



**Testimony of Theresa Laws  
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**Before The New York State Senate Finance and Assembly Ways and Means Committees**

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Chairman Farrell, Chairman Kruger, and members of the Senate Finance and Assembly Ways and Means Committees, thank you for this opportunity to provide testimony on the proposed Executive Budget for New York State as it relates to mental hygiene services.

My name is Theresa Laws and I am a Direct Support Professional working for the Rensselaer County ARC, an agency that operates under the auspices of the New York State Office of Mental Retardation and Developmental Disabilities. We support 160 individuals with developmental disabilities live life to their fullest in their home communities. I work as a manager of one of the 75 residential settings that supports six people - 24-hours a day, seven-days a week.

I am also a member of the Direct Support Professional Alliance of New York State, or DSPANYS, as we call it.

Because DSPANYS is a new statewide organization, with which you may be unfamiliar, as a preface to my testimony, I would like to say a few words about Direct Support Professionals and our statewide alliance.

Today, across New York State, most people with intellectual and other developmental disabilities live, work, and recreate in their home communities. This stands in stark contrast to just 30 years ago, when most individuals with these types of disabilities were segregated and confined to large public institutions, deprived of the liberties and opportunities most of us take for granted.

This radical, systemic transformation was made possible by concerned and vocal parents, advocates, public officials and others. But at the forefront, and upon whom today's system of services rests, are Direct Support Professionals -- men and women working 24 hours-a-day, seven days-a-week in nearly every city, town, and village across this state; in group homes; day and vocational programs; afterschool, evening, and weekend respite and recreational programs; supporting individuals with disabilities.

Direct Support Professionals, like me:

- Have the primary responsibility for the health, welfare, and safety of people with disabilities living in the community.
- We teach, assist, and nurture individuals with disabilities in learning skills so they can be all that they can be, both as good neighbors and contributing members of society.
- We often share our days off and holidays with the individuals that we support so they can experience a full life.
- We accompany and, often stay with, the individuals that we serve when they are admitted to hospitals, we also act as medical advocates, and intervene in times of crisis.
- We are relied upon by families as the people who know their loved ones the best.

To quote one parent who recently wrote to the New York State Association of Community and Residential Agencies, “Direct Support Professionals are my hands, my eyes, and my ears when I can’t be with my son.”

However, there is a Direct Support Professional crisis. A crisis that threatens today’s system of care and support for individuals with disabilities, which so, so many have labored over years to create.

Inadequate salaries are driving Direct Support workers like me away from this type of employment. We are leaving our jobs that we love for other opportunities. Ironically, society entrusts Direct Support staff with its most vulnerable citizens; expects of us the Wisdom of Solomon and the patience of Job; yet ignores us as professionals; and often pays us less than a Wal-Mart Greeter.

The high staff turnover rates that most agencies experience, some approaching 50 percent, have numerous and serious negative impacts. On one level, turnover creates administrative nightmares, as agencies do juggling acts to provide adequate staffing coverage **at all times**; on this level, it also increases administrative costs related to recruitment and training of new staff. At another level, it burns-out remaining staff who are forced to work overtime to pick up the slack that the turnover creates, thus fueling the fire of turnover.

Most fundamentally and importantly, it hurts the people that we support. They truly grieve as they see staff on whom they rely suddenly disappear – a colleague of mine compared the effect

of staff turn over in a group home to that of divorce in a family. The revolving door of staff also erodes the constancy and continuity essential for quality of care and learning opportunities.

This also has a long term impact. Given changing social demographics, due in part to aging baby-boomers, it is estimated that the demand for Direct Support Professionals will grow by 37% over the next 11 years.<sup>i</sup> But our employers can't even recruit and retain adequate numbers of potential direct support professionals today!

It is against the backdrop of this crisis that the Direct Support Professional Alliance of NYS was created. DSPANYS is the New York Chapter of the National Alliance for Direct Support Professionals.

We envision a society that recognizes and respects the abilities and value of individuals with disabilities **and** the people who provide direct supports and services to them. We have several objectives:

- To promote the profession of direct support through a national code of ethics and a national, voluntary, competency-based credentialing process;
- To advance career paths in the profession of direct support through increased access to quality educational & training programs and through salary structures that are on par with the roles and responsibilities of direct support professionals;
- To strengthen relationships between direct support professionals, self-advocates, and families;

- To advocate for reforms which promote consistency in service delivery by a stable, qualified direct support workforce; and
- To seize every opportunity to promote cultures that value the dignity of individuals with disabilities.

This year's proposed budget includes, or omits, several items of importance to DSPANYS and the people we support – items which we urge you to seriously consider.

The first is the Health Care Enhancement (HCE) Program. Included in the proposed budget, this program allows the Office of Mental Retardation and Developmental Disabilities to enhance the insurance benefit packages not-for-profit service agencies offer their employees. As I mentioned before, Direct Support Professionals receive inadequate salaries. Living on limited incomes, at times we are forced to forego recommended medical treatments and medications because of the out-of-pocket expenses or the costs of co-payments. In the years that it has been included in the budget, the HCE program has helped Direct Support Professionals secure the medical care and medications they need by defraying related costs; to a limited degree, it has served as a supplement to our meager salaries. This year's budget proposes continuing the HCE program. We urge the Legislature to act positively on the proposal.

Next is the Trend Factor for Medicaid funded facilities. The proposed budget does not include a trend factor for Medicaid funded facilities. Trend factors enable service agencies to keep pace with inflation. Over the past year, it seems that the cost of everything has increased: rent, utilities, transportation, and supplies and equipment that our employers require. Absent some

inflation-related adjustment to Medicaid reimbursement rates, meeting these increased costs will come at an undesirable expense: reduction in the nature, frequency and quality of direct services to the people that we support. Trend factors also enable our employers to adjust salaries of Direct Support Professionals, who, like me, continuously struggle to make ends meet...like paying for groceries, gas, our homes, and our family expenses... given our current economic environment.

I am not a “finance” person, but I am led to believe that every dollar New York State spends on Medicaid draws down at least a dollar from the federal government. Thus, it would seem to me that including a trend factor in this year’s budget would not negatively impact New York’s fiscal picture. I invite you to explore this matter further and reinstate a trend factor for Medicaid programs in this year’s budget.

Finally, for those non-Medicaid funded agencies, in past years New York State has provided Cost of Living Adjustments (COLAs). These have helped Direct Support Professionals keep our heads above water, financially. This year’s proposed budget offers no COLA. I urge you to reinstate the COLA. Help a committed Direct Support Professional avoid making the desperate choice between a career he or she loves and a job being a Greeter At Wal-Mart.

In closing, I again want to thank the Chairs and members of the Senate Finance Committee and the Assembly Ways and Means Committee for this opportunity to testify. I’ve submitted 40 copies of my testimony. Appended to it is additional information about the Direct Support Professional Alliance of NYS. You’ll see that there is a category for “other” professionals – so, I invite all of you who share our vision to join.

DSPANYS invites you to assist in realizing our vision of a society which truly values individuals with disabilities and the people who directly support them by finalizing a budget which includes provisions for the Health Care Enhancement program, trend factors for Medicaid programs and COLAs for non-Medicaid programs. If I, or DSPANYS, can be of further assistance or provide additional information, please contact us. Thank you.

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<sup>1</sup> U.S. Department of Health and Human Services; Assistant Secretary for Planning & Evaluation. Report to Congress; January 2006