

Public Health Committee JOINT FAVORABLE REPORT

Bill No.: SB-400

AN ACT CONCERNING GRADUATE FUNDING AND THE PROVISION OF
SUPPORT AND SERVICES FOR PERSONS WITH INTELLECTUAL

Title: DISABILITY.

Vote Date: 3/23/2018

Vote Action: Joint Favorable Substitute

PH Date: 3/16/2018

File No.:

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SPONSORS OF BILL:

Public Health Committee

REASONS FOR BILL:

To ensure the provision of quality services to persons with intellectual disability.

Section 1 requires the Department of Developmental Services (DDS) to annually (1) evaluate the needs of eligible persons with intellectual disability who have turned or are turning 21 during the school year, and (2) determine the projected cost of providing day, employment and other support services to such persons. DDS must report before January 1, 2019, and annually thereafter on the evaluation findings and projected costs, which will be the estimates of expenditure requirements transmitted to the Secretary of the Office of Policy Management (OPM). On and after January 1, 2019, DDS must provide services (including support services) to each eligible person with intellectual disability, immediately following the end of the school year in which the individual turns 21. The governor can not reduce the allotment for these services.

Section 2 requires the Commissioner of DDS, in consultation with the Commissioner of the Department of Social Services (DSS) to adjust, within available appropriations, the amount of payments for programs, services and supports made to nonprofit private provider organizations that contract with the state. The adjustment must provide an annual pro-rata increase based on direct care employee salaries for services provided in the state and reflect reasonable costs mandated by collective bargaining agreements.

Section 3 establishes a training and development advisory committee within DDS, to develop training guidelines and improve the level of training received by direct care workers who

provide services to persons with intellectual disability. The committee shall report, in accordance with the legislation on: (1) the extent to which such direct care workers who serve persons with high levels of need may require additional training to adequately serve such persons, (2) the curricula that needs to be developed to provide such additional training, and (3) the manner in which to provide such training to ensure consistent care across the direct care workforce and the appropriate state agencies.

RESPONSE FROM ADMINISTRATION/AGENCY:

Jordan A. Scheff, Commissioner, Connecticut Department of Developmental Services: The Department of Developmental Services (DDS) expressed appreciation for the intention of the bill, which would, to some extent, provide resources for individuals with intellectual disability. DDS, for planning purposes, already reports annually to the Office of Policy and Management (OPM) and the Legislature's Office of Fiscal Analysis (OFA) on the number of individuals it knows to be graduating or aging out of school systems within the next three fiscal years along with an estimate of projected costs of appropriate day services for these individuals. Data on the number of projected graduates for three years is also shared through the department's Management Information Report (MIR), which is available on the department's website.

For section 1, DDS questions the intention of "other support services," which could include residential services and go beyond the current practice of the legislature in terms of annual funding commitments. Making day and employment funding for individuals with intellectual disability an entitlement, is a policy decision that would require a substantial, on-going fiscal commitment. Subsections (d) and (e) of section 1 could unintentionally require funding reductions in other parts of DDS's budget that could adversely impact providers or current funding recipients.

DDS finds the intent of section 2 of the bill, to be unclear. The bill would undermine the standard rate system DDS has been working toward to meet the federal Medicaid waiver requirement, that similar needs should be funded with similar dollar amounts, regardless of who provides the services. Additionally, DDS believes the exemption of salaries for other than direct care staff would lead to large-scale salary compression for non-direct care personnel in the private sector.

Despite being well intended, section 3 of the bill, ignores the fact that DDS already maintains rigorous training standards both for its public sector and, through contract requirements, for its private providers. The department supports having a well-trained workforce, but there are potential cost implications for the proposal. Specifically, subsection (d) of section 3 of the bill requires an estimate of the funds required to pay for the appropriate level of additional training deemed necessary under subsection (a) and requires the funds to be made available to interested providers. DDS's public training division routinely meets with private providers to review trainings, requirements and resources.

Sarah Eagan, Child Advocate, Office of the Child Advocate: The Office of the Child Advocate (OCA) submitted testimony in support of the bill. OCA regularly hears from families who worry about the services their child with complex developmental disabilities will be able to receive once they graduate from school. These young adults need support to continue to retain and build their life and work skills.

NATURE AND SOURCES OF SUPPORT:

Gian-Carl Casa, President and CEO, CT Community Nonprofit Alliance: submitted testimony in support of the bill. The Alliance is CT's statewide association of community nonprofits, and its members deliver essential services to more than half a million people each year and employ almost 14% of Connecticut's workforce. In section one, clarifying language was requested on the Department funding of services for people with I/DD. In section 2, concern was expressed over the proposed exclusion of wage increases for managers which would create wage compression. In section 3, the Alliance cautioned that direct support professionals in Connecticut are already highly trained and providers must be funded to offer any additional training requirements or programs.

Janice Chamberlain, Director of Human Resources, Horizons Programs: submitted testimony in support of the bill. Horizons currently has 221 part and full-time employees and hires an additional 180 seasonal staff each summer. Horizons would like to pay their employees more, but can only achieve this goal with build-in protections and resources for such adjustments in all current and future contracts and grants. A mechanism is needed for adequately funding nonprofits' contracts from year to year.

Benjamin Davies, Manager of Advocacy & Outreach, MARC Community Resources: submitted testimony in support of the bill because it guarantees employment and day funding for new graduates with I/DD, provides much needed wage increases for employees at community non-profits, and creates a training and development committee for workers.

Mary Pat DeCarlo, VP of Residential Services, The Kennedy Center: submitted testimony in support of the bill. The Kennedy Center employs 710 staff throughout the state, 37% of whom are making the starting hourly rate of \$12.24 per hour. While the Kennedy Center hires residential staff at their starting rate of \$12.24 per hour, DDS hires staff to work at their remaining group homes with the same requirements however, the starting hourly rate is \$21.23. Mary Pat DeCarlo fears many workers will leave this profession if pay is not increased for these hard working individuals.

Ashley Dennis, Executive Director, ARC of Greater New Haven: submitted testimony in support of the bill. ARC believes the wages for nonprofit employees should be increased because providers have not had a rate increase since 2007. Services have suffered budget cuts, rate cuts and numerous unfunded mandates that drive the cost of providing services significantly higher than non-profit providers are currently paid. DDS staff start at a wage of around \$16.50 per hour with regular cost of living increases. Ashley Dennis also expressed concern with wage compression, which occurs when wages above the lowest wage are not adjusted to reflect the higher wage floor.

Mary Etter, Executive Director, Bristol Adult Resource Center (BARC): submitted testimony in support of the bill, believing a rate increase will make it easier for providers to attract and retain good employees. BARC expressed concern with mandating increased wages without a corresponding increase in contract payments. 97% of BARC's current funding is from contracts and fundraising would not be able to cover an increase in staff wages.

Win Evarts, Executive Director, Arc of Connecticut: submitted testimony in support of the bill and the concepts raised in all three sections.

Tom Fiorentino, President, Arc of Connecticut Board of Directors: submitted testimony in support of the bill. The Arc of CT supports the bill's mandate that day and employment services be fully funded with the Governor being prohibited from reducing the allotment once made. Tom Fiorentino discussed the difficulties families have dealing with the possibility that their children will have nowhere to go at the end of their school careers. The Arc also supports an increase in funding for nonprofit providers, believing the growing disparity between the compensation paid to public and non-profit employees, is staggering, unfair, and demoralizing.

Denise Henry, Executive Director, SARAH Inc.: submitted testimony in support of the bill. Denise Henry explained that when a new graduate is suddenly without the services needed to continue to be a contributing and valued member of their communities, their families are faced with the impossible choice of caring for the new graduate or going to work. In section 2, Denise expressed concern that the funding would be within available appropriations and possibly force cuts to other essential services. She commented that direct support professionals in CT are already highly trained and asked that the Committee must consider that providers be funded if they are required to offer additional training requirements or programs.

Heather LaTorra, President and CEO, Marrakech, Inc.: submitted testimony in support of the bill, finding that section 2 gives her both great hope and caution. Marrakech would need over 2 million dollars to pay its entire staff at least \$15.00 per hour, meaning they are only able to guarantee raises when they receive COLAs. The legislation should guarantee increased funding that will cover the increase in wages, and not force providers to meet the wage level when the state does not provide the funding.

Jenna Marchenkoff, Residential Manager, Oak Hill: submitted testimony in support of the bill, and believes providing the necessary funding could make a difference in the lives of staff as well the lives of the people they serve.

Melissa Marshall, Coordinator, Connecticut Cross Disability Lifespan Alliance (CCDLA): submitted testimony in support of the bill believing graduates should receive IDD services, and their families deserve a sense of security.

Shelagh McClure, Chair, Connecticut Council on Developmental Disabilities: submitted testimony in support of the bill Shelagh McClure believes that section 1 would relieve families of the stress they receive from not knowing if the program will be funded and section 2 would give staff a well-deserved increase in pay. Shelagh expressed the need for the State to provide funding for this additional training and also expressed concerns that this funding is not compromised. She also questioned the intention for additional trainings and what impact they could have on individuals currently being served.

Chris McNaboe, CEO, Horizons: submitted testimony in support of the bill and discussed the imbalance and inequity in what workers are paid. He explained that Legislation is needed

to guarantee increased funding that will cover an increase in wages and to create a system that addresses wage compression.

David Pickus, President, SEIU 1199 New England: Submitted testimony in support of the bill that provides the funding necessary to pay a living wage to those who work with people with disabilities. He believes a wage enhancement program, for private-sector, direct care workers is a proven, effective strategy for ensuring quality services while stabilizing the workforce and reducing workers' dependence on public assistance. A recent survey of more than 3,000 of SEIU's members, who work for private providers of ID/DD services, found that 35% rely on one or more forms of public assistance because their wages are so low. David attached additional suggested language to 1199's testimony.

Paul Rosin, Executive Director, Community Residences Inc. (CRI): submitted testimony in support of the bill and provided a graph that demonstrates the turnover rates for CRI and the unemployment rates for Connecticut over the past eighteen years (2001-2018). Over the 18 years, the CRI turnover rate has gone from a low of 21% in 2005 to a high in 2018 of 52%. Paul believes the high turnover rate is in direct correlation with the wages paid.

Leslie Simoes, Executive Director, Autism Services & Resources CT (ASRC): submitted testimony in support of the bill and discussed the socio-economic impact resulting from these cuts and the emotional impact they have on families. ASRC supports the rate increase proposed in the bill, and explains that the State has not funded an increase for workers for the nonprofit private providers in over a decade.

Stan Soby, Vice President of Public Policy and External Affairs, at Oak Hill: submitted testimony in support of the bill and discussed Oak Hill's work. Oak Hill has over 20 distinct programs, with 152 program sites, classrooms, and homes located in 77 towns. Oak Hill employs over 1,700 professionals to successfully help meet the changing needs of close to 40,000 people with disabilities each year. Stan explained that Oak Hill supports section 1, so long that these services are not provided at the expense of other people receiving day supports or those who provide those supports.

For section 2, Stan explained that a lack in wage increases makes it increasingly harder for nonprofit providers to attract and retain the kind of employees needed to provide support to people with intellectual and other disabilities. For Section 3, he believes Oak Hill is in full support of developing such a model to expand the available workforce, so long as it is being understood correctly.

Tracey Walker, Chief Executive Officer, Journey Found: submitted testimony in support of the bill. For section 2, Tracey expressed concern over the use of "within available appropriations," explaining that cuts would need to be made elsewhere if raises are given but funding is not received. He also believes persons with seniority or supervisors should also be getting wage increases. For section 3 Tracey explained that employees already receive extensive training and mandating more would require additional funding.

Westport Commission on People with Disabilities: submitted testimony in support of the bill.

Jamie Lazaroff, Hampton, CT: Jamie Lazaroff has Intellectual/Developmental Disabilities, and submitted testimony in favor of the bill believing it will offer children the same opportunities when graduating from high school and provide much needed increases for employees at community non-profits.

Lauren Traceski, Canton, CT: Lauren Traceski was born with an intellectual disability, and submitted testimony in favor of the bill believing it will help graduates to keep growing and learning, and give back to the community.

Several people who work with persons with intellectual disabilities including, **Patricia Banks, Elana Davis, Rhonda DeFelice, Mary Ann Duval, Dave Dwyer, Laura Kamm, John Lazarou and Shanna York** provided testimony in support of the bill, specifically section 2. Patricia Banks offered an amendment to section 2 of the bill in her testimony. Mary Ann Duval and Dave Dyer requested that the following additional language be added to the bill: *“(NEW) (Effective July 1, 2018) The Department of Developmental Services shall provide in-home support services to individuals and families on a department waiting list or seeking services from the department by utilizing employees who complete the department's Training Academy for Family Support program.”*

Several parents of children with intellectual disability including, **Patricia Banks, Collete Bement, Adrienne Benjamin, Leslie Bridges, Mariana Derman, Joe Duffy, Lauralyn Lewis, Susan Loos, Arlene Reith, Imelda Reno, Thomas Smith, and Fran Traceski** submitted testimony in support of the bill. Lauralyn Lewis expressed concern for the fiscal note in the second section, fearing the bill in its entirety may not pass because of the cost. Collette Bement feels that a training and development advisory committee is not necessary.

NATURE AND SOURCES OF OPPOSITION:

None