



Office for People With Developmental Disabilities

KATHY HOCHUL
Governor

KERRI E. NEIFELD
Commissioner

March 24, 2023

The Honorable Liz Krueger
Chair, Senate Finance Committee
172 State Street, Capitol Building
Room 416 CAP
Albany, NY 12247

The Honorable Helene E. Weinstein
Chair, Assembly Committee on Ways and Means
Room 923 Legislative Office Building
Albany, NY 12248

Dear Chairpersons Krueger and Weinstein,

During the Mental Hygiene budget hearing on February 16th, a number of questions were posed that required follow-up responses. Below you will find the requested information. In addition, the Office for People With Developmental Disabilities (OPWDD) is in the process of scheduling meetings with specific legislators who requested follow-up discussions.

Regarding collaboration with the State University of New York (SUNY) on programs to support training and skill building for direct support professionals (DSPs), what efforts had been made to collaborate with the City University of New York (CUNY) on a similar program?

At the time the program was launched, OPWDD had sought CUNY's participation in an information session, but CUNY opted to not participate. Since the program launch, the College of Staten Island has begun discussions with OPWDD. OPWDD will re-engage with CUNY as additional procurement opportunities arise in the future.

How much money does the Executive Budget proposal dedicate to complying with the minimum wage law, that is not part of the proposed cost of living adjustment (COLA)?

The Executive Budget Proposal includes \$30 million to provide minimum wage increases for staff in the non-profit sector as the minimum wage rises throughout New York to \$15 per hour, and to adjust the minimum wage in some regions, consistent with the Executive Budget Proposal to annually index it based on a measure of inflation.

What is the value of OPWDD's Diversity Equity, and Inclusion contract with Georgetown University?

The value of the contract is \$10 million, funded with resources made available through the federal American Rescue Plan Act.

How many people had to move because of the services in their state-operated home were temporarily suspended?

Approximately 685 people have moved due to a temporary suspension since 2019.

OPWDD had issued emergency regulations allowing for a temporary increase in occupancy limits to deal with the staffing crisis. How were families notified when this happened?

This emergency, temporary tool has been utilized only twice. Impacted families were notified by telephone on November 26, 2021, and December 2nd, 2021. Homes that temporarily increased occupancy limits have since reduced their capacity and are within the existing, permanent regulatory capacity of 14 people.

Please provide an update regarding implementation of Chapter 564 of the Laws of 2022 which required OPWDD to establish a voluntary training and certification program for employers that have taken the EmployAbility Pledge and to promote strategies that employers can implement to increase diversity in their workforce through hiring individuals with disabilities.

A contract was recently signed with a vendor to collaborate with OPWDD on the creation of the required curriculum. Once the program is created and in place, OPWDD will focus on delivering the information to potential employers.

Are there goals for agencies (e.g., OPWDD, ACCES-VR, DOL) this year for increasing employment for people with IDD?

As the public health emergency subsides, OPWDD is working with providers to increase employment outcomes. By March 2022, approximately 87% of the people enrolled in Supported Employment (SEMP) regained employment compared to the 2019 statistics. OPWDD's goal is to meet and exceed the number of people employed pre-pandemic. OPWDD is taking an in depth look at how the employment landscape and job outlook have changed over the last few years with the public health crisis, social media, and increased technology. Based on the findings, OPWDD improved the staff training curricula to assure that staff utilize best practices with career planning and job development.

OPWDD's goal is to assist service providers to offer the full array of employment and vocational services so people can build careers and move into employment in a timely manner. OPWDD is working with providers to prioritize vocational and employment services. OPWDD is also partnering with ACCES-VR to increase the number of people who gain employment through ACCES-VR and appropriately transition to OPWDD for long-term job supports to retain employment. OPWDD and ACCES-VR will continue to develop strategies to improve the transition between services and to increase job retention. OPWDD is also partnering with Department of Labor (DOL) and the New York Employment Services System (NYESS) to share resources that promote employment such as business networking, social security work incentives and business tax incentives with individuals, supported employment staff and businesses.

Additionally, OPWDD was recently awarded The U.S. Department of Labor (DOL), Office of Disability Employment Policy, ODEP's National Expansion of Employment Opportunities Network (NEON) grant to improve employment outcomes within their statewide systems that serve individuals with disabilities. States selected as NEON Core States will be offered intensive policy consulting, capacity building support, and ongoing mentoring through onsite, telecommunications, and virtual mediums to support the strategic aims of their efforts to increase competitive integrated employment for individuals with disabilities in their state. New York's objectives for the grant include developing a statewide cross-agency Employment First plan, identifying various state agency responsibilities, and to develop formal agreements between state agencies related to advancing competitive integrated employment.

Does OPWDD have any plans for creating additional employment models that are between Competitive Integrated Employment and volunteer or internship programs?

OPWDD recently issued a Career-Specific Vocational Training Request for Applications (RFA) for the purpose of awarding multiple contracts to provider agencies to develop and implement new career-specific vocational training classes for people with I/DD. OPWDD identified this gap in the service system related to employment. Based on this need, Governor Hochul allocated state funds to develop and deliver career-specific vocational training based on industry and business standards to individuals with I/DD. Having career-specific skills and community vocational experiences are key to employment success and increasing the number of individuals competitively employed. Prior to the completion of the grant projects, OPWDD will seek to expand the career specific vocational training to better address the gaps in the system. There were 8 awardees notified on February 17, 2023. The contract start date is scheduled for March 2023.

The Employment Training Program (ETP) is a program unique to New York state. ETP is a service where people can receive targeted, time-limited intensive career planning/Discovery, job readiness training, job development and paid internships until the business hires the person directly, and is funded through OPWDD supported employment (SEMP). ETP's process is based on best practices in the field and gives job coaches a focused, organized process that leads to successful job placements. ETP internships are developed based on the person's interests, abilities, and other job match considerations. When the intern learns and performs the job to the business' expectations, they are hired directly by the business. OPWDD continues to fund job coaching supports as needed to retain employment. Interns gain a competitive edge in the workforce and businesses benefit by gaining new employees who are trained and oriented to meet the business's needs.

Is any consideration being given to simplifying the process by which non-certified housing arrangements may be established?

The most common housing arrangement of people accessing the OPWDD Housing Subsidies is that of a person living in an apartment by themselves or with one other roommate. The process for obtaining an OPWDD Housing Subsidy under those circumstances is outlined beginning on page 13 of the Housing Subsidy Administrative Memorandum 2022-03 (found here: <https://opwdd.ny.gov/system/files/documents/2022/03/adm-housing-subsidy-final-3.10.22.pdf>).

When larger groups of people are interested in living together, additional assessments need to be in place. For example, if people are sharing resources, these arrangements need to be examined to ensure that they do not infringe on anyone's choice in services and/or allow for

true person-centered supports. Those situations are covered under the proposed Funding Opportunity For Independent Living Letters of Support (FOFILLS) process which is currently available for public comment; OPWDD welcomes perspectives from all stakeholders regarding this proposed process to determine if changes are needed. This document can be found here: <https://opwdd.ny.gov/news/fofills-update-public-comment-period-extended>

Is OPWDD addressing the apparent duplication of overhead expenses caused by duplicate efforts (FI and Regional budget approvals) and other approval practices?

OPWDD is addressing redundancy and complexity in Self-Direction Budget approval processes with both short- and long-term initiatives. In the short term, OPWDD is providing more and improved trainings and guidance documents for Fiscal Intermediaries and Support Brokers to advance processes and improve the quality of Budgets submitted to OPWDD for review, therefore reducing the OPWDD resources required to communicate error corrections. Long term, OPWDD is exploring IT infrastructure improvements to comprehensive Self-Direction process to build a more streamlined and efficient mechanism for approvals. In addition, OPWDD will be releasing an RFP for the Self-Direction evaluation. This evaluation will include recommendations on current processes and procedures.

What is the turnover rate for OPWDD’s direct care staff?

The table below provides insight into OPWDD’s turnover rate for calendar year 2022.

OPWDD - Direct Care Title Turnover 2022	
Average # of employees dedicated toward Direct Care from January 2022 to January 2023	11,247
Retirements/Terminations (# of employees)	2,274
Separations (External Transfers # of employees)	165
Direct Care Turnover Rate for calendar year 2022	22%

Please explain how OPWDD categorizes people awaiting a certified residential opportunity, including category definitions.

The Residential Support Categories provide guidance for determining a person's need for a residential opportunity. They describe how a person’s circumstances, and/or the circumstances of their family or caregivers, are considered when there is a need for residential placement. The categories define when an individual or family’s situation is considered to be an “emergency need”, a “substantial need,” or a “current need.”

Emergency Need

1. Homelessness or Immediate Risk to Safety: The person has no permanent place to live or is at imminent risk of having no permanent place to live. He or she is at imminent risk to health and safety of self or others.

2. Individuals Living with Family/Caregivers: The person's family/caregiver has an emergency situation where the primary caregiver is incapacitated for example due to long term illness and/or permanent injury and there is no other available caregiver.
3. Individuals Living in Other Settings: The person is ready for discharge from a hospital or psychiatric facility; ready for release from incarceration; in a temporary setting such as a shelter, hotel, or hospital emergency department.

Substantial Need

1. Individuals Living With Family/Caregivers: The person has increasing risk of having no permanent place to live. This includes someone whose family or other caregivers are becoming increasingly unable to continue to provide care to manage the individual's needs, including behavioral needs.
2. The person is at increasing risk to their health and safety, or presents an increasing risk to the safety of self or others.
3. Individuals Living In Other Settings: The person otherwise presents a substantial need for residential placement because they are transitioning from a residential school or Children's Residential Program (CRP); residing in a developmental center and ready to move to the community; or residing in a skilled nursing facility and ready to move to the community.

Current Need

1. The person has a need for residential placement and has requested a residential opportunity, but the need is not an emergency nor substantial as defined above. Often for this category, the need is not imminent. The person is ready to seek a residential opportunity but may not have an immediate need for housing.

Categories are determined when referral information, provided by a care manager or other referral source, is received, and reviewed by the Residential Support team at one of OPWDD's regional offices.

How many people are awaiting a certified housing opportunity in each need category?

Certified Residential Opportunities (CRO) List, January 2023

OPWDD Region	Emergency Need	Substantial Need	Current Need	TOTALS
Region 1	294	480	639	1,413
Region 2	139	240	292	671
Region 3	179	480	524	1,183
Region 4	327	472	213	1,012
Region 5	247	243	290	780
Totals	1,186	1,915	1,958	5,059*¹

¹*Note that approximately 1/3 of the people on the CRO list currently live in certified housing but are seeking a change in their current living situation.

Thank you very much for your time and for your advocacy on behalf of New Yorkers and their families who rely upon OPWDD services and supports to help enrich their lives. Please feel free to contact my office at 518-473-1997 should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Neifeld', with a long horizontal flourish extending to the right.

Kerri E. Neifeld
Commissioner