



# NYS BUDGET IMPACT ON PEOPLE WITH DISABILITIES

## REPORT CARD

In 1990, the nation recognized the civil rights of people with disabilities with the passage of the Americans with Disabilities Act (ADA). Nine years later, the Supreme Court's Olmstead decision held that under the ADA, people with disabilities have a civil right to live in the most integrated setting. New York State finally released their Olmstead plan in 2013, which detailed how the State would ensure these rights. Yet five years later, the final budget includes proposals that will turn the clock back on community integration and independence of people with disabilities.

Despite a \$6 billion DSRIP investment in institutional providers like hospitals and nursing homes, there is no funding made available for low cost, common sense investments in community-based services for people with disabilities. Meanwhile, the Community First Choice Option (CFCO) is currently drawing down approximately \$365 million annually, and it isn't even fully implemented yet. Several years ago, the State committed to putting the additional federal dollars from CFCO into Olmstead implementation. The disability community made a number of recommendations on how those funds could be spent, and all of them were ignored. Instead, this budget perpetuates chronic underfunding for programs like disability-led independent living centers, home care, and Access to Home which, if properly funded, would go a long way toward community integration and improved outcomes for people with disabilities.

The New York Association on Independent Living (NYAIL) represents Independent Living Centers (ILCs) and the more than 100,000 New Yorkers with disabilities they serve. NYAIL analyzes the State budget based on its impact on the lives of people with disabilities.

**1. Increase funding for Independent Living Centers to \$18 million.** Due to chronic underfunding, ILCs have had to cut back in core services and are unable to pay their staff a living wage, many of whom are people with disabilities.

<b>NYS Board of Regents:</b>	<b>A</b>	<b>FINAL BUDGET:</b>
For the second year in a row, the NYS Board of Regents and State Education Department recommended a \$5 million increase to ILCs in their budget recommendations.		
<b>Governor:</b>	<b>F</b>	<b>FAIL</b> ILCs remain level funded for the 13th year in a row.
Proposed level funding for the eighth-straight budget.		
<b>Assembly:</b>	<b>C</b>	
\$1M increase		
<b>Senate:</b>	<b>A</b>	
\$5M increase		

**2. Oppose carve-out of people “permanently placed” in nursing facilities from Managed Long-Term Care (MLTC)** This will make it much harder for people to get services, like home care, in place when they are ready to go back home. It also provides an incentive for plans to institutionalize those with the greatest needs.

<b>Governor:</b>	<b>F</b>	<b>FINAL BUDGET:</b>
Proposed carving people in nursing facilities out of MLTC after 6 months.		
<b>Assembly:</b>	<b>D</b>	<b>FAIL</b> People will be carved out of MLTC after 3 months with no appeal rights.
Modified carve-out proposal.		
<b>Senate:</b>	<b>D</b>	
Modified carve-out proposal.		

**3. Address the home care crisis by ensuring funding to provide home care workers with a living wage.** People who require home care are having a hard time finding workers willing to provide attendant care services due to the extremely low pay.

<b>Governor:</b>	<b>F</b>	<b>FINAL BUDGET:</b>
Not included.		
<b>Assembly:</b>	<b>F</b>	<b>FAIL</b> Personal attendants will continue to be grossly underpaid, making less than fast food workers.
Not included.		
<b>Senate:</b>	<b>F</b>	
Not included.		

**4. Oppose increasing eligibility for MLTC to a Uniform Assessment System (UAS) score of 9.** Increasing the eligibility from a UAS of 5 to 9 would make it much harder to get community based services from a MLTC plan than it is to get into a nursing home. It also provides plans with a financial incentive to push those with the greatest needs into institutions.

Governor:	F	<b>FINAL BUDGET:</b>
Included proposal in Executive Budget.		
Assembly:	A	<p style="text-align: center;"><b>A</b></p> <p>Proposal not included in the final budget.</p>
Rejected proposal in one house budget.		
Senate:	A	
Rejected proposal in one house budget		

**5. Reinstate the State Office for the Advocate for People with Disabilities.** The disability community has no state office advocating on their behalf. Reactivating the duties of this office, initially created by Governor Mario Cuomo, would be a first step in providing representation for people with disabilities in state government.

Governor:	F	<b>FINAL BUDGET:</b>
Not included.		
Assembly:	B	<p style="text-align: center;"><b>FAIL</b></p> <p>Not included.</p>
Included \$100,000 toward reinstating the office		
Senate:	F	
Not included.		

**6. Establish a high needs community rate cell.** Creating a high needs community rate cell would ensure that MLTC plans can afford to serve people with the greatest needs.

Governor:	F	<b>FINAL BUDGET:</b>
Not included.		
Assembly:	B	<p style="text-align: center;"><b>D</b></p> <p>The DOH committed to exploring separate rate cells with the Center for Medicare and Medicaid Services (CMS) in a budget “side-letter” for the second year in a row.</p>
Mandates DOH create a high needs community rate cell.		
Senate:	B	
Mandates DOH create a high needs community rate cell.		

**7. Oppose limiting spousal refusal to MLTC members and decreasing the spousal impoverishment resource allowance to the federal minimum.** These proposals would force individuals to choose between living in poverty and ensuring one's spouse can access necessary Medicaid-funded services and supports.

Governor:	<b>F</b>	<b>FINAL BUDGET:</b>
Included these proposals in Executive Budget proposal.		
Assembly:	<b>A</b>	<b>A</b> Proposals not included.
Rejected these proposals in their one house budget.		
Senate:	<b>A</b>	
Rejected these proposals in their one house budget.		

**8. Increase funding for the Access to Home program to \$10 million.** Access to Home provides home modifications for low income individuals to help keep people in their homes and out of nursing facilities.

Governor:	<b>F</b>	<b>FINAL BUDGET:</b>
Proposed level funding.		
Assembly:	<b>A</b>	<b>FAIL</b> Access to Home remains flat funded at \$1 million, leaving the majority of the State unserved. Meanwhile, the Access to Home for Heroes program has received more funding than they've been able to spend.
\$3M increase		
Senate:	<b>A</b>	
\$4M increase		



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FAILS  
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