DSPs and other I/DD support worker salaries by an amount proportionate to the increase in the minimum wage. If an adjustment to reimbursement to state-funded human services providers is absent, inequities will arise and the recruitment and retention of direct support professionals and direct care employees in the human services sector will once again become a paramount issue and systems will be compromised.

Therefore, we urge the Administration and the State Legislature to include appropriate levels of funding in the State Budget to uphold government's responsibility to pay for services for which it contracts at rates that allow the minimum wage to be paid.

**Keys to Successful Transformation** – As stated earlier, we believe a tremendous opportunity exists to transform the system. Our two associations embrace changes that result in improved service delivery for individuals with I/DD and strive to work in concert with the State of New York to develop new and enhanced supports and services to people with I/DD and their families.

NYSACRA and NYSRA believe the sector will be able to move in direction which holistically transforms the system. We do not believe, however, that timeframes to appropriately and successfully transform are realistic especially given the vast level of changes currently underway.

Two keys to successful transformation are apparent: 1) people with developmental disabilities are at the very center of the State's transformation initiative. Given the complexities associated with transforming an entire system of supports and services, we must keep the person being served as our guide. As the system continues to change and our thinking, our language and our behavior converts from organizing around revenue streams and control and compliance, it is inherent that we invest in processes that yield new possibilities most responsive to people with I/DD.

2) We must also continue to underscore the importance of implementing thoughtful, meaningful policies and practices with a measured pace. When we attempt to change everything all at once at a pace that is unreasonable, we should expect to accomplish none of the change well.

**Closing** – On behalf of NYSACRA and NYSRA, we appreciate this opportunity to provide the Assembly with information related to the adequacy of supports and services to people with I/DD and additional resources necessary to ensure sufficient capacity in the DD system. In order to ensure successful systems transformation, it is necessary to invest sufficient resources in the system, and the sector itself, including, but not limited to technical assistance to equip the field to transform, fully and meaningfully.

Thank you for holding this public hearing.