

# **Testimony of Bruce E. Darling on behalf of New York State ADAPT**

**November 17, 2007**

NYS ADAPT is deeply concerned about the direction the administration seems to be taking regarding long term care funding. Last year, we were pleased that the administration was finally going to put people first, even if you referred to us as patients. The Governor said he wanted to promote the use of community-based services over institutionalization. Unfortunately, the Governor caved into pressure from a multi-million dollar campaign waged by the unions and nursing facility lobby and increased funding to the facilities.

What was the result of this? The Governor further widened the funding gap between community-based services and facility placement. Even though community based services received a slightly higher percentage increase, because the vast majority of Medicaid long term care funding for aged and physically disabled individuals is in nursing facilities, the increase in actual tax dollars was overwhelmingly institutional.

We do have to acknowledge that the Governor's office also funded a housing subsidy for people who would otherwise be in nursing facilities so that they could live in the community receiving services under the Nursing Facility Transition and Diversion Waiver. Unfortunately, the Department of Health has not been able to get this waiver operational during the last year, leaving many people with no other option but to remain in nursing facilities.

We are concerned because New York State Health Commissioner Richard Daines presented statistics in his "budget request" during the Division of Budget's public hearing on October 25<sup>th</sup> that were uninformed and misleading. NYS ADAPT is concerned that such statements signal that the administration plans to handle long term care with the same knee-jerk reactions as the previous administration.

Commissioner Daines stated that New York spends significantly more on personal care than any other state in the nation. This is just plain wrong. In fact, California spent almost \$800 million more than New York last year. Commissioner Daines also failed to realize that NY's increased personal care spending was due to the fact that other states use Medicaid waivers to serve the physically disabled/aging community, particularly for those individuals with more extensive needs. New York does not do this. In fact, New York is tied for last place in the nation in per

capita spending on HCBS waivers for the aged and persons with physical disabilities. Our per capita spending on these services is \$1.80 and we are tied with the State of Tennessee!

NYS ADAPT is deeply concerned with this ill-informed rhetoric because it villainizes people with disabilities and the elderly who want to stay in their own homes. We are concerned because it sends the message that it is "open season" on people with disabilities.

We need our state government to be better informed on these issues because clearly this isn't the case at the local level. If this inane rhetoric that comes from state government, we will once again have to fight locally with County Executive Maggie Brooks who has proposed cutting personal care in half... even though Monroe County does not currently contract to provide this service and such a change would force people into more expensive levels of care. We have already seen this happen as people who need assistance in their homes are being forced to use Certified Home Health Care which is twice the cost of the Personal Care services the County has refused to provide. We would be happy to explain these issues to our County government, but they have refused to allow us to serve on the local Long Term Care Council even though they have been urged to do so by people at the state level!

Once again, **WE ARE NOT THE PROBLEM! State policies that reinforce the institutional bias and fund facilities over people are the problem.** Cutting community-based long term care services will only strengthen the institutional bias in our state.

NYS ADAPT has suggested ways the state could transition to a long term care systems that more effectively uses Medicaid Home and Community-Based Services Waivers to support New Yorkers who need assistance, whether they need assistance due to age or disability. This approach would help control costs and address the institutional bias, but it will take courage to change this system to one that focuses on people and not the institutions.

We look forward to continuing our dialogue and working together to address the institutional bias, but this can only happen in an environment with respect and trust. We sincerely hope that the Spitzer administration will work with the disability community to address these critical issues, rather than choose to scapegoat us. Thank you.