

Alliance of Long Island Agencies, Inc.
Seth Stein, Esq.
Executive Director & General Counsel

**Cerebral Palsy Associations
of New York State, Inc.**
Susan Constantino, *President & CEO*

Developmental Disabilities Alliance of WNY
Rhonda Frederick, *President*

**InterAgency Council of Developmental
Disabilities, Inc.**
Tom McAlvanah, *Executive Director*

**New York Alliance for Inclusion &
Innovation**
Michael Seereiter, *President & CEO*

**New York Association of Emerging &
Multicultural Providers, Inc.**
Yvette Watts, *Executive Director*

The Arc New York
Erik Geizer, *Chief Executive Officer*

November 11, 2021

Honorable Kerri Neifeld
Acting Commissioner
NYS Office for People With Developmental Disabilities
44 Holland Avenue
Albany, NY 12229

Dear Acting Commissioner Neifeld:

We are writing to you on behalf of the New York Disability Advocates, Inc., which is a statewide coalition representing more than 300 non-profit organizations providing vital services and support to more than 125,000 New Yorkers with intellectual and developmental disabilities.

First, we'd like to congratulate you on your appointment to this important position and look forward to continuing to work with you to advance programs and services for individuals with intellectual and developmental disabilities.

We want to bring to your attention that there are currently pending administrative actions proposed by OPWDD, which we are requesting be placed on hold pending further review and discussion with the provider community.

Specifically, the proposed regulation regarding Certified Residential Opportunities, which as currently proposed will prevent residential providers from filling vacancies in OPWDD certified residential programs without OPWDD prior approval. Currently, OPWDD has insisted that providers only consider individuals who have been deemed high priority by OPWDD for certified residential placement, without any regard to the suitability of such placements or the ability of the voluntary provider agency to serve individuals with serious behaviors and serious and persistent mental illness.

We fundamentally believe that this proposed rulemaking be delayed as OPWDD is developing its Statewide Comprehensive Plan, pursuant to Mental Hygiene Law, Section 5.07 ("5.07 Plan"), and is also in the process of developing a new rate setting methodology for residential programs.

Both the aforementioned 5.07 Plan and the rate setting methodology reform directly impact the future of the sector's residential service delivery system, and therefore should be completed prior to the promulgation of this rule.

Additionally, we respectfully suggest that OPWDD put a hold on all new regulatory actions (excluding emergency actions necessary to comply with federal requirements) pending a full review of OPWDD's regulatory framework in collaboration with the provider community.

Under your leadership, it is the time to examine what changes are needed to reduce the regulatory burden on providers and address the direct service provider workforce crisis that is impacting our entire system.

Simply put, voluntary providers are currently dealing with staffing vacancies in excess of 25% statewide, with some providers who have reached staff vacancies of 41%. This staffing crisis threatens the very foundation of our residential system and must be addressed immediately. It is simply not the time to promulgate additional burdensome regulations or reduce funding by compelling providers to leave residential vacancies empty.

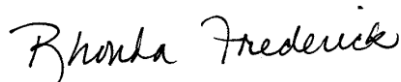
Sincerely,



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