



State of Connecticut
Department of Developmental Services

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**DEPARTMENT OF DEVELOPMENTAL SERVICES TESTIMONY
BEFORE THE PUBLIC HEALTH COMMITTEE**

March 16, 2018

Senators Gerratana and Somers, Representatives Steinberg and Betts and members of the Public Health Committee. I am Jordan A. Scheff, Commissioner of the Department of Developmental Services (DDS). Thank you for the opportunity to testify on **S.B. No. 400 AN ACT CONCERNING GRADUATE FUNDING AND THE PROVISION OF SUPPORT AND SERVICES FOR PERSONS WITH INTELLECTUAL DISABILITY.**

The department certainly appreciates any attempt by stakeholders to advocate for resources for individuals with intellectual disability. As families have articulated through the budget hearing process, the uncertainty of graduate funding certainly weighs on the minds of families every year and was particularly stressful for the families of last year's high school graduates who had to wait months to be able to begin day programs. Several families indicated that they witnessed an individual regress and lose skills while they waited at home for funding for a day program after years of receiving entitled supports provided through the school systems pursuant to federal law, the Individuals with Disabilities Education Act (IDEA).

DDS, for planning purposes already reports annually to the Office of Policy and Management and the Legislature's Office of Fiscal Analysis on the number of individuals it knows to be graduating or aging out of school systems within the next three fiscal years along with an estimate of projected costs of appropriate day services for these individuals. Data on the number of projected graduates for three years is also shared through the department's Management Information Report (MIR), which is available on the department's website. In recent history, the state budget has included funding for employment and day supports for at least a partial year in the year individuals graduate, and this grad funding has been consistently annualized for all known graduates. This practice acknowledges the importance of the continuity of services for individuals with intellectual disability who have received years of supports through local education agencies (LEAs) pursuant to IDEA.

As drafted, section 1 of the bill appears to make funding for graduate day and employment supports an entitlement along with "other support services" needs. It is unclear what is intended by "other support services", but it could be interpreted to include residential needs, which would go well beyond the current practice of the legislature in terms of annual funding commitments to individuals with intellectual disability. The legislature's decision to make day and employment funding for individuals with intellectual disability an entitlement is a policy decision that would require a substantial, on-going

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fiscal commitment. Although there have been months-long delays in starting graduate funding and years where a full year of funding was not appropriated, the legislature has consistently annualized full funding for day and employment services for high school graduates for at least the past two decades.

Additionally, subsections (d) and (e) of section 1 could unintentionally require funding reductions in other parts of DDS's budget that could adversely impact providers or current funding recipients.

The intent of section 2 of the bill is unclear. It appears that implementation would require an adjustment to direct care wages based on fiscal year 2016 compensation costs. As we understand it, the required rate adjustment could penalize employees who pay direct service workers a lower hourly wage, which is often the result of being a "below-the-rate" provider. It appears to obligate DDS to fund certain costs even if they were not previously funded by the department. Also, the provision only appears to apply to "non-profit" providers and not "for-profit" providers that DDS contracts with. While DDS fully supports the work of its private provider partners, presumably, this provision would require significant fiscal resources to be done correctly and could not be accomplished within available appropriations as suggested in the bill. DDS has been transitioning to a rate-based system based upon an individual's level of support needs. This bill would undermine the standard rate system DDS has been moving towards to meet the federal Medicaid waiver requirement that similar needs should be funded with similar dollar amounts, regardless of who provides the services. Additionally, the exemption of salaries for other than direct care staff would lead to large-scale salary compression for non-direct care personnel in the private sector.

Section 3 of the bill, while well intended, ignores the fact that DDS already maintains rigorous training standards both for its public sector and through contract requirements for its private providers. The bill proposes to create a nine person advisory committee to develop training guidelines and increase training opportunities for direct care workers who provide services to individuals with intellectual disability. While the department certainly supports having a well-trained workforce, there are potential cost implications for this proposal. Specifically, subsection (d) of section 3 of the bill requires an estimate of the funds required to pay for the appropriate level of additional training deemed necessary under subsection (a) and requires the funds to be made available to interested providers. DDS's public training division routinely meets with private providers to review trainings, requirements and resources. In the past year, DDS has revised trainings on such topics as requirements of the Americans with Disabilities Act and dysphasia.

Thank you again for the opportunity to testify on [S.B. No. 400](#) **AN ACT CONCERNING GRADUATE FUNDING AND THE PROVISION OF SUPPORT AND SERVICES FOR PERSONS WITH INTELLECTUAL DISABILITY**. If you have any questions, please contact Christine Pollio Cooney, DDS Director of Legislative and Executive Affairs at (860) 418-6066.