

Governor Andrew M. Cuomo
Executive Chamber
State of New York
Albany, NY

Dear Governor Cuomo:

We write to you representing the not-for-profit providers agencies of essential supports and services to the more than 100,000 New Yorkers with Intellectual and Developmental Disabilities (I/DD) and their families. First, we would like to applaud your national leadership in confronting the spread of COVID-19. By closely coordinating with states in the Northeast on critical public health policies, New York has been recognized as a national model during this crisis. However, we wish to raise some major concerns facing individuals with I/DD and their families as well as the agencies that support these individuals that require your immediate attention and action.

Our providers agencies and workforce are on the front lines in every community across the State and we are losing valuable time and critical direct support staff, which will quickly become a systemic crisis for our sector.

We understand that the State's submissions of the "Appendix K" waiver is currently pending and that OPWDD is reticent to make financial commitments pending such approval, however, for many provider agencies the longer we wait, it will be too late. Funding and cash flow cannot and should not be an obstacle that provider agencies face during this crisis. But the stark reality is that many of our providers agencies are forced to operate budgets with no room for error and across the system many providers have very little cash on hand, which due to the crisis they are burning through at a rapid pace.

In addition to the pending Appendix K waiver, we desperately need the following commitments from the state, which will enable providers to continue to battle COVID-19 and support our individuals with I/DD and their families:

- Enact immediate enhanced payments to providers to ensure adequate staffing and to prevent workforce retention issues by including but not limited to:
 - Enhanced pay for Direct Support Professionals (DSPs); and
 - Enhanced payment for all day, community habilitation, respite and residential programs.
- Prohibit OPWDD from enacting the July 1, 2020 stated 2% cut in rates from being implemented.
- Stop the current rate recoupment from providers from the July 1, 2019 rates.
- Include eligibility for any providers of I/DD supports and services in any omnibus aid/grant package for COVID-19.
- Provide funding to the not-for-profit providers to cover the recently enacted paid sick leave benefits.
- Enact statutory authority within the state's existing appropriations for OPWDD to advance payments for rates for supports and services by 90-days to all providers and programs, to ensure adequate cash flow.

Furthermore, we are requesting immediate suspension and modification of laws, rules and regulations which we have provided to OPWDD to ensure that our provider agencies are able to protect and support individuals with I/DD and their families in this time of crisis and will attach to this correspondence.

Again, we thank you for your leadership in this crisis and we stand ready and willing to answer any questions and to work with you to ensure the safety of the more than 100,000 individuals with I/DD and their families.

Sincerely,

Susan Constantino, CP of NYS
Mark van Voorst, The Arc New York
Rhonda Fredericks, DDAWNY
Tom McAlvanah, IAC
Michael Seereiter, The Alliance for Inclusion and Innovation
Steve Vernikoff, CFSNY
Yvette Watts, NYAEMP
Lori Van Auken, Catholic Charities of Rochester
Seth Stein, LI Alliance
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