July 29, 2022

Ms. Kerri Neifeld  
Commissioner, Office for People with Developmental Disabilities  
44 Holland Avenue  
Albany, NY 12229

RE: NYADD Response to Draft Strategic Plan Pursuant to Mental Hygiene Law Section 5.07

Dear Commissioner Neifeld:

NYADD Strong, is a New York state-wide group of 10,000+ families, advocates, NFP/volunteer agency representatives, OPWDD employees, DSP’s, administrators, and legislators fighting for the rights of people with IDD to live happy, engaged and person-centered lives, free from neglect and abuse. NYADD applauds the new administration and the Commissioner for writing a draft document that will provide the pathway to a strategic plan for the next five years. The plan contains great ideas but does not provide metric-driven solutions that are measureable. NYADD joins NYDA, IAC, ARC, families, self-advocates and DSP’s imploring the OPWDD 507 team to include baseline data for each goal and objective as well as goal targets and annual benchmarks.

NYADD provides herein, input into the OPWDD Draft Strategic Plan (MH Law Section 5.07) referred to as “The 507 Plan.” Our goal is for OPWDD to seriously consider these member driven priorities that result in; greater accountability, true transparency, and meeting the objectives of OPWDD’s core mission and true legal responsibility under CHAPTER 27, TITLE C, ARTICLE 13 of the NYS Mental Hygiene Law.

These are our NYADD Member Priorities:
1. Addressing the Workforce Crisis: it’s NOT a shortage!
2. Expanding residential opportunities for the most vulnerable and complex profiles
3. Embracing employment for ALL, including those with the most complex profiles
4. Including the Family Support Services program which supports family caregivers
5. Enhancing Assistive Technology innovations for health/safety and self-advocacy.

Priority #1:
The OPWDD/NFP Voluntary Agency – State Wide Workforce “Staffing Shortages”

“Without a workforce, there is no service delivery.”

Member Feedback: NYADD Members are extremely concerned that the 5.07 Plan does not provide for any immediate, 2022 permanent increases to DSP hourly rates. They are equally concerned that OPWDD is not calling or treating this as a crisis and using the available data to support this designation. The most glaring deficiency in the plan is the absence of stepped, annual wage increases to get DSPs to a living wage. This absolutely and unequivocally must be the foundation of the plan. Without a quality, stable workforce, none of the other parts of the plan are valid.

There is data collected by New York Disability Advocates (NYDA) that OPWDD can include in the strategic plan to provide a foundational baseline and measureable goals. NYDA can continue to track these metrics and update all constituents on the progress of the 5.07. Anecdotal information indicates that day programs are not reopening to the extent suggested in the 5.07 Plan which is concerning:
NYDA Agency Survey, 2021* (representing 60% of NFP Agencies):
⇒ 40% of NFP cannot open to due to staffing shortages
⇒ 70% of NFP senior staff covering DSP shifts due to staffing shortages
⇒ 49% of NFP closed programs or reduced operations due to staffing shortages
⇒ 93% of NFP saw decrease in job applications
⇒ 3.45% = rate below state’s fast food hourly minimum wage rate

Proposed Metrics: OPWDD to consider using these metrics in the 5.07 plan as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Cannot Open (%)</th>
<th>Programs closed (%)</th>
<th>Senior Staff Coverage (%)</th>
<th>Job Apps (%)</th>
<th>DSP Vacancies</th>
<th>Hourly Rate</th>
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<tr>
<td>2021*</td>
<td>40</td>
<td>49</td>
<td>70</td>
<td>93</td>
<td>23,563</td>
<td>$13.96 - $15.80</td>
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<tr>
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<td>20</td>
<td>25</td>
<td>35</td>
<td>45</td>
<td>10,000</td>
<td>$20.00</td>
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<tr>
<td>2023</td>
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<td>22</td>
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<td>5</td>
<td>6</td>
<td>8</td>
<td>11</td>
<td>2,000</td>
<td>$25.00</td>
</tr>
<tr>
<td>2025</td>
<td>0-5</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>1,000</td>
<td>$27.50</td>
</tr>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>&lt;500</td>
<td>$33.28</td>
</tr>
</tbody>
</table>

Priority #2:
Residential Options for NY’s Most Vulnerable

Member Feedback: NYADD members are extremely concerned 507 plan does not provide for current and future needs for residential housing for those who require 24/7 care, especially those with the most complex needs (behavioral and medical). Families often share concerns about what will happen to their loved ones when they die. Local stakeholders must be involved in updates about residences that have closed which has led to PWD languishing in institutional settings waiting for housing. Please address:

- The overall lack of transparency and clarity on the CRO process and wait list must be addressed in the 507 plan. How can data drive funding and long term planning to meet the growing need?
- CCO’s must be required to train Care Managers on the CRO process and offer those with IDD less restrictive options which need to be documented in the life plan.
- Acuity rate setting cannot happen until compliance maintenance ends and requests can be submitted approved and implemented which is likely not going to occur until after 2024.
- Given the lack of housing options for those with the most intensive needs, OPWDD needs to commit to supporting families via FSS program in the 507 plan.
- Provide examples of how increasing regulatory flexibility will insure improved levels of care.
- Define what innovations are being considered to strengthen supported IRAs to meet complex profiles throughout the lifespan

Priority #3:
Employment for ALL, even those with most complex profiles.
Member Feedback: OPWDD does not address how it will re-employ the thousands of individuals with disabilities, many of whom are aging and have limited options and mobility issues, who at one time were employed in work centers (aka sheltered workshops). These work centers fulfilled an unmet need: creating meaningful employment for those who cannot participate in the competitive workforce. Nothing has replaced these centers and thousands of PWD are now home or languishing in day programming or without day programming that meets their needs or their choice: employment or pre-vocational opportunities:

• How will the 5.07 plan address the need to replace sheltered workshops with an updated model for those with more complex profiles?
• Will OPWDD partner with member organizations that participate in programs like Preferred Source as well as with private business to incentivize innovative models? This must be integrated in the 5.07 plan.
• Will OPWDD regulate and incentivize voluntary agencies that participate in pre-vocational (e.g. ACCESS VR) programs to track outcomes and provide data? NYADD members, PWD and their families have experienced that significant funding of these programs does not result in employment outcomes, just dead ends.
• The 5.07 plan should include robust training programs that can address the needs of a diverse population, not just those capable of competitive employment.
• Consider the Governor’s initiative for Model Employers be extended to PWD with the most complex needs.

Priority #4:
Family Supports & Services Grant Program

Since the beginning of the pandemic, NYADD members and their families have been single handedly providing tens of thousands of hours of free home care due to the lack of DSP’s. In many cases, parents and siblings have had to quit jobs to provide 24/7 care due to closed day habilitation programs and residences.

• The 507 plan needs to include a process by which the current grant moratorium sunsets and long term funding can be allocated to the FSS program
• There is NO END IN SIGHT to the workforce crisis. FSS cares for the caregiver and must be actively supported, funded and included in the 507 Plan.
• Members feel that FSS is a very small part of the OPWDD annual budget but its impact has the potential to provide immediate relief to families struggling to pay mortgages and feed their families.

Priority #5:
Assistive Technology for Increased Self-Advocacy, Health and Safety.

Member Feedback: The pandemic and workforce crisis have presented the entire disabilities community with unprecedented challenges. Staff shortages have resulted in residences closing, concerns about staff ratios, nursing shortages leading to concerns of health, safety and injuries to PWD in their care. OPWDD’s most vulnerable - non-verbal or limited individuals - are unable to communicate abuse or neglect. Families and advocates express concern about agency self-monitoring. Assistive technology will provide a voice to this vulnerable group to advocate for their own health, safety and even their lives. Please address:
• How assistive technology can address allegations of neglect and abuse which cannot be substantiated and therefore, are deemed “not credible” to the Justice Center?
• Provide detailed measures to improve upon the Justice Center and agency self-monitoring.
• Understanding that there are no legal or HIPPA issues PREVENTING the use of cameras, how can OPWDD include this opportunity in the 5.07 Plan while clearing up any confusion and misunderstanding around this issue?
• Why hasn't OPWDD explored or implemented any other measures that have reduced incidents/enhanced safety in the 5.07 Plan?
• Implementing this health and safety technology in all certified residences would not only protect PWD but also protect good staff. What's the down side?
• In order to accomplish Community Integration and Participation many individuals who have unreliable speech/or are non-speaking will need AAC devices to increase their self-advocacy and independence. The same is true for many who fit into complex needs; inappropriate or difficult behaviors result often from frustration due to lack of ability to communicate in traditional ways.

Thank you for your consideration. NYADD welcomes a response and looks forward to our ongoing collaboration on these issues.

Sincerely,

Russell Snaith
Parent, Advocate and NYADD Founding Member
Hauppauge, NY

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