



**NYSADSA**  
New York State Adult Day Services Association Inc.

**TESTIMONY of the  
New York State Adult Day Services Association (NYSADSA)  
to the Joint Budget Committee on Health**

*February 8, 2022*

Yvonne Ward, Vice President

Thank you, Committee Chairs Krueger, Weinstein, Rivera and Gottfried and honorable members of the Assembly Health Committee, for the opportunity to provide testimony on behalf of the New York State Adult Day Services Association (NYSADSA).

Adult Day Services (ADS) are Home and Community Based Services that provide personal care, supervision and monitoring, nutrition, and other services in a community setting. Adult Day Services are available under 1915c waivers and through contracts with NYSOFA, or regional Aging Agencies. The service became a Medicaid Managed Long Term Care benefit under the Medicaid Redesign Team.

NYSADSA is committed to industry compliance and providing the highest quality of services while adhering to NYSOFA rules and regulations. NYSADSA represents social adult day care programs across the State. We are respectfully requesting \$350,000 in the 2022-23 State Budget for a three-year Pilot Program to establish a Social Adult Day Care Statewide Accreditation program.

In New York State, there are currently no state licensures or statewide oversight of adult day center operations—oversight is generally dependent on the payor to ensure that quality of services provided. Specifically, for Adult Day programs operating and funded through Medicaid Managed Long Term Care, this can be a conflict of interest. Some MLTC plans have aggressive contracting practices, which include a required number of referrals to receive an Adult Day Services (ADS) contract or increased compensation rate. This compounded with inadequate credentialing of ADS providers and lack of effective compliance programs, has led to continued complaints.

Concerns have been raised from families, caregivers and stakeholders across the state that there are abuses taking place in adult day programs that do not operate with sufficient staffing and do not provide adequate services. To address this, NYSADSA proposes the creation of a Pilot Accreditation Program to establish statewide standards for all SADS that will enable social adult day programs to distinguish themselves as a high quality service providers. Through accreditation of Social Adult Day Services, Managed Long Term Care Plans (MLTC) that contract with accredited SADS programs could better ensure that they are contracting with programs providing the highest level and quality of services.

To launch this effort, NYSADSA is proposing a three-year Pilot Accreditation Program to be developed and implemented by NYSADSA. The Pilot Program will streamline oversight of social adult day services under one third-party accrediting body which will:

- Recognize program performance and outcomes, motivate programs to comply with standards of practice
- Increase credibility of the adult day services industry
- Promote and maintain professional standards
- Reduce MLTC plan administration costs
- Remove MLTC plan conflict of interest

A third-party Accreditation Pilot Program implemented by NYSADSA is the best solution to address the need for uniform operating and oversight standards for social adult day care program providers without burdening the State or one agency, such as NYSOFA.

In establishing this Pilot Program, NYSADSA will work collaboratively with all interested stakeholders to develop an oversight framework to ensure that all the SADS recipients' needs are being met on a statewide, uniform basis, and that Managed Long Term Care Plans are contracting with the highest quality programs.

In 2016, New York State Department of Health's recommendations related to the Office of the State Comptroller's final audit report 2014-S-31 entitled, "Social Adult Day Services." Included a recommendation:

"Stakeholder agencies should work together to implement a comprehensive program to oversee Medicaid-funded SADS programs, which includes the oversight actions recently developed as well as procedures to verify the accuracy of the annual SADS self-assessment certifications".

An OIG report released in 2020 found that New York's oversight of Medicaid MCOs did not ensure that 18 of the 20 adult day care services providers reviewed complied with Federal and State health and safety requirements, in the same year the NYC SADC Ombud's reported 36% of complaints were about possible Medicaid fraud.

With the State moving to compliance with the Home and Community Based Final Rule, it is imperative that there is uniform operating and conflict free oversight standards, that can work with all Stakeholders to implement a comprehensive program to oversee Medicaid funded SADC programs.

Quality Adult Day programs can offer solutions to key issues facing the State:

1. **Staffing crisis.** Adult Day programs provide personal care at a ratio of 1 direct care worker to between 5-7 participants, opposed to 1:1 care in the home. It is reported there are currently around 8K patients without home care services, due to the workforce shortage.
2. **Rising cost of personal care and CDPAP services.** The 2017 Cost of Care Study published by the long-term care insurance company Genworth continues to verify, as it has every past year, Adult Day Services are far less costly than nursing home care and less costly than other home and community-based services (HCBS), such as home care and assisted living.
3. **Caregiver burnout:** Studies have shown that ADS use lowered caregivers' exposure to stressors and may improve behavior and sleep for people with dementia on days they have ADS.<sup>1</sup>

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<sup>1</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3155027/>

Inclusion of this Accreditation Pilot Program in the 2022-23 Budget will ensure SADS participants, their families, and caregivers will receive the best quality alternative to institutionalized care. This comes at a pivotal time as more and more consumers consider adult day centers as an option for care for their loved ones, especially those that require culturally specific settings and care.

## **BACKGROUND**

Adult Day Services (ADS) Title 9 NYCRR §6654.20, are Home and Community Based Services that provide personal care, supervision and monitoring, socialization, nutrition, and other services in a community setting.

Adult Day Services are available through contracts with NYSOFA, or regional Aging Agencies, and Home and Community Based Waivers and are a benefit under Medicaid Managed Long Term Care Plans (MLTC).

The Medicaid Redesign Team (MRT) was created in 2011 to lower health care costs and improve quality of care for its Medicaid members. Personal care services in an Adult Day program were allowed as a substitute for personal care services in the home. This was a cost saving imitative and a solution to the workforce shortage.

Under MLTC contracts, ADS grew significantly, causing oversight concerns of the unregulated industry. MLTC policy 13:11 was adopted in 2013, to resolve reports of unqualified enrollments into Medicaid Managed Long Term Care Plans. Reports<sup>2</sup> continued to highlight the concerns that unregulated Adult Day programs leave disabled adults or older adults at potential risk,, now in 2022 oversight is still dependent on the payor.

Quality Adult Day programs do more than provide personal care and socialization--they provide case coordination, offer assistance in completing housing applications, scheduling appointments for doctors and preventative care and provide food security and translation services.

Adult Day Services are cost effective and can provide many solutions to care, especially to those facing inequities. Robin Hood in partnership with Columbia University, Poverty Tracker has shown that illness is related to poverty and disadvantage. Tracking and addressing Social Determinants of Health is even more important for those with long term care needs, especially as social determinants drive 80% of health outcomes.

Adult Day Services participants are more diverse than users of other major long-term care services with respect to race, ethnicity and age, as shown by a National Study of Long-Term Care Providers published by the National Center for Health Statistics. Additionally, 32% had a diagnosis of Alzheimer's disease or dementia.

Accreditation will provide a comprehensive oversight for Adult Day programs, increasing the quality and standard of programs. This is the best solution to address a long standing need within the industry, without depleting State resources and staffing.

Thank you for your consideration of this request.

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<sup>2</sup> <https://www.osc.state.ny.us/press/releases/2015/12/dinapoli-limited-regulation-adult-day-care-programs-poses-potential-risks-vulnerable-adults>