

# Center for Disability Rights, Inc.

June 9, 2015

## **Advanced Home Health Aides can bring nearly \$440,000,000 into New York through Community First Choice**

The Center for Disability Rights urges you to **support the creation of Advanced Home Health Aides**, (AHHAs) by calling for SB. 5855 to be brought to the Senate floor and voted on. This bill amends the Nurse Practice Act in order to allow nurses to assign health-related tasks to trained, certified, experienced home health aides. The creation of AHHAs supports people with disabilities and seniors living in their own homes, and will enable New York to receive hundreds of millions of dollars of Federal Medicaid funding through Community First Choice (CFC).

CFC is an optional incentive for states to provide long-term services and supports in home and community-based settings. For states that select CFC, the Federal government will pay an additional six percent of spending on those services. New York has announced that it will implement CFC, but has not yet done so. Every day that New York delays implementing CFC, it leaves aside money it could be receiving. How much money? Nearly \$440,000,000 per year, according to a recent fiscal analysis.

CFC requires these services to be provided to individuals at the institutional level of need without discrimination as to the type or severity of their disability. Right now, disabled people who are self-directing can receive assistance with health related tasks through Consumer Directed Personal Attendant Services (CDPAS). People who are not self-directing cannot receive this assistance in their own home unless a family attendant or a private duty nurse provides it. People who are not self-directing include: people with intellectual and cognitive disabilities, people with developmental disabilities, people with dementia, people with a traumatic brain injury, and people with a progressive disability. A great many people with disabilities and seniors – perhaps a majority – require the creation of AHHAs in order to live in the community. Without this service, it is likely that New York will not be able to implement CFC and draw down its hundreds of millions of dollars in additional funding.

## **Advanced Home Health Aides strengthen and support New York's families**

In addition to the CFC funding that New York can receive through creating AHHAs, these skilled, trained workers will help families to remain together in the community, and will provide great help to informal family attendants. Right now in New York, people with disabilities who

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are not self-directing are faced with the cruel choice to leave their family and enter an institution in order to receive the services and supports they need, or to rely on the informal support of family members to act as attendants. The lack of AHHAs breaks New York families apart by sending the family member with a disability into a nursing facility. It causes working family members to exit the workforce in order to attend to their spouse, their children, or their parents. The creation of AHHAs supports and strengthens families by allowing people with disabilities to receive attendant services in the community.

**The AHHA proposal includes detailed guidance to ensure quality of care**

A workgroup of stakeholders, including representatives from the disability community, AARP, the New York State Nurses Association, home care providers, and other organizations, has produced over 70 pages of detailed and specific guidance as to the tasks, scope, safety, training, qualifications, and supervision of AHHAs. That guidance is referenced in this legislation. The stakeholders have said that they support the creation of AHHAs, and have called on Senate leadership to negotiate this proposal with Assembly leadership and with the Governor.

**The Senate included the AHHA proposal in its budget last year**

It is time for the Senate to act. Last year, the Senate proposed the creation of AHHAs in its budget, but the proposal failed in the Assembly. This year, the Assembly has passed legislation (AB. 7188) but the Senate has not acted. We call on the Senate to support the creation of AHHAs by bringing SB. 5855 to the floor for a vote. The creation of these trained, skilled, certified, workers will help to bring in nearly \$440,000,000 per year. It will help New York families. And it will help New Yorkers with Disabilities to live in freedom.

**We urge you to call SB. 5855 to a floor vote, and to create Advanced Home Health Aides that will enable thousands of New Yorkers with disabilities to live in freedom**