



NEW YORK STATE ASSOCIATION OF COMMUNITY & RESIDENTIAL AGENCIES

Testimony Before the

New York State Assembly Ways & Means Committee and the
New York State Senate Finance Committee
on the

PROPOSED 2012-13 EXECUTIVE BUDGET

Mental Hygiene Budget Hearing

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Legislative Office Building
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Testimony Delivered By:

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Good Morning/Afternoon. Chairman Farrell, Chairman DeFrancisco, Chairman Ortiz, Chairman McDonald and distinguished members of the State Legislature. I'm Ann Hardiman, Executive Director of the New York State Association of Community and Residential Agencies (NYSACRA).

I am pleased to provide you with NYSACRA's perspective on the proposed 2012-13 Executive Budget proposal as it relates to the New York State Office for People with Developmental Disabilities (OPWDD) and services to people with intellectual and developmental disabilities (IDD).

NYSACRA represents over 200 voluntary not for profit New York State agencies. 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 all communities across New York State and rely on more than 70,000 direct support professionals to provide these services.

You may have met some of our members two weeks ago. On January 31st, 350 people from around New York State attended our legislative day here in Albany. Individuals with IDD, parents, family members, direct support professionals and agency representatives visited the Legislative Office Building and the State Capitol to meet with you and your colleagues on issues most important to them. On behalf of our members, I thank you for your continued support of our sector.

I will highlight areas which we believe are major focal points of the Governor's proposed 2012-13 Executive Budget of importance to our members. We support many of the provisions in the proposed Budget and we are grateful for the Governor's commitment to people with IDD, direct support professionals, parents, families and providers, as exemplified through various recommendations. We would be remiss if we did not also articulate our concerns related to certain provisions which, if enacted, have the potential to severely restrict an agency's ability to do business.

NYSACRA's testimony will focus on the following areas:

- **The Proposed 2012-13 Executive Budget Proposal for OPWDD;**
- **Increased Reliance on Community-Based Services and the 1115 People First Waiver;**
- **Supporting the Workforce; and**
- **The Olmstead Implementation Plan**

The Proposed 2012-13 Executive Budget for OPWDD

NYSACRA is pleased with specific opportunities contained within the proposed Executive Budget - it maintains existing rates for residential and day programs as well as reprioritizes funding to initiate a five-year Capital Plan to support necessary "Life Safety Code" enhancements and to allow providers to comply with certain important fire safety standards.

NYSACRA supports the proposed reinvestment of savings for new residential opportunities and non-residential service opportunities for respite, crisis, employment and community integration programs. Likewise, we support creating in-state residential placements for 92 individuals currently living out-of-state as well as important increased funding for Family Support Services.

NYSACRA acknowledges the Governor's stance on compensation and administrative costs for state funded service providers as represented in the budget proposal and the Executive Order issued last month. While

Supporting the Workforce

NYSACRA has long been the champion of the workforce and is proud of the 70,000 direct support professionals who work 24 hours a day, 7 days a week to ensure that people with I/DD and families receive the necessary supports and services in a genuine and caring environment.

We look forward to reviewing the Report and recommendations of the Governor's Special Advisor on Vulnerable Populations. We commend the Governor for his selection of Clarence Sundram to serve in this capacity. We were pleased that Mr. Sundram attended NYSACRA's leadership retreat in November of last year to highlight the valuable work in progress.

NYSACRA is pleased that OPWDD has been positively highlighting the workforce. We are delighted that the advances with the direct support professional are constructive and believe the profession will be a more valued cornerstone of the service delivery system as a result. NYSACRA's message is and has been one which promotes a strong, well trained and committed workforce. The Administration recognizes that a culture which promotes and reinforces the value of direct support professionals and front line supervisors is an essential component of delivering excellent services and supports to individuals with I/DD.

To further advance and promote the direct support professional, NYSACRA supports the implementation of a voluntary statewide Direct Support Professional credential. As with any profession, Direct Support Professionals need to be recognized and valued and the credential represents skill competency characterized by excellence.

It is the mission of the Direct Support Professional to follow the individual path suggested by the unique gifts, preferences and needs of the people they support. Ethical practice and standards are important to direct support workers. Therefore, NYSACRA supports the National Alliance of Direct Support Professionals' Code of Ethics and calls upon the State of New York to endorse the Code of Ethics.

Olmstead Implementation Plan

The Governor's State of the State Address highlighted the Supreme Court's ruling on Olmstead. People with disabilities have the right to receive care in the most integrated setting appropriate to their needs. The Governor cited the development of an "Olmstead Implementation Plan" to guide the transition of individuals from institutional to community-based care. As referenced in this testimony earlier, NYSACRA is very supportive of the Governor and the Administration's commitment to move individuals into the community, provide necessary access to affordable and accessible housing and promote employment of persons with disabilities.

We understand the Most Integrated Setting Coordinating Council may serve as the main vehicle to oversee the development of the Olmstead Implementation and look forward to working with the Administration, the State Legislature and all stakeholders to ensure that the rights of people with disabilities are fully recognized and protected.

Closing

In closing, I thank the Assembly Ways and Means Committee and the Senate Finance Committee for the opportunity to appear before you to provide NYSACRA's testimony on the proposed 2012-13 Executive Budget. We look forward to working with you to as the budget process continues to develop.

NYSACRA

Statement & Points on the PEOPLE FIRST 1115 WAIVER



NYSACRA is a catalyst and leading advocate for people who have developmental disabilities and organizations that support them. Our voluntary not-for-profit agencies continue a long and proud history to transform the lives of the people and families they serve. NYSACRA members deliver essential services, act as partners in respective communities throughout New York State, employ thousands of individuals and NYSACRA members represent the collective voice to promote choice, value and quality of services to people with developmental disabilities!

The New York State Association of Community & Residential Agencies (NYSACRA), member agencies and their employees understand firsthand, the challenges of the current economic climate. We agree with reform, innovation and delivering effective and efficient services to people with developmental disabilities. We also believe in affording people with disabilities the opportunity to choose the supports and services they require to live successful, independent lives.

In the Spring of 2011, the New York State Office for People with Developmental Disabilities submitted a Concept Paper to the federal Centers for Medicare and Medicaid Services to seek a waiver under Section 1115 of the Social Security Act to develop and implement creative service delivery and payment models that integrate acute and long term care of 100,000 individuals with developmental disabilities enrolled in New York's Medicaid program.

NYSACRA is encouraged that the State of New York is seizing an opportunity to redesign the developmental disabilities system to yield improved outcomes, increased efficiency and accountability within the larger State system of coordinated care. We are committed to working with the State to implement system improvements and to develop, expand upon and pilot test innovations. As the waiver takes us in the direction of coordinated/managed care for individuals with intellectual and developmental disabilities, NYSACRA is cautiously optimistic about the "fit" between managed care and the lives of people with developmental disabilities. We are willing to work on answers to the questions and relay the following points of concern as we enter this new environment:

Direct Support Professionals

The primary responsibility of the Direct Support Professional (DSP) is to assist people who need support to lead self directed lives and participate fully in their community. The role is a key to the success of the life of an individual with a developmental disability. DSPs must be recognized in the People First Waiver and in a priority of us all in the ensuing five years. Appropriate wages, benefits and career ladders must be supported. Likewise, a voluntary credential and the adoption of a Code of Ethics will strengthen their work and professionalize the position.

Coordinate Services – Individualized Planning & Due Process

It is imperative to underscore the need to coordinate services through a comprehensive, personalized plan and ensure that individuals with disabilities, parents and family members are engaged in writing person-centered plans. Time allocation to do this is critical and needs to be addressed. Communication must be open, proactive and person-centered. Formal grievance processes and fair hearings are important components in a managed care environment and must be in place. Given the volume and number of people to be enrolled in managed care, specific attention must be given to assure individualized services.