

## **2023 DISABILITY PRIORITY AGENDA BUDGET PRIORITIES**

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The New York Association on Independent Living (NYAIL) represents Independent Living Centers (ILCs) and the people with disabilities they serve. NYAIL leads statewide ILC efforts to eliminate physical, communications, attitudinal, and other barriers to all aspects of life. Under the Hochul Administration, New York has made bold commitments to the advancement of rights and community integration for people with disabilities and older adults through the creation of the Office of the Chief Disability Officer, creation of the Master Plan on Aging and development of an Olmstead Plan. Investing in the below priorities would show real leadership from the State in advancing these critical initiatives and implementing necessary systems change. We urge the Legislature to take legislative and administrative action in the 2023-24 budget as outlined below.

### **INDEPENDENT LIVING**

#### **We strongly support:**

- Increasing base funding for Independent Living Centers (ILCs) to \$18 million, an increase of \$2 million.

### **HEALTH / MEDICAID**

#### **We strongly support:**

- Addressing the home care crisis by increasing wages for home care workers to 150% of the State's regional minimum wage, as outlined in the Fair Pay for Home Care Act.
- Repealing cuts to eligibility for Medicaid advanced during the Medicaid Redesign Team (MRT) II making it more difficult for people to receive vital community-based long-term services and supports (LTSS).

#### **We strongly oppose:**

- Repealing the RFO process for Fiscal Intermediaries in the Consumer Directed Personal Assistance Program.
- Repealing the modest gains made in last year's Budget to increase the minimum wage for home care workers. These increases are now decoupled from the Governor's proposed minimum wage indexing proposal, and downstate wage parity is repealed.

### **EMPLOYMENT**

#### **We strongly support:**

- Expanding eligibility for New York's Medicaid Buy-In Program for Working People with Disabilities by increasing income and asset limits, while also removing the age limit. We do not, however, support employment requirements and steep premiums as proposed by the Executive.

### **AGING**

#### **We strongly support:**

- Increasing funding for the Long-Term Care Ombudsman Program by \$15 million.

## **HOUSING**

### **We strongly support:**

- Increasing funding for Access to Home to \$10 million to address pent up demand for this program, allowing all regions of the State to benefit.
- Creating a Visitability Tax Credit to help homeowners make their homes more accessible.

## **GOVERNMENT OPERATIONS**

### **We strongly support:**

- Restoring the Interagency Coordinating Council for Services to Persons who are Deaf, Deafblind or Hard of Hearing within the Office of the Chief Disability Officer (CDO).

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## **INDEPENDENT LIVING**

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### **NYAIL strongly supports increasing Independent Living funding to \$18 million.**

Independent Living Centers (ILCs) provide critical services to people with disabilities designed to assist them in navigating the ever-changing service system to live independent, fully integrated lives in the community. ILCs provide a wide range of critical services based on local needs, all of which are aimed at addressing the social determinants of health: education, employment, housing, transportation, and other independent living skills.

ILCs also employ many people with disabilities statewide and help to elevate them to positions of leadership and governance within the centers. Increased ILC funding will help continue to build future leaders and the workforce of people with disabilities. ILCs adapted quickly in the early weeks of the pandemic to help meet the needs of people with disabilities in their communities by providing accessible and culturally competent assistance. Maintaining investment in this response network is essential in being prepared for future events which disproportionately impact those we currently serve. Serving new populations experiencing independent living challenges can only be accomplished with renewed levels of investment, for example, assisting those with long term post-COVID disabilities and older adults who overwhelmingly want to age at home.

ILCs have been underfunded while the cost of providing services has increased dramatically, creating a crisis for centers and the people with disabilities they serve. Due to ILC funding being located in the State Education Budget, we have historically been left out of any cost of living increases provided to human service agencies, and this year is no different. The 2.5% COLA increase proposed in the Executive Budget does not include ILCs. We are calling on our partners in state government to correct a history of inadequate support to the network of Independent Living Centers so they can meet the needs of people with disabilities they serve annually by increasing their funding by \$2 million to \$18 million total.

## HEALTH / MEDICAID

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### **Address the home care crisis by increasing wages for home care workers, as outlined in the Fair Pay for Home Care Act.**

There has long been a home care aide shortage in parts of the State, making it difficult for people in certain regions to obtain home care. However, over the past few years, it has become an acute crisis in all parts of the State from Long Island to Buffalo. The home care crisis is by far the primary barrier to transitioning people from nursing homes back into the community. The State has an obligation under the 1999 Supreme Court decision, *Olmstead v. L.C.*, to provide people with disabilities with supports and services in the most integrated setting, their home communities. Yet the lack of available home care is making this an impossibility for many.

The 2022-23 State budget included small raises for the first time in a decade, but the \$3 increase comes nowhere close to the wage we know is needed to end the home care shortage. Even after this raise, home care workers in most of New York earn just \$16.20/hour to do the essential work of caring for our loved ones.

Now, the Executive Budget undoes the small progress we made in raising wages by exempting home care wages from the minimum wage indexing, ultimately freezing home care wages at \$18/hour until minimum wage reaches the same rate. The issue is further accentuated for the Consumer Directed Personal Assistance Program through the proposed exemption of Wage Parity, which ultimately results in a wage decrease for Personal Assistants downstate. NYAIL strongly opposes these proposals and the Administration's continued de-valuing of home care.

New York State must include Fair Pay for Home Care in the final budget to effectively address the increasing home care crisis. Many older adults and people with disabilities need home care, while the workers who provide their services are paid a living wage. Fair Pay for Home Care also ensures providers paying home care workers would get adequate reimbursement rates, which has been a challenge with last year's increase.

### **NYAIL strongly supports repealing cuts to eligibility for Medicaid community-based long-term services and supports.**

The Medicaid Redesign Team (MRT) II was directed to advance policies to achieve Medicaid savings without impacting access to services. Yet, multiple proposals were advanced through this process which would make it much more difficult for certain people to receive community based long term services and supports (LTSS). In particular, the State raised the eligibility threshold for qualifying for LTSS. Now, people must require assistance with physical maneuvering with at least three activities of daily living (ADLs) to qualify. If they have a dementia or Alzheimer's diagnosis they are assessed as requiring supervision with at least two ADLs. This effectively eliminates level I home care, which provided many people with vital assistance with Instrumental Activities of Daily Living (IADLs) to remain in their homes, but who did not require

assistance with ADLs. Examples of IADLs are: cooking, cleaning, grocery shopping, sorting mail, etc. It also sets up a discriminatory standard basing eligibility in part on diagnosis. This policy, if enacted, would put many people at risk of unemployment, injury, hospitalization, and institutionalization. NYAIL urges the State to repeal this policy.

**NYAIL opposes repealing the RFO process for Fiscal Intermediaries in the Consumer Directed Personal Assistance Program.**

The Executive Budget proposes to abandon the contracting process that has been in the works for several years and instead give the Department of Health full authority to determine via emergency regulations a new process for approving and setting standards for Fiscal Intermediaries, with a goal of having MLTCs contract with as few providers as possible. We urge the Legislature to maintain the 2022-23 budget agreement and require DOH use the RFO and related attestation process to determine eligible Fiscal Intermediaries moving forward. As part of this process, we urge the State to ensure all Independent Living Centers who want to participate in the program are permitted to do so given the network's role and history in establishing the program.

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**EMPLOYMENT**

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**Expanding eligibility for New York's Medicaid Buy-In Program by increasing income and asset limits, while also removing the age limit, to support the employment of people with disabilities.**

New York's Medicaid Buy-In Program for Working People with Disabilities allows people with disabilities to maintain coverage for Medicaid while they work. This is essential for people who depend on Medicaid to maintain independence and their health with Medicaid provided supports, like personal care attendant services, not covered by employer provided health insurance. People are currently forced to choose between work and their health, and not all working people with disabilities are covered. The program currently limits eligibility by income, assets, and age. NYAIL supports expanded eligibility of the program so that people with disabilities are encouraged to pursue higher compensation opportunities, remain employed as they build wealth, and not be forced to stop working because of their age.

The Executive Budget proposes elimination of the age limit and an increase to the asset limit of \$300,000, which we strongly support. The proposal also includes increases to the income limits but imposes steep premiums for individual's above 250% federal poverty level based on a sliding scale, up to as much as \$1449/month. NYAIL urges the state to reconsider the premiums to ensure the program is affordable to those who need it and not a deterrent to working people with disabilities. At a minimum, premiums should be limited to 9% of an individual's income as is required in the NYS Health Marketplace. NYAIL also opposes the requirement that people work at least 40 hours

per month to be eligible, as this is impossible for many people with disabilities and would exclude a significant number of individuals who currently utilize the program.

We believe New York should continue to work towards being a leader in disability employment by implementing the Governor's proposal with significant modifications to ensure viability of the program. NYAIL also encourages public funding to help increase awareness and utilization of the program.

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## AGING

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### **Increase the State's funding for the Long-Term Care Ombudsman Program by \$15 million.**

The Long-Term Care Ombudsman Program (LTCOP) serves as an advocate and resource for people living in nursing facilities and other institutions. The program is intended to promote and protect residents' rights, along with their health and safety by receiving, investigating, and resolving complaints made by or on behalf of residents. The pandemic demonstrated people in institutions must be able to access an ombudsman when needed. The State must increase its share of funding to adequately serve the State's population of people in all long-term care facilities.

The LTCOP receives some Federal funding, but it is insufficient to provide adequate services across the State. Providers are overly reliant on volunteers and unable to cover every facility. It is increasingly difficult to recruit volunteers for this critically important program. To address this crisis, we urge the State to increase funding to \$15 million and bring the annual investment in LTCOP to \$19.4 million, up from the current \$4.4 million. This increase would add staff to conduct regular and consistent visits.

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## HOUSING

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### **Increase funding for Access to Home to \$10 million.**

Access to Home is an important program administered by NYS Homes and Community Renewal (HCR) which provides funding for home modifications, allowing individuals with disabilities and older New Yorkers to stay in their homes and out of costly institutions. For many people, the addition of a ramp to their front door makes the difference between being able to leave the house and being homebound.

Access to Home was cut by 75% several years ago. Ever since, it has been funded at a mere \$1 million statewide, leaving many parts of the State without the program and resulting in years-long waiting lists. Because the program covers up to \$25,000 for home modifications, if 40 homes need the maximum amount, this leaves many homes all over the state without these necessary modifications. In most parts of the State there

is no other program available and people do without essential home modifications. We urge the State to increase HCR funding to \$10 million for this program. By investing in Access to Home, older adults and people with disabilities around the State will remain in their home and out of institutions. The State will more than recoup this investment in other state agency expenditure reductions.

**Create a Visitability Tax Credit to help homeowners make their homes more accessible.**

Despite strong and continued support from the legislature, the Visitability Tax Credit bill (A.3409/S.7365 of 2022) was vetoed again. This is a priority for the disability community. A tax credit would help keep people in their homes and out of institutions by assisting people with the costs associated with making their homes more accessible. NYAIL urges the legislature to include the \$1 million pilot program in the state budget.

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**GOVERNMENT OPERATIONS**

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**Restoring the Interagency Coordinating Council for Services to Persons who are Deaf, Deafblind or Hard of Hearing within the Office of the Chief Disability Officer (CDO).**

The Office of the CDO was established to help ensure a voice in state government for all people with disabilities. We recognize that the state needs to do a better job of addressing deaf issues at the policy level and believe with additional resources the Office of CDO is the best place to do so.

**For further information, please contact:**

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