



NEW YORK
**ALLIANCE FOR
INCLUSION & INNOVATION**

Testimony to the
Senate Finance Committee and the
Assembly Ways and Means Committee on the
Proposed Executive Budget for the
NYS Office for People With Developmental Disabilities

MENTAL HYGIENE BUDGET HEARING

Tuesday, February 13, 2024

Prepared by:
Michael Seereiter
President/CEO
New York Alliance for Inclusion and Innovation
mseereiter@nyalliance.org

240 Washington Ave Ext, Suite 501
Albany, NY 12203

nyalliance.org





On behalf of the New York Alliance for Inclusion and Innovation (NY Alliance), we are grateful for the opportunity to present testimony to the NYS Legislature on the proposed FY25 Executive Budget.

The NY Alliance is a statewide association representing nearly 135 not-for-profit agencies that provide supports and services to people with intellectual and developmental disabilities (I/DD). Our members are in communities across New York State and serve as some of the largest employers in their regions.

My testimony has three themes:

- Perception is not reality;
- The importance of utilizing technology in a staffing crisis; and
- The need to change the current system to ensure system sustainability.

Perception is Not Reality

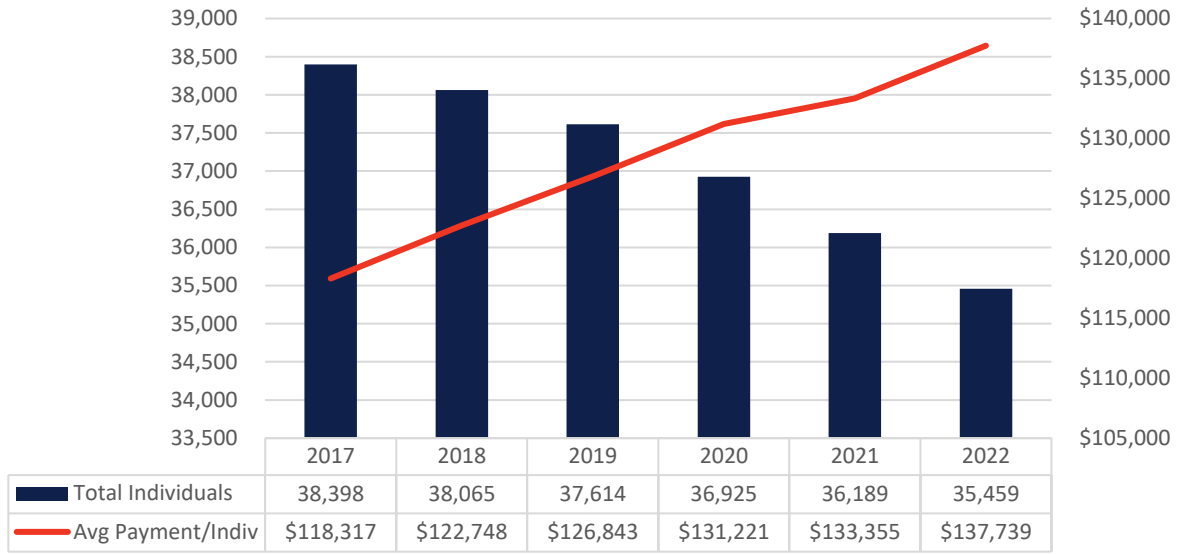
The impression given by the Governor and the NYS Office for People With Developmental Disabilities (OPWDD) in the FY 2025 budget presentation is that there are all sorts of new and wonderful investments being made in the intellectual and developmental disabilities (I/DD) field. Most of what is proposed in the budget is the same old, same old. Capital money to slowly expand independent living opportunities; money to fund new service opportunities; and naming New York, for the second time, as an Employment First state. What these so-called investments do is mask the fact that this budget does nothing to address the most significant threat to New Yorkers with I/DD and OPWDD's #1 priority in their 5.07 Plan – the workforce crisis. As I have said to you each of my 11 years with the NY Alliance, “we do not have enough staff” to meet the needs of New Yorkers with I/DD. To again demonstrate this point, in the first quarter of 2023 the average vacancy rate for Direct Support Professionals (DSPs) in our system is 17 percent and the average turnover rate is 30 percent.

Because of the ongoing staffing crisis, the number of residential opportunities is shrinking as providers cannot meet the minimum staffing requirements of NY.





OPWDD Community Residential Statewide 2017 - 2022



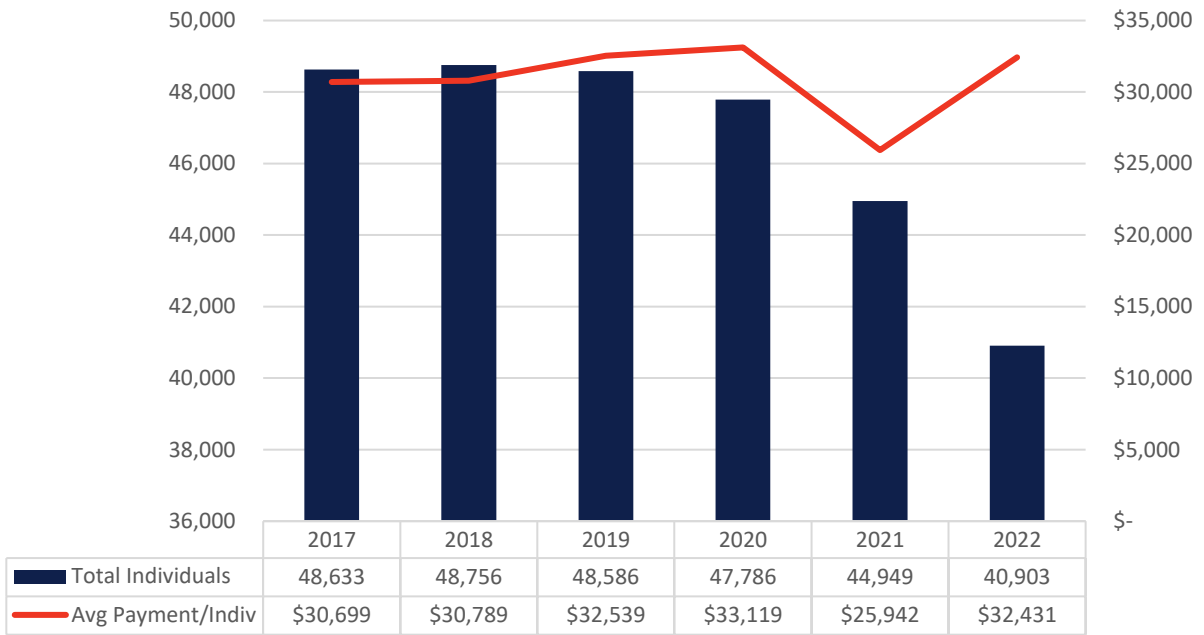
This, while the Governor proposes a \$30 million “investment” to support new service opportunities, seems rather counterintuitive to attempt to expand services when providers cannot staff the residential opportunities that exist now.

But the staffing shortage is impacting more than just residential habilitation services. Day programs are not where they were pre-COVID because providers cannot find program staff and/or transportation staff to support people with I/DD to return to such programs. This is the reality of our system today.





Structured Day Programs Statewide 2017 - 2022



That compensation for DSPs hovers just above minimum wage, with an average starting wage for DSPs employed by non-profit providers at \$17.16/hour downstate and \$16.48/hour in the rest of the state. It is shameful that a “professional” with such skills makes less than a fast-food worker or the greeter at your local box store. It is shameful that with so much emphasis on equity, that our workforce – comprised of 74.2% women and 62.6% identifying as Black, African American, Asian or Hispanic – are making poverty-level wages.





NADSP Competencies	DSP	CNA	HHA	PCA	LPN
Participant Empowerment	X				
Community and Service Networking	X				
Advocacy	X				
Vocational, Educational and Career Support	X				
Organizational Participation	X				
Building and Maintaining Friendships/Relationships	X				
Provide Person-Centered Support	X				
Facilitation of Services	X			X	
Crisis Prevention and Intervention	X			X	
Education, Training and Self-Development	X	X			X
Community Living Skills and Supports	X	X	X		
Assessment	X	X		X	X
Communication	X	X	X	X	X
Documentation	X	X	X	X	X
Supporting Health and Wellness	X	X	X	X	X

National Association of Direct Support Professionals (NADSP) comparison of DSP and other, similar, professions.

This is not hyperbole - Miami University of Ohio recently surveyed nearly 4,500 DSPs across New York in 2023 and found 50 percent experiencing food and housing insecurity. We are grateful for the modest 1.5 percent cost-of-living-adjustment (COLA) proposed in the FY25 Executive Budget; but with all due respect, that is 1.7 percent less than what non-profit providers need simply to maintain the status quo, to keep up with the rate of inflation over this past year (3.2%) as defined by the consumer price index-urban (CPI-U). Furthermore, the Direct Support Wage Enhancement, which would make up for years of no COLA for OPWDD non-profit providers and would increase hourly pay by slightly more \$2.00 per hour, was not included in the Governor’s budget proposal. Last year, the state workforce received a wage enhancement, and now DSPs employed by OPWDD have a starting wage of \$24.74/hour outside New York City and \$27.17/hour in New York City. The state’s failure to provide an equitable increase last year, and the Governor’s failure to address that inequity in her budget proposal this year suggest that DSPs employed by non-profit providers – supporting 85% of New Yorkers with I/DD supported by OPWDD – are not OPWDD’s #1 priority (Perception in not Reality).





Our ability to recruit and retain (or as we say attract and engage) Direct Support Professionals is a huge challenge for us as a system. I refer you to the Addendum at the end of my testimony to read more about the challenges of attracting and engaging new professionals into our system.

RECOMMENDATION: We strongly recommend the State Legislature fund a 3.2% Cost-of-Living-Adjustment in the final State Budget. We fully endorse the Black, Puerto Rican, Hispanic and Asian Legislative Caucus' 2023 People's Budget which included the full 3.2% COLA. That equates to one-third of the State Legislature supporting the full COLA.

RECOMMENDATION: We urge the State Legislature to include the Direct Support Wage Enhancement (DSWE) proposal, as outlined in Chairman Mannion's and Chairwoman Seawright's legislation (S.4127-A and A.5268-A), in the final State Budget. The DSWE would provide agencies with supplemental funding to enhance wages of employees which we believe would provide greater financial stability to the DSP workforce and help address retention.

Technology can be a Solution

Acknowledging that we will not solve the workforce crisis overnight, we need to look at other possible solutions to support people with I/DD, knowing that there are not enough staff to support everyone in need of our long-term supports and services the way that the system was originally designed. So, let's start with the appropriate use of Assistive Technologies and Artificial Intelligence that can augment our scarce DSPs as a partial solution.

Assistive Technologies

In the wake of this workforce crisis and following the years we spent dealing with the challenges of the pandemic and seeking the opportunities that often arise in times of crisis, we have learned more about what we've known all along – investing in technology is a real benefit to people being supported, staff and providers delivering services, and to government and other entities that fund the system.

First and foremost, virtual medical appointments or telehealth/telemedicine have proven to be a safe, at-home option for delivering services especially for people with mobility issues or those at high-risk of contracting illnesses. Telemedicine also allows for scheduling flexibility, providing more time for medical professionals to spend with people with disabilities, and eliminates obstacles such as commute time, which can be a challenge in urban areas such as New York City and rural areas such as the Adirondacks and the Southern Tier. Telehealth and telemedicine are also lower in cost. And, when providers don't have enough staff in their programs to drive and





support an individual to a doctor or dentist appointment, we are better utilizing our limited staff's time while providing a quality service to the disabled individual.

There are other real opportunities that we need to explore: remote DSP's; allowing technology to make remote DSPs available on demand for people in residential settings, without a full complement of (non-existent) staff on-site; further investment in developing "smart home" technology (technology empowered window shades and HVAC controls; medication dispensers; safety devices on appliances, etc.) that provide some individuals the opportunity to live more independently without the need for such intense staff supports.. We need to make significant investments in technology and use that investment to fill a void created by the lack of human capital. We need to aggressively pursue technology and not just dabble in it, as OPWDD seems content to do. We cannot afford to wait.

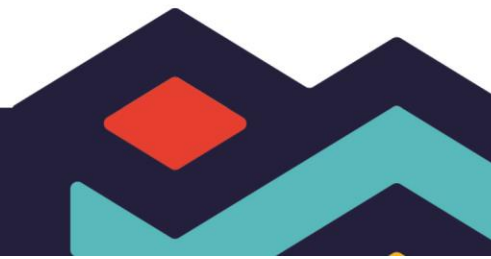
Artificial Intelligence

The NY Alliance is pleased to see significant investments have been proposed in the Executive Budget related to Artificial Intelligence (AI). Our association is a proponent of transformation and innovation, and this space offers a multitude of new opportunities especially in the following areas: administration, clinical, financial, and operational. What we're most excited about is the opportunity for people with disabilities to live more independently in their communities with the use of AI.

The World Health Organization estimates that more than 2.5 billion people with disabilities will need one or more AI technology and/or Assistive Technology by the year 2030. For example, voice technologies make communication for people with disabilities not only easier, but in some cases, possible. Such programs can describe images to people with visual impairments. AI and Assistive Technology also enable people with limited or no speech abilities to converse with others, thereby eliminating obstacles for full participation in communities, educational opportunities, and socialization.

As government and businesses strive to become more inclusive employers, especially to people with disabilities, AI provides tools that help attract and retain a more diverse pool of employees and more importantly, can foster employees' success in the workforce.

RECOMMENDATION: Amend the Empire AI Consortium proposal to include options for people with I/DD and the not-for-profit providers that support them. Statutorily ensure that necessary safeguards and protections are in place to protect people's right to privacy and safety of data.





Ensuring System Sustainability for the Next 50 Years - Create a Blue-Ribbon Commission

The NY Alliance believes that the current system of long-term supports and services in place for New Yorkers with I/DD is faltering and at risk of collapse, absent a plan for sustainability. Our association also believes it's time for government and stakeholders to take steps necessary to ensure that our system is accessible throughout the entire state; people continue to get the quality services they need to live productive lives; and the short- and long-term fiscal viability of the service delivery system is supported.

The current system is one that was built in a previous era and has changed very slowly over time. The system is antiquated and unable to meet the diverse and evolving needs of a growing population of people with I/DD. In its present state, the system has become increasingly unsustainable and therefore unstable. A significant portion of this instability results from the unpredictability of the system – unpredictability that has led to the severe workforce challenges that existed long before the pandemic yet worsened because of COVID-19.

The pandemic has fundamentally altered major aspects of service delivery and really begs for a “rethink” of our entire system in this post COVID-19 era. There is no better sign of the need for such a “rethink” than the DSP workforce crisis that has no sign of ending under the current approach to service delivery.

So, how do we address the challenges facing our system? Unfortunately, OPWDD is unable to embrace the necessary changes that are needed to prepare for supporting people with I/DD for the next 50 years. We believe a public process to examine, evaluate and make recommendations is necessary to ensure a sustainable set of supports and services can meet the needs of all New Yorkers with I/DD.

RECOMMENDATION: NY Alliance urges the State Legislature to include \$50,000 in the State Budget to support the work of a Blue-Ribbon Commission on the Future of New York's Service Delivery System for People with Intellectual and Developmental Disabilities.

Thank you for your public service and consideration of our specific recommendations to make the enacted FY 2025 budget one that we all can be proud of enacting.





ADDENDUM

Challenges with Attracting and Engaging Direct Support Professionals

The main reason for this challenge is because the pay is low for many of the positions with not-for-profit agencies, the work – while rewarding – can be demanding and increased overtime as a result of the lack of workforce does not lend itself to proper work-life balance.

A work-life balance that's important to those who are left in the workforce given that the majority of direct support professionals in the field are women, predominantly women with children, many of whom work more than one job, some of which live just above the poverty level.

The NY Alliance received a grant from the NYS Office for People With Developmental Disabilities through American Rescue Plan Act funding. The purpose of the grant is to launch a campaign to attract the workforce into the I/DD field.

We've partnered with the McSilver Institute for Poverty Policy Research at New York University to work on this important project. Last year, McSilver surveyed (<https://workforcetransformation.org/wp-content/uploads/2023/08/Workforce-Recruitment-and-Retention-Final-Report-9.18.23-2.pdf>) not-for-profit providers and separately surveyed DSPs to understand more about the work experience as it relates to workforce recruitment and retention. Here's what we learned from the 3,135 of New York's DSPs that responded to the questionnaire:

- 91% are satisfied with the work they do
- 71% stated they would recommend work at the agency that employs them

Overall, many DSPs found their jobs to be rewarding, but a majority shared their grievances and the variety of challenges they face with #1 being low wages/high turnover.

The highlights of the job:

- The people receiving supports/services - 87.62%
- Being able to support others - 71.04%
- The work brings me a sense of purpose and meaning - 62.68%
- The activities I get to be apart of - 40.38%
- The opportunity to build on my skills - 38.69%
- My co-workers - 37.32%



- My frontline supervisor/manager - 30.88%
- The organization's commitment to the employees and people receiving support/services - 28.13%

DSPs were asked about their intention to stay at their current job and if they were considering quitting, why they were thinking about or planning to quit. Overall most DSPs, 66% said they are planning to stay at their jobs. Among the DSPs who were thinking or planning to leave their jobs the top reason is: **they can't afford to stay.**

Over 53% of DSPs reported that they felt undercompensated citing that being a DSP cannot act as a form of primary income, but if so, one would need to have additional sources of income in order to afford daily living expenses.

We desperately need the help of the State Legislature and the Governor to address the inequities in the system starting with significant investments in the workforce.

