

NEW YORK STATE ASSEMBLY

Carl E. Heastie, Speaker
Rebecca A. Seawright, Chair



2023 ANNUAL REPORT

COMMITTEE ON
People with Disabilities



Rebecca A. Seawright
Assembly Member 76th District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Committee on People with Disabilities

COMMITTEES
Banks
Codes
Judiciary
Ways and Means
Higher Education

December 15, 2023

Honorable Carl E. Heastie
Speaker of the Assembly
Legislative Office Building, Room 932
Albany, New York 12248

Dear Speaker Heastie:

I am pleased to submit the 2023 Annual Report for the Assembly Committee on People with Disabilities. It is an honor to be a chair of this committee. The committee members and I remain dedicated to improving the lives of people with disabilities across the state.

In my first year as chair, I have heard from many in the community and strive to incorporate their feedback into the committee's work. A central concern is a difficulty accessing quality supports and services. Service providers have reported high vacancy rates amongst direct support professionals, and low wages contribute to higher turnover rates. Left unaddressed, these issues will continue to impact all aspects of life for people with disabilities and their families, including housing, employment, and participation in their communities.

In this past session, people with disabilities have been highlighted in budget initiatives and legislative efforts. The Assembly passed legislation to improve access to programs, ensure representation on committees, and increase safety for people with disabilities in the event of an emergency. The committee continues to report legislation that will support people with disabilities, giving them the resources they need to thrive like any other New Yorker.

Once again, thank you for your support for the Committee on People with Disabilities. People with disabilities and their families appreciate your efforts.

Sincerely,

Rebecca A. Seawright
Chair
Assembly Standing Committee on People with Disabilities

**2023 ANNUAL REPORT
OF THE
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON PEOPLE WITH DISABILITIES**

**Rebecca A. Seawright
Chair**

Committee Members

Majority

Khaleel Anderson
Chris Burdick
Taylor Darling
Harvey Epstein
Karen McMahon
Stefani Zinerman

Minority

Jodi Giglio, Ranking Minority Member
John W. McGowan

Committee Staff

Courtney Ferrissey, Committee Clerk

Program and Counsel Staff

Janice Nieves, Assistant Secretary for Program and Policy
Elizabeth McCormick, Legislative Analyst
Gabriella Cavanagh, Associate Counsel
Sarah Conkin, Secretary

TABLE OF CONTENTS

INTRODUCTION..... 4
STATE BUDGET HIGHLIGHTS..... 5
SIGNIFICANT LEGISLATION..... 6
HEARINGS AND ROUNTABLES 8
APPENDIX A 9
APPENDIX B 10
APPENDIX C..... 12

INTRODUCTION

The Committee on People with Disabilities focuses on ensuring that all people with disabilities, including developmental and physical disabilities, are provided opportunities to thrive in life.

The Committee has legislative oversight of programs administered and licensed by the State Office for People with Developmental Disabilities (OPWDD). The Committee also has statutory oversight over the State Council on Developmental Disabilities (CDD). OPWDD serves over 100,000 New Yorkers every year.

The Committee also works closely with the New York State Assembly Standing Committee on Mental Health, the Assembly Standing Committee on Health, and the Assembly Subcommittee on Employment Opportunities for People with Disabilities, to ensure the Assembly is helping improve the lives of all people with disabilities in New York State.

During the 2023 legislative session, the Committee reported several bills meant to address pressing issues for people with disabilities, aiming to increase access to services for individuals and supporting the workforce that services this population.

This report describes the Committee's major legislative activities during the 2023 session.

STATE BUDGET HIGHLIGHTS

The State Fiscal Year (SFY) 2023-24 Enacted Budget includes critical resources for individuals with developmental disabilities and their families. The Enacted Budget provides an increase of **\$236 million** for the Office of People with Developmental Disabilities (OPWDD) over the Enacted Budget for SFY 2023-24. In addition, the Legislature provides an increase of **\$47.5 million** over the Executive proposal. For SFY 2023-24, total OPWDD funding is **\$7.5 billion**.

Within OPWDD, the following proposals and appropriations were enacted in the FY 2023-24 Budget:

- Includes an additional \$15 million in Capital funding to support the expansion of independent residential opportunities for individuals with intellectual and developmental disabilities.
- Provides \$2 million in funding to establish a statewide intellectual and developmental disability ombudsman program.
- \$960,000 in funding for various Legislative initiatives for Intellectual and Developmental Disabilities.

Cost of Living Adjustment (COLA)

The Legislature provides a four percent cost of living adjustment (COLA) for human services providers, and authorizes the COLA starting April 1, 2023, through March 31, 2024. The total state share cost for SFY 2023-24 is **\$324.2 million** for all Mental Health agencies, with **\$119.7 million** for OPWDD providers.

Services for Individuals with Developmental Disabilities

The Enacted Budget continues **\$60 million** to support the development of new community-based service opportunities, including an expansion of certified housing supports, community habilitation, and rental subsidies to individuals living in an apartment, as well as the expansion of day programs, employment options and respite services.

SIGNIFICANT LEGISLATION

The Committee on People with Disabilities is committed to supporting and advancing legislation that will improve the lives of people with disabilities and allow them to live fuller lives. This year, the Committee on People with Disabilities reported out and the Assembly passed the following significant legislative measures:

1. Access To Programs Commission

A.1200 (Epstein)/S.413 (Thomas)

Passed Assembly

Establishes the Access to Programs Commission for people with disabilities, which would examine, evaluate, and make recommendations for new laws on to how the state should streamline eligibility requirements and processes for its programs and services to assist people with disabilities.

2. Autism Spectrum Advisory Board

A.3534 (Santabarbara)/S.2494 (Mannion)

Chapter 60

Establishes a three-year term for the appointment of members of the autism spectrum disorders advisory board.

3. Direct Support Wage Enhancement

A.5268 (Seawright)/S.4127 (Mannion)

Reported to Assembly Committee on Ways and Means

Establishes the direct support wage enhancement that providers certified by the Office for People with Developmental Disabilities will be eligible to receive in order to enhance wages of employees that provide direct care support to individuals with developmental disabilities.

4. Emergency Evacuation Plans

A.6291-A (Burdick)/S.264-A (Stewart-Cousins)

Passed Assembly

Creates standards for building owners to establish and maintain an emergency evacuation plan for individuals with disabilities.

5. Developmental Disabilities Planning Council

A.6543 (Seawright)/S.7094 (Mannion)

Chapter 368

Makes changes to the enacting statute for the Developmental Disabilities Planning Council (DDPC) in order to comply with Federal requirements and utilize "person first" language when referring to people with disabilities.

HEARINGS AND ROUNTABLES

Healthcare Workforce Issues

On December 19, 2023, the Assembly Standing Committee on Health, the Assembly Standing Committee on People with Disabilities, the Assembly Standing Committee on Mental Health, the Assembly Standing Committee on Higher Education, and the Assembly Standing Committee on Labor convened a joint hearing on status of the healthcare workforce, including rates of attrition and vacancy rates, worker wellness, training, education, and workplace conditions. The purpose of this hearing was to provide the Committees an opportunity to explore potential legislative and regulatory actions which could help alleviate challenges faced by the healthcare workforce.

The Committees received testimony from a variety of stakeholders, including unions representing the healthcare workforce, advocacy organizations for people with disabilities, service providers, and those receiving services.

Nearly every witness testified that workforce shortages are dire and impacting the ability to provide crucial services to those who need it. Witnesses emphasized the need for financial investment in the healthcare workforce and service provision as a whole. Other testimony provided by witnesses who were service recipients acknowledged the rigidity in current rules and regulations making it difficult to create innovative solutions to challenges. One example included restrictions on how you can utilize an OPWDD Self-Direction budget. Unions representing public employees offered potential solutions for alleviating the shortage, including reform of the retirement system to increase retention and make benefits competitive with the private sector. Loan forgiveness for those in direct care roles was also a common suggestion among many of the witnesses.

Service providers for people with disabilities reported high rates of burnout and turnover amongst support professionals. To address this, witnesses voiced support for A.5268 (Seawright). This legislation would issue a wage increase to direct support professionals working for private nonprofit service providers, making their hourly wage competitive with direct support professionals working for the state and other jobs in the private sector. Across the board, witnesses recommended a financial investment in services for people with disabilities, including an increase in Medicaid reimbursement rates and a 3.2% Cost of Living Adjustment for 2024.

APPENDIX A
SUMMARY OF ACTION ON ALL BILLS
REFERRED TO THE COMMITTEE ON

People with Disabilities

TOTAL NUMBER OF COMMITTEE MEETINGS HELD 3

2023 SUMMARY SHEET

ASSEMBLY SENATE TOTAL
BILLS BILLS BILLS

BILLS REPORTED FAVORABLE TO:

Codes	1	0	1
Judiciary	0	0	0
Ways and Means	7	0	7
Rules	0	0	0
Floor	3	0	3
TOTAL	11	0	11

COMMITTEE ACTION

Held For Consideration	0	0	0
Defeated	0	0	0
Enacting Clause Stricken	0	0	0
REMAINING IN COMMITTEE	13	2	15

BILLS REFERENCE CHANGED TO:

Social Services

TOTAL	1	0	1
--------------	----------	----------	----------

DISTRIBUTION: Clerk of the Assembly (1), Program & Committee Staff Library(1), Committee File(1), Speaker's Counsel(1)

APPENDIX B

FINAL ACTION ON BILLS REPORTED BY THE STANDING COMMITTEE ON PEOPLE WITH DISABILITIES IN 2023

ASSEMBLY BILL # SPONSOR	SENATE BILL # SPONSOR	FINAL ACTION	DESCRIPTION
A.134 (Cruz)	S.3118 (Mannion)	Reported to Assembly Committee on Ways and Means	Requires OPWDD to establish an emergency staffing plan for state operated facilities to help incentivize a more stable workforce when the turnover rate in a particular region is over 10%.
A.1200 (Epstein)	S.413 (Thomas)	Passed Assembly	Establishes the Access to Programs Commission for people with disabilities, which would examine, evaluate, and make recommendations for new laws on to how the state should streamline eligibility requirements and processes for its programs and services to assist people with disabilities.
A.2297 (Clark)	S.1866 (Brouk)	Reported to Assembly Committee on Ways and Means	Adds fetal alcohol spectrum disorders (FASD) under the definition of developmental disabilities, making individuals with FASD eligible for services under the Office for People with Developmental Disabilities (OPWDD).
A.2359 (Clark)	A.2360 (Mannion)	Reported to Assembly Committee on Ways and Means	Prohibits the withholding of state funding for service providers for people with developmental disabilities due to the receipt of certain COVID-19 federal funds.
A.2890 (Simone)	S.823 (Mannion)	Chapter 106	Amends chapter 806 of the laws of 2022. The purpose of this bill is to ensure that applications for eligibility determinations and service authorizations are processed in an effective and timely manner.
A.3534 (Santabarbara)	S.2494 (Mannion)	Chapter 60	Establishes a three-year term for the appointment of members of the autism spectrum disorders advisory board.
A.5268 (Seawright)	S.4127 (Mannion)	Reported to Assembly Committee on Ways and Means	Establishes the direct support wage enhancement that providers certified by the Office for People with Developmental Disabilities will be eligible to receive in order to enhance wages of employees that provide direct care support to individuals with developmental disabilities.
A.5971 (Seawright)	No Same As	Reported to Assembly	Requires OPWDD to purchase and provide essential personal protection equipment to all

		Committee on Ways and Means	direct support professionals, care recipients and group home providers in the event of a declaration of a state emergency that relates to public health.
A.6024 (Seawright)	S.3138 (Mannion)	Reported to Assembly Committee on Ways and Means	Establishes a pilot program to create an assistance hotline for individuals with intellectual and developmental disabilities and complex behavioral needs.
A.6291-A (Burdick)	S.264-A (Stewart-Cousins)	Passed Assembly	Creates standards for high-rise building owners to establish and maintain an emergency evacuation plan for individuals with disabilities.
A.6543 (Seawright)	S.7094 (Mannion)	Chapter 368	Makes changes to the enacting statute for the Developmental Disabilities Planning Council (DDPC) in order to comply with Federal requirements and utilize "person first" language when referring to people with disabilities.

APPENDIX C

LAWS ENACTED IN 2023

ASSEMBLY BILL # SPONSOR	SENATE BILL # SPONSOR	FINAL ACTION	DESCRIPTION
A.2890 (Simone)	S.823 (Mannion)	Chapter 106	Amends chapter 806 of the laws of 2022. This law ensures that applications for eligibility determinations and service authorizations are processed in an effective and timely manner.
A.3534 (Santabarbara)	S.2494 (Mannion)	Chapter 60	Establishes a three-year term for the appointment of members of the autism spectrum disorders advisory board.
A.6543 (Seawright)	S.7094 (Mannion)	Chapter 368	Makes changes to the enacting statute for the Developmental Disabilities Planning Council (DDPC) in order to comply with Federal requirements and use of "person first" language.