Alliance of Long Island Agencies (ALIA)
Cerebral Palsy Associations of New York State (CP of NYS)
The Developmental Disability Alliance of Western New York (DDAWNY)
Direct Support Professional Alliance of New York State (DSPANYS)
The InterAgency Council of Developmental Disabilities Agencies (IAC)
The NYS Association of Community and Residential Agencies (NYSACRA)
NYSARC Inc.
New York State Rehabilitation Association (NYSRA)
Self-Advocacy Association of NYS (SANYS)

January 5, 2016

NYS Governor Andrew M. Cuomo
New York State Capitol Building
Albany, NY 12224

Dear Governor Cuomo,

As service provider organizations within the field of developmental disabilities face an impending collapse, we write to respectfully request a meeting with you – personally.

We feel it is important that you meet – first-hand – with providers of services, direct support staff, individuals with disabilities, and family members of people with disabilities. It is imperative that you understand that developmental disability service organizations are on the brink of collapse and the likely impact that will have on people with disabilities and their families. We have met with your staff, including staff in your agencies with responsibility for these services, who have expressed considerable concern and sympathy for our situation. We have also met with members of the legislature, who have expressed significant support for our request for funding. It is clear, however, that you are the only person empowered to propose the funding we need in your upcoming Executive Budget Proposal. Therefore, we are requesting a meeting with you.

Prioritizing $45 million in your 2017-18 Executive Budget Proposal to pay a living wage to people whose work involves supporting people with developmental disabilities appears to be the final chance to prevent organizational collapse and harm to people with developmental disabilities. Absent this type of investment, we face an all-but-certain scenario in which organizations currently providing these

supports become insolvent, are no longer able to pay their staff, and close. Should that happen, supports for people with disabilities will become unavailable, and NYS will likely be sued for failure to uphold its statutory responsibilities pertaining to people with developmental disabilities.

A Workforce Crisis

As we have informed your staff and state agencies, our system faces a workforce crisis, the likes of which has never before been seen in this field. The direct support workforce is not only the backbone of this system, but constitutes as much as 85% of provider organization expenses. Fewer and fewer people are willing to work as Direct Support Professionals because the work has become completely non-competitive with other jobs in the community, it is low paid work, benefits are minimal if provided at all, workloads are heavy, the work is highly demanding, and the responsibilities are grossly disproportionate to the compensation.

In 2015, the direct support staff vacancy rate throughout the developmental disabilities field grew to an average 9.3% (with many individual provider organizations facing direr situations), an increase of 20% over 2014. Staff vacancies – in organizations that have state mandated minimum staffing requirements – forced provider organizations to pay more than 6.5 million hours of overtime to direct support staff in 2015, an increase of 13.5% over 2014. As a result, many direct support staff got burned-out and left their jobs. In turn, this resulted in provider organizations experiencing an average 23% direct support staff one-year turnover rate, an increase of 21% over 2014. This is simply unsustainable, even for a short period of time.

Organizations providing supports to people with developmental disabilities would raise wages on their own to make their direct support jobs more competitive; however, wages for direct support work are directly linked to the rates NYS pays to deliver supports. Unlike other sectors that have greater diversification of revenue, the vast majority of developmental disability service organizations receive 90% or more of their revenue from public dollars (mostly Medicaid). And, unlike other sectors of health/human services that have received an increase of 23% under the global Medicaid cap, the developmental disabilities service system has received nothing except for two 2% increases for particular staff lines in the past 7 years.

A Quality Crisis

The developmental disabilities service system's workforce crisis has generated a crisis in the quality of supports people with developmental disabilities rely upon. It should be expected that for most provider organizations, their workforce challenges will manifest as challenges to maintaining minimum quality requirements set by NYS. Some organizations are being forced to discontinue providing "loss leader" services, leaving a dearth of services in certain areas of the state. Other organizations will simply collapse after they are unable to meet payroll, or their authority to bill for providing supports is revoked due to quality issues caused by a lack of qualified direct support workers. We expect policy makers to blame the fiscal insolvency and violations of quality standards on poor management. However, the root of this pervasive, system-wide problem will be the inability to recruit and retain quality workers caused by inadequate funding. That point will become clear to all as more and more organizations succumb.

A System Crisis

Unlike in previous shifts of service capacity the state has managed, the field of developmental disability provider organizations is so eroded and weakened after years of no investments, that most providers are unable to absorb additional service capacity should provider organizations in their region become insolvent and cease operation. This should cause you significant alarm, as the situation will either require NYS to step in to provide services directly, or individuals with disabilities and their families will go without supports – some of which are life-sustaining. 90% of supports for New Yorkers with developmental disabilities are delivered through the network of community-based, not-for-profit organizations – some of which are the largest employers in their regions. Through this network, the State is able to fulfill its statutory responsibility to provide services to people with developmental disabilities. Without this network, the State would be responsible to provide these services directly – at a cost approximately 40% higher.

Our Request

While efforts to "transform" developmental disability services and move into managed care are underway at a seemingly breakneck speed, frankly, the field of community-based developmental disability service providers won't be around to make any such transition unless a commitment to provide Direct Support Professionals a living wage is realized. We believe this fate can be prevented, and supports for people with developmental disabilities can go uninterrupted, if you make an investment in this sector's workforce a priority in your 2017-18 Executive Budget Proposal.

We are requesting $45 million this year and for the following five years, in order to pay a living wage to Direct Support Professionals who support people with developmental disabilities. Without such funding, the health and safety of vulnerable New Yorkers is placed at further risk. We are already dangerously close to organization and system collapse now; failure to invest in this sector's backbone – the Direct Support Professional workforce – will make that a reality.

We thank you for your consideration of our request to meet with you in person and discuss the merits of our $45 million budget request for 2017-18 to create a living wage for Direct Support Professionals.

Sincerely,

Seth Stein, Alliance of Long Island Agencies
Susan Constantino, Cerebral Palsy Associations of NYS
Rhonda Frederick, The Developmental Disability Alliance of WNY
Richard Bosch, The InterAgency Council of Developmental Disabilities Agencies, Inc.
Jason Marlowe, Direct Support Professional Alliance of NYS
Ann Hardiman, NYS Association of Community and Residential Agencies
Steve Kroll, NYSARC
Michael Seereiter, NYS Rehabilitation Association
Tim Tompkins, Self-Advocacy Association of NYS