



Alliance for the Betterment of
Citizens with Disabilities

Empowering People: Providers Shaping Policies

Day Habilitation Advocacy Review

Successful advocacy is always a group effort with people and organizations taking on different roles and levels of responsibility. With respect to the following day habilitation (DH) issues, it's fair to say that over the past 4 years, ABCD maintained a leadership position.

DH Rates. Results from 2.5 Years of Unyielding Advocacy

Concerned about the deleterious impact the switch from contract-based payment to FFS was having on DH, the ABCD Board charged the new ED to take immediate action.

- Two and a half weeks later in December 2019, ABCD testifies before DHS and meets with the Governor's Office and Treasury on the need for absence and nursing factors to be accounted for in the DH rate. In February 2020 Governor Murphy includes a 5% increase to the DH rate in the FY21 Proposed Budget. In April 2020 the COVID crisis demands promulgation of a new budget which did not include a DH increase. Despite the continued advocacy by ABCD with the NJ Legislature,¹ the FY'21 Budget is not amended to include an increase.
- Throughout the fall and winter of 2020, ABCD advocates with the Murphy Administration for an increase to the DH rates which ultimately are not included in the FY'22 Proposed Budget. ABCD finds success with the NJ Legislature which amends the budget to include a \$12.5M increase (State share) for DH from October 1, 2021 through June 30, 2022.
- Neither the summer heat nor the PHE stand in the way of ABCD's Day Program Committee as they data mine past claims to craft a paper proving a 15% decrease in rates to DH since the transition. ABCD shares research findings with the State; OMB is impressed with the study.
- The Administration agrees to annualize the prior year's one year only DH rate increase while also proposing an additional 3.2%. ABCD secures Legislative support for the 19.7% increase for DH in the FY'23 Budget

COLA Across the Board. 3.5 Years to Lay the Groundwork and Make the First Pitch

- From December 2019 to Fall 2021 in 9 budget testimonials and 78 visit with members of the Administration and Legislature ABCD speaks to the need for annual indexing for day and residential services. ABCD was politely dismissed by all who considered this either administratively or financially unfeasible.
- With no wind at our back in the spring of 2022, during FY'23 budget cycle, ABCD advocates to change a pervasive narrative from an increase solely for residential to 5% for both day and residential. We lost that battle.

¹ Budget Advocacy with the NJ Legislature includes at minimum, providing testimonial at 2 hearings, communications to the 35 members of the Assembly and Senate Budget Committees, Leadership and Majority Offices Executive Directors, and individual meetings with about 20 of the aforementioned group.

- In the summer of 2022 DD trade groups banded together to advocate for an across the board 5.5% increase to all DDD services in the FY 24 Budget. The Administration recommends a 3% increase. Throughout the Spring 2023, ABCD and our colleagues advocate with the NJ Legislature for an additional 2.5% which results in a final 3.25% across the board increase to all DDD providers in FY'24. ²
- Meanwhile, ABCD aligns with DHS service providers to pass legislation which would require that COLA be considered by DHS when making plans for the fiscal year budget.

COVID DH Policies. 1.5 Years of Unabated Advocacy

- While DH were receiving 75% Retainer Payment³ (from March to July of 2020) ABCD proposes a formula to maximize federal drawdown without increasing the state budget. After 3 months of advocacy, not enough buy in from the state.
- On an ongoing monthly basis, ABCD provides utilization data and justifications for the continuation of the 50% Supplemental Rate which ultimately lasts until the end of March 2022.
- During the spring of 2022, ABCD actively works to change the public narrative from number of open DH (which was most of them) to DH utilization (which was in the tank) as a more accurate indicator of industry health. ABCD's arguments were reported by NJ.Com and Spotlight News.
- June 2020 ABCD ad hoc DH Committee disseminates "Back to Different" in Day Programs which was tapped by DDD to formulate re-opening guidelines. In April 2021 the committee updates guidelines.
- October 2021 ABCD advocates successfully for the provision of paid day services in group homes.

In the Works

- ABCD took on the mammoth task of collecting data and making the case for a change to the current DH transportation policy. The first section of the paper was completed in March 2023; updated data, policy solution and final thoughts to be added in the summer 2023.
- ABCD calls attention to the omission of acuity factors in CI/PV/SE. Currently under consideration by the state.
- ABCD continues its four-year advocacy effort for the expansion of MH coverage, which must include prevention and treatment options as diverse as our population. In the summer of 2023, ABCD advocates for the expansion of the provision and definition of Behavioral Supports.
- ABCD's Day Program Committee is in the process of crafting a paper calling for an increase in rates paid for therapeutic habilitative services. Paper to be completed in September 2023.

July 31, 2023

² The first increase of this kind in 16 years.

³ Based on CMS Congregate Settings Rule, for 3 30-day periods.