

**State of New York
Public Hearings on 2008-2009 State Budget
SUNYIT, Marcy NY**

Testimony submitted by

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*Resource Center for Independent Living, Utica, NY 13503 November 27,
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Thank you for this opportunity to present comment in anticipation of Governor Spitzer's 2008-2009 Budget spending proposals. I represent the Resource Center for Independent Living providing non-residential, consumer-controlled, community-based services and advocacy by and for persons with all types of disabilities. Our goal is to assist individuals with disabilities to achieve their maximum potential within their families and communities. Our comment today is focused on how the budget affects the civil rights of New Yorkers with disabilities and will provide you with a policy and spending approach to assist the state in complying with the Olmstead Supreme Court Decision which affirms the right to services in the "most integrated setting" while at the same time achieving tremendous cost-savings overall.

As you know, healthcare spending in the form of Medicaid in New York is a significant portion of the state's budget. Seventy percent of that Medicaid spending is for long-term healthcare services used by roughly 20% of the population eligible for Medicaid services. These expenditures go largely to institutions instead of community-based providers. The institutional nature of New York's current provider system has resulted in a focused funding preference and a subsidy system for state agency providers that doesn't demand accountability through the measurement of key health or quality of life indicators. Instead, the state budget has perpetuated an expensive system that unnecessarily isolates and segregates thousands of individuals with disabilities in nursing homes, adult homes, psychiatric facilities, sheltered workshops, and group homes simply because individuals have become unable to maintain activities of daily living on their own. With the provision of less expensive home-based supports for individuals with even the most severe disabilities, including traumatic brain injury and mental illness, most could be living in the community, in their own homes where they prefer to be.

A successful statewide demonstration project utilizing this community-based alternative approach for nursing home residents and reported on by the New York State Department of Education/VESID showed that from 2001 through 2005, through the provision of Independent Living nursing home transition and diversion activities, the state saved over \$ 349 million dollars in expenditures for the provision of long-term healthcare supports. This represents 791 individuals transitioned out of nursing homes and 4, 152 individuals for whom institutionalization was prevented. A recent Zogby Report prepared in 2006 on how New Yorkers' view Medicaid, shows that most respondents agree they would prefer to receive healthcare services in their home if it could be done

effectively and safely and that 8 in 10 support a legal mandate to keep people in their homes to receive care where they may be able to work in the community and care for themselves with some help from caregivers.

We are pleased to tell you about New York State Assembly Bill 7277 created in conjunction with Assemblywoman Roann Destito's office that would address and remove discriminatory and outdated practices within and across service systems in accordance with federal and state statutes. The legislation would require each state agency to promulgate policies and procedures that remove those practices perpetuating dependence and separateness and require demonstration of movement toward integrated practices by annual reports to the state as well as to Congress annually. For the first time, the system will have to respond to the individual's need and preferences and not to what is simply easiest for the entrenched system to provide. The presumption that an individual can benefit from integrated community-based services is the only standard that will align individual rights with any provider system and this legislation provides for that. This legislation can make the significant shift that we have been striving for for years, and that Governor Spitzer declared in his first few months in office to want to work towards, to truly realize communities that serve people first and not the institutions that serve them.

Thank you for this opportunity to share our experiences and recommendations for spending priorities that will improve the lives of all individuals in this state.

Respectfully,

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