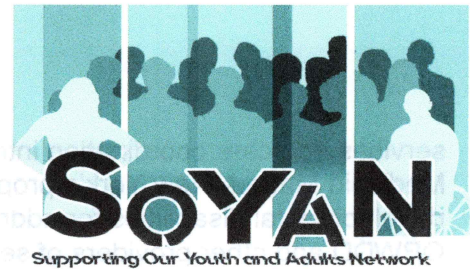


soyan.long.island@gmail.com
<https://www.facebook.com/groups/SOYAN>
www.soyanli.com

Supporting, Advocating and Navigating
Self-Determination for people with developmental disabilities

PO Box 272, Freeport NY 11572



February 14, 2022

Senate Finance Committee Chair Liz Krueger--Email: financechair@nysenate.gov
Assembly Ways and Means Committee Chair, Helene E. Weinstein--Email: wamchair@nyassembly.gov

Re: *Joint Legislative Mental Hygiene Budget Hearing*

Supporting Our Youth & Adults Network, Inc. (SOYAN) wishes to address issues within the Executive's proposed 2022-23 Budget to ensure NYS is meeting the concerns of people with intellectual and developmental disabilities as they age, and the trials and tribulations of health, social and financial needs to remain self-determined and independent.

We would like to see further discussion and the Legislature's attention to the following 7 concerns within the Executive's Proposed Budget:

- 1. SOYAN appreciates the long overdue increase to the Fair Market Value (FMR) used to calculate the ISS housing subsidy, and that it has been calibrated for regional housing costs. We request a commitment that the FMR will be adjusted yearly consistent with the yearly HUD recommendations.**
- 2. Assurances that people with high support needs are able to live in the community.** While the increased Housing Subsidy is very welcomed, it may have an unintentional negative impact on a Self-Direction participant's ability to continue to fund the appropriate supports to ensure safety and well-being. Individuals utilizing Self-Direction are given a personal budget (Personal Resource Allocation), based on their support needs. Without a corresponding increase in the PRA, the increased housing subsidy will have to be subtracted from one of the other critical areas of support that the person is currently funding through their budget. This could inadvertently remove at least half or more of the 5.4% COLA that is intended largely for staff salary—and other expenses that have increased critically. Therefore, OPWDD should consider an increase in PRAs for Self-Direction participants, and particularly for people receiving a Housing subsidy, so that people do not have to choose between having direct support staff or opportunities for community engagement.
- 3. Funds assigned to 'housing opportunities' must include increased funding for integrated community opportunities.** OPWDD is focused on a 'housing continuum'. We recommend allocating funds for a **Statewide Housing Taskforce** to address the needs and desires of people with developmental disabilities. What options are in this continuum? Where is the funding for true innovation based upon the needs and wants of the community? We request the legislature meet with the community to hear their concerns and understand their housing needs. OPWDD must provide recent and relevant data indicating this aligns with the wants and needs of the community. Consider funds for less restrictive options that guarantee the individual's access to community and the appropriate level of supports to make this sustainable. Include funding for Affordable Housing (aligned with the HUD Fair Market Rates) for at least 25% of new apartments.
- 4. The Rights of People with Disabilities:** SOYAN is grateful for the Executive's reinstatement of the Office of the Chief Disability Officer. The Executive's recognition of the rights of access for people with disabilities is rectifying the errors of the past. People with intellectual and developmental disabilities, their family members and their advocates need individual assistance navigating the complex system of

services and care coordination intended to provide for their needs and choices. SOYAN supports Medicaid Matters-New York's proposal for an independent **ombuds program** for people with developmental disabilities for addressing their concerns with Care Coordination Organizations, OPWDD and other providers of services within the system.

5. **Pay a living wage to DSPs:** Bonuses for employment longevity and vaccination acknowledges the present moment and the past. There are many valued direct support staff working part-time within self-direction and agency residential and day services who would not be eligible under the current bonus structure, but who we want to reward and retain. Advocates for a variety of Medicaid Long-term Care programs, have pointed out that current DOH plans for implementing a one-time bonus payment to direct support staff could create significant hardships for many. This would be true for direct support staff that are employed full-time and part-time at low wages and as a result depend of public benefit programs for themselves and their families (e.g Medicaid health insurance, SNAP, housing subsidies, etc.). These bad unintended consequences of a one-time bonus are likely to impact a large number of staff (direct support and other staff) working in the OPWDD service system. In self-directed services many of the direct support staff do not work a sufficient number of hours per week/month to meet the threshold of eligibility for the proposed one-time bonus. Can the Legislature amend the language to include part-time employees who work 15 hours per week and to reduce the top tier average to 35 hours? Because NYS needs an infusion of people willing to work, **NYS must make a commitment to long term support for wage increases, not just one-time bonuses.**
6. **Remove Nurse Practice Act -a barrier to community living:** Many more people with Self-Direction could live in the community but need limited support with medication administration. Direct Support Staff in certified residences can be AMAP certified. Consumer Directed Personal Assistance Program permits the individual to train their self-hired support staff to provide supports with medication administration and minor medical interventions. Yet, this is not permitted within Self Direction due to the Nurse Practice Act. Ensure more people can choose to live in the community with supports by removing the Nurse Practice Act. Removing this barrier will reduce the number of people wrongly placed in institutional settings.
7. **Funding for Employment for People with Developmental Disabilities:** We call upon OPWDD to include people served and their families in the decision-making process of awarding grants that will meet individual's desired short-term and long-term employment outcomes. A hallmark of being an adult in our society is having a job. Employment is part of our adult identity. Receiving a paycheck for a job well-done increases our sense of dignity and self-determination. We support Governor Hochul's commitment to supporting individual's employment goals. We look forward to increased solutions for creating meaningful employment opportunities and individualized long term employment goals for adults served by OPWDD.

Thank you for the opportunity to participate in the NYS budget process for 2022-23. New York State must remain a model for other states to follow for the support provided to people with developmental disabilities.

Respectfully submitted,



Leslie Feinberg

President

Senate Finance Committee Chair Liz Krueger

Assembly Ways and Means Committee Chair, Helene E. Weinstein

February 14, 2022

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