

# EXECUTIVE BUDGET & LEGISLATIVE PRIORITIES



NEW YORK  
ALLIANCE FOR  
INCLUSION & INNOVATION

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## 2022-23 Executive Budget Proposals

### Proposal: Human Services Cost Of Living Adjustment (COLA) of 5.4%

**Issue:** The Executive Budget includes a Human Services COLA increase of 5.4 percent which includes the Office for People with Developmental Disabilities (OPWDD), Office of Mental Health (OMH), Office of Addiction Services and Supports (OASAS), Office of Temporary and Disability Assistance (OTDA), Office of Children and Family Services (OCFS), and the State Office for the Aging (SOFA). This COLA is applicable to nearly all OPWDD programs including Care Coordination Organizations and will allow providers to raise salaries for their employees and to keep pace with the rising cost of goods and services. Although this COLA is only for one year, it represents new money to the service delivery system and goes a long way toward addressing the needs of providers.

#### **NY Alliance Recommends:**

*Assembly and Senate support the Human Services COLA.*

### Proposal: Funds to Increase the State's Minimum Wage

**Issue:** The Executive Budget includes continued support for minimum wage increases by including \$40.7 million in State funds to support minimum wage increases for staff at not-for-profits licensed, certified, or otherwise authorized by OPWDD, OMH, and OASAS as the minimum wage is increased to \$13.20 in upstate counties.

#### **NY Alliance Recommends:**

*Assembly and Senate support of funds to increase the State's Minimum Wage.*

### Proposal: Healthcare and Mental Hygiene Worker Bonuses

**Issue:** As part of Governor Hochul's plan to grow the healthcare workforce by 20 percent over the next five years, bonuses will be provided to frontline and direct care and clinical workers in the Mental Hygiene sector. The Executive Budget includes over \$200 million in State resources to fund these bonuses for the community workforces providing services on behalf of OPWDD, OMH, and OASAS. This retention program will provide up to \$3,000 bonuses to full-timeworkers who remain in their positions for one year, and pro-rated bonuses for those working fewer hours.

**NY Alliance Recommends:** *Assembly and Senate Support of funds to aid the recruitment and retention of frontline healthcare workers including Direct Support Professionals (DSP's). However, we ask that 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. This will ensure that providers across the State that consider 35 hours/week a full time position and their staff are not excluded from the top bonus tier.*

**Should there be any discussions about increasing wages in order to support a strong, stable and equitable healthcare and mental hygiene service delivery system, DSP salaries must be included.**



## Proposal: Create an Office of the Chief Disability Officer (CDO)

**Issue:** The Executive Budget creates this office to address the multiple factors preventing more people with disabilities from finding meaningful employment. The CDO and staff will be charged with making specific, action-oriented recommendations around ensuring businesses have the necessary toolkits to hire people with disabilities and to help workers find these jobs.

**NY Alliance Recommends:**  
*Assembly and Senate support the creation of the Office of the Chief Disability Officer.*

## Proposal: Statewide Health Facility Transformation

**Issue:** The Executive Budget authorizes additional funds for the Statewide Health Care Transformation Program and new funding for the Nonprofit Infrastructure Capital Investment Program, which was created to make targeted investments in capital projects that aim to improve the quality, efficiency, and accessibility of nonprofit human services organizations. While there are funds dedicated to “residential healthcare facilities” health care facilities in general, there is no dedicated allocation in the Article VII language specifically for I/DD provider.

**NY Alliance Recommends:**  
*Assembly and Senate support the creation of the Statewide Health Facility Transformation but amend the Article VII language to include community-based intellectual/developmental disabilities providers that are authorized, approved and/or funded by OPWDD as eligible applicants.*

## Proposal: Housing Subsidy Enhancements

**Issue:** The Executive Budget provides \$4.5 million to continue rate enhancements for Intensive Behavioral Services (IBS) and improve connections to county-based mobile crisis services. These investments will allow more individuals to remain in independent settings or with their family and can also reduce unnecessary emergency room visits. These rate enhancements were originally funded for a finite period of time through investments made possible through the Federal American Rescue Plan Act. The action in the Executive Budget will make these rate enhancements permanent.

**NY Alliance Recommends:**  
*Assembly and Senate support the investment of an additional \$13 million in ISS/SD housing subsidies.*

## Proposal: Expand Crisis Services

**Issue:** The Executive Budget proposal advances a series of telehealth reforms aimed to increase access to supports and services. Specifically, enhancement will occur by including continuing telephonic delivery of care, allowing certain unlicensed staff expanding covered telehealth providers, eliminating obsolete location requirements, expanding reimbursement for patient monitoring, increasing training and education opportunities, establishing a pilot program to facilitate telehealth for vulnerable populations, requiring insurers to offer e-Triage and Virtual Emergency Departments, and allowing insurers to satisfy contractual care management requirements by utilizing emerging telehealth solutions that enhance care management efforts and integrated multi-disciplinary teams.

**NY Alliance Recommends:** *Assembly and Senate support the investment in crisis services through the Intensive Behavioral Services rate and improved connections to county-based mobile crisis services.*



## Proposal: COLA for 853 and 4410 Schools that Serve Children with Disabilities

**Issue:** Approximately 80,000 preschool-age children with disabilities receive services, 14,000 school-age students with disabilities are educated in private settings and special act school districts during the school year, and 50,000 school-age students with disabilities receive summer services. Funding for these providers is determined through an annual rate-setting process. The Division of the Budget will administratively authorize a cost-of-living adjustment (COLA) of 11 percent for the SY 2023 tuition rates, increasing providers' annual funding by more than \$240 million.

### NY Alliance

#### Recommends:

*Assembly and Senate support this COLA for schools that serve children with disabilities.*

## Proposal: Supported Decision Making by people with intellectual, developmental, cognitive and psychosocial disabilities (S.7107 (Mannion) and A.8586 (Simon))

**Issue:** Becoming an adult over the age of 18 in our society means being responsible for oneself and making decisions that impact one's life. Sometimes people need support from people they trust to help with decision-making including individuals with disabilities. Supported Decision-Making (SDM) is an emerging practice. The process comes from our common experience that everyone uses support to make decisions and such support is a human right. This right is set out in the United Nations Convention on the Rights of Persons with Disabilities. Legislation proposes the SDM process in a new Article 82 of NY Mental Hygiene Law. The proposed Article recognizes that SDM can take a variety of forms and that a more formal process, resulting in a supported decision-making agreement between the person with a disability and their supporter(s). SDM is one method of decision making in addition to others including guardianship.

### NY Alliance

#### Recommends:

*The NY Alliance wholeheartedly supports legislation to statutorily designate SDM through a new Article 82 and urges the Assembly and Senate to pass this historic human rights measure.*

## Proposal: Direct Support Professional Credential Pilot Program (A.80 (Gunther) and S.4346 (Brouk))

**Issue:** Direct support professionals (DSPs) are the women and men who provide hands-on care and support, 24/7 to people with I/DD. They are heavily relied upon by the people they support and by provider agencies, parents and family members. DSPs benefit from educational experiences to hone their skills for the betterment of the people they support. A credential program represents a valuable educational experience and skill building opportunity. At a time when New York's I/DD sector is experiencing significant workforce shortages, the credential is an important tool for recruitment and retention of staff as it can provide a career path, opportunities for advancement and enhanced wages. Additionally, it is proven that people who receive services from a well-trained workforce experience better outcomes.

### NY Alliance

#### Recommends:

*The NY Alliance urges the Senate and Assembly to approve A.80 and S.4346.*



## Proposal: Specialized Intellectual/Developmental Disabilities Ombudsman Program

**Issue:** As the state continues to contemplate the move to managed care for the I/DD population, the NY Alliance strongly believes that the role of an Ombudsman is essential in the publicly funded disabilities' services delivery systems. An Ombudsman program is especially vital when new systems, such as the implementation of managed care, are put in place. An ombudsman is officially charged with representing the interests of people and family members and is independent from government. Precedent had been set a few years ago when a (NYS) Substance Use Disorder and Mental Health Ombudsman had been created in the State Budget. This ombudsman program helps individuals, and their families navigate New York's behavioral health care system to ensure people have access to necessary care and services and also to help resolve issues when care has been delayed or denied as part of Medicaid managed care. Similarly, an independent, specialized I/DD Ombudsman would be tasked with assisting people in New York's I/DD system and their families to navigate in a managed care and other environments. A bill passed both houses of the State Legislature last year and was vetoed by the Governor on October 25th.

**NY Alliance Recommends:**  
*The NY Alliance requests the State Legislature authorize the creation of a specialized I/DD ombudsman program in the FY 23 State Budget with funding to support the independent entity.*

## Proposal: The I/DD sector is at a crossroads and the notion of reform should be explored through a statutorily designated commission.

**Issue:** The I/DD sector is at a crossroads and the notion of reform should be explored. Such reform will involve a concerted effort between government, the not-for-profit provider sector, people, family members and other stakeholders. It should also involve a plan of action on new ways to deliver supports and services, true integration of care, payment incentives and new relationships with different partners. Preparing to move in new directions translates into doing things differently and holding difficult conversations focused on:

- Post-COVID operationalization of supports and services; re-opening does not necessarily mean going back to the way things were;
- Maximize autonomy for people and families;
- True residential reform;
- A pathway to advancement for direct support professionals;
- Removing regulatory barriers and obstacles to embrace dignity of risk and see people as contributing members of communities that allows us to celebrate their uniqueness.

**NY Alliance Recommends:** *Establishing a Commission on the Future of New York's I/DD System or I/DD Redesign & Reinvestment Commission comprised of all stakeholders to identify recommendations for true reform. The discussion and recommendations will focus on development of a real, actionable plan that is revisited regularly and includes review of and recommendations on:*

- *the role for State Operated services,*
- *not for profit provider mergers/consolidations,*
- *elements that relate to serving people complex needs,*
- *investments in infrastructure and data,*
- *provider flexibility and regulatory reform,*
- *professionalizing the workforce and implementation of a living wage,*
- *the move to Medicaid managed care/integrated care.*

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