



Alliance for the Betterment of  
Citizens with Disabilities

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**Empowering People: Providers Shaping Policies**

Senate Health, Human Services and Senior Services Committee

Respectfully Submitted, December 19, 2024

Good day, Chairperson Vitale and members of the Senate Health, Human Services and Senior Services Committee. On behalf of ABCD, thank you for the opportunity to discuss S3752

I understand that the target of this legislation is, by my count, the 1126 organizations which provide community inclusion, community-based support, individual support, certified day habilitation and/or licensed residential<sup>1</sup> for adults with intellectual and developmental disabilities in the community and which have Medicaid approval and hire and train staff as per the requirements of the Division of Developmental Disabilities. What I am not clear on is the problem that this legislation seeks to solve. If it is to decrease the motivation for for-profits to apply or to remain, which by my count is 830/76% I am not convinced this is doable or advisable. If it is to rein in the 1000 plus providers to ensure that they are abiding by all laws, regulations, and rules, we support this goal but, regrettably, the bill will not achieve that result for two reasons.

- The service system is no longer contract based. Unlike contract based, Fee For Service (FFS) providers do not get paid in advance, do not have guaranteed service demand, must reserve funds for capital costs, emergencies, unintended events and, agency growth, supplement programs and services for which the cost is not fully covered by Medicaid, integrate individuals and programs into the community, run multimillion dollar companies. FFS requires sophisticated leadership and additional resources.
- If a provider is not complying with state and federal laws and regulations governing the corporate form for the conduct of lawful nonprofit and for-profit activities, executive compensation, conflict of interest and nepotism, illegal and unethical incidences for which a board can be held liable, insurance coverage from Workmen's Compensation to general liability, in addition to the myriad of requirements included in the DDD manuals, another statute isn't going to change behavior.

If the desired result is for an applicant to obey all laws, regulations and rules, then this must be the case before they are entitled to receive payment for services. DDD must have the enforcement authority and the resources by which to do so, as is currently the case for CSOC in DCF.

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<sup>1</sup> Approximately 223 agencies provide licensed residential and/or certified day habilitation services.

For the 1126 agencies operating in the system and not fully compliant, place them on provisional status and provide a date on which to comply. Notify the individuals and their families. While taking these measures, one may want to consider temporarily closing the system to new applicants.

No one knew the impact that FFS would have on our system. Enough time has elapsed for us to take stock and decide what to do to ensure that all individuals receive services from providers which are fully compliant with applicable laws, regulations, and rules.

## Definitions

### Community Inclusion Services

Services provided outside of a participant's home that support and assist participants in educational, enrichment, or recreational activities as outlined in his/her Service Plan that are intended to enhance inclusion in the community. Community Inclusion Services are delivered in a group setting not to exceed six individuals and are limited to thirty hours per week. Transportation to or from the site is not included in the service.

### Community Based Supports

Individually tailored support services that assist with the acquisition, retention or improvement in skills related to living in the community for participants, in or out of their residence, with or without the caregiver present, to achieve and/or maintain the outcomes of increased independence, productivity, enhanced family functioning, and inclusion in the community, as outlined in his/her service plan.

### Day Habilitation

Services that provide education and training to acquire the skills and experience needed to participate in the community, consistent with the participant's Service Plan. This may include activities to support participants with building problem-solving skills, self-help, social skills, adaptive skills, daily living skills, and leisure skills. Activities and environments are designed to foster the acquisition of skills, building positive social behavior and interpersonal competence, greater independence and personal choices. Day Habilitation may be offered in a center-based or community-based setting, is limited to thirty hours per week. Transportation to and from Day Habilitation is not included in the service.

### Individual Supports (Rate also used for services in Group Homes)

Services in or out of the participant's residence, to achieve and/or maintain the outcomes of increased independence, productivity, enhanced family functioning, and inclusion in the community, as outlined in their Service Plan. Individual Supports may include assistance with community-based activities and assistance to, as well as training and supervision of, individuals as they learn and perform the various tasks that are included in basic self-care, social skills, and activities of daily living. Self-Directed Employees (SDEs) who provide Individual Support Services may be members of the participant's family provided that the family member has met the same standards as providers who are unrelated to the individual.