

EXECUTIVE BUDGET & LEGISLATIVE PRIORITIES

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NEW YORK
ALLIANCE FOR
INCLUSION & INNOVATION

2021-22 Executive Budget Proposals

Proposal: 1% Cost of Living Allowance (COLA) Deferral

Issue: Once again, the Executive Budget recommends the elimination of the statutory COLA increases for all human service sectors. This cut which has been impactful during previous years and is extremely egregious this year as providers have experienced hundreds of millions of additional costs and lost revenue over the past year due to the COVID-19 pandemic.

NY Alliance Recommends: *Assembly and Senate restore the 1% COLA that is statutorily promised to the human services sector. Health care providers need these funds more so than ever before in recent memory due to the impacts of the pandemic.*

Proposal: 1% Targeted Medicaid Rate Reduction

Issue: As part of the contingency plans outlined in the Governor's budget, should the State not receive \$15 billion in Federal aid, a targeted rate reduction to OPWDD Medicaid-funded supports and services. Exactly how OPWDD would effectuate this targeted reduction, including which supports and services would be impacted, is unknown at this time. However, OPWDD providers cannot sustain additional cuts to the system.

NY Alliance Recommends: *Assembly and Senate reject the proposed 1% targeted Medicaid rate reduction as part of any budget agreement, as the State is expected to receive more than enough Federal aid through enhanced FMAP and CARES Act funds to cover any savings from this reduction.*

Proposal: 5% Provider Withhold

Issue: Since July, the State has been withholding 20% of providers non-Medicaid State share payments. This policy has had an extraordinary impact on the I/DD sector as many voluntary providers also act as fiscal intermediaries in the State's self-direction program for which this policy is most impactful. Providers have been forced to absorb the 20% withhold of funds for over 6 months without certainty on when or if they will be reimbursed. We understand that 15% of the 20% of funds withheld will be returned to providers in the near future but that is not good enough.

NY Alliance Recommends: *The Senate and Assembly require that the Executive return ALL withheld funds and going forward discontinue the process of withholding funds from State-only non Medicaid payments as the State is expected to receive more than enough Federal aid through enhanced FMAP and CARES Act funds to cover any savings from this withholding.*

Proposal: Funds to Increase the State's Minimum Wage

Issue: The Executive Budget includes continued support for minimum wage increases by including \$38.5 million in State funds to support minimum wage increases for staff at not-for-profits licensed, certified, or otherwise authorized by the NYS Office for People With Developmental Disabilities (OPWDD).

NY Alliance Recommends: *Assembly and Senate Support of Funds to Increase the State's Minimum Wage.*



Proposal: Aligning Residential Supports Better With Needs

Issue: OPWDD proposes to increase the State's efforts to place individuals new to residential supports in the most appropriate setting, based on their needs. As such, OPWDD seeks to divert individuals who might have automatically been offered supports in a supervised IRA into supportive IRAs, family care, rental subsidies with wrap-around supports and other residential supports. OPWDD projects this initiative will save the State \$1 million State share in FY 2022.

NY Alliance Recommends: *Assembly and Senate support this proposal as a means to align the costs associated with providing care for individuals with the systemically higher cost of State Operated facilities. This will ultimately create more resources for the I/DD service delivery system and hopefully prevent further erosion of the voluntary sector.*

Proposal: Residential FLOW From Out-of-State Schools

Issue: OPWDD will be making a concerted effort to transition individuals in out of State residential schools to State Operated facilities to bring them back under the State's Medicaid program.

NY Alliance Recommends: *Assembly and Senate support of this initiative with additional language establishing an I/DD Services Transition Advisory Council to be comprised of various stakeholders to develop a concise plan to transition services from State-Operated settings to voluntary not-for-profit agencies in the community. Such Advisory Council shall develop a set of recommendations for the smooth, seamless transition, ensure that appropriate levels of funding follow the individual and that people don't lose the necessary supports and services they receive in the State-operated sector. Specific recommendations on transitioning individuals with complex needs (medically fragile, people aging, dual behavioral health/I-DD diagnosis) must be developed to ensure people are safely transitioned into the community with the necessary wrap-around services to ensure continuity of care.*

Proposal: Access to Telehealth Supports and 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 of Telehealth Flexibilities included in the Executive Budget.*

LEGISLATION

Proposal: Specialized I/DD Managed Care Ombudsman Program

Issue: As New York State continues to advance Medicaid managed care for people with intellectual and developmental disabilities, the role of an independent and specialized ombudsman is essential in publicly funded human services systems and is especially vital when new systems are put in place. Given the challenges with understanding changes to services and benefits and the complicated language generally associated with Medicaid underscores the necessity for a specialized I/DD Ombudsman Program. The specialized Ombudsman would be tasked with assisting people in New York's I/DD system and their families to navigate the new managed care environment, which includes but is not limited to: denials; complaints and grievances; quality monitoring; health outcome measures and display metrics on specialized, I/DD provider-led managed care plans and other managed care entities.

NY Alliance Recommends: *NY Alliance strongly supports this measure and seeks the passage of S. 1766-A (Mannion) and A. 1153 (Buttenshaw) in the Senate and Assembly.*



Proposal: Direct Support Professional Credential Pilot Program

Issue: It's proven that well-designed credentialing programs provide targeted educational opportunities that help people master increasingly specialized or rapidly changing content areas in professions without necessarily investing in a longer-term degree program. Credentialing Direct Support Professionals in New York's I/DD sector will also improve the quality outcomes and affordability of long-term supports and services. The sector is facing an unprecedented workforce shortages crisis and credentialing is an important tool to attract applicants into the direct support professional field, create a career path, and increased wages for the lower paid workforce thereby decreasing turnover and vacancy rates.

NY Alliance Recommends:
The NY Alliance very strongly supports the credential program and urges the Assembly to pass A.60 (Gunther) to establish a Direct Support Professional Credential Pilot Program to test the credential's efficacy.

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 through a statutorily designated commission. 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/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 with complex needs,*
- *investments in infrastructure and data,*
- *provider flexibility and regulatory reform,*
- *professionalizing the workforce and implementation of a living wage,*
- *advancing the elements of Employment First and meaningful paid employment for individuals with disabilities.*
- *the move to Medicaid managed care/integrated care.*

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