



# Downstate New York ADAPT

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Image description:  
"Downstate NY ADAPT" text over & under  
image of PWD in wheelchair with arms  
raised, breaking handcuffs' chain overhead,  
under arching text "Free Our People"

March 22nd, 2021

## **In response to the Senate and the Assembly's proposed 2021 New York State Budget, Downstate New York (DNY) ADAPT releases the following position statement.**

As we have previously submitted in written testimony to the Budget Hearings, DNY ADAPT supports the inclusion of A.226 **Medicaid Global Cap repealer**, S.5374/A.6329 **Fair Wages bill**, and A.5367/S.5028 to **repeal home care eligibility restrictions** into the 2021 Budget. We are hopeful to hear that Fair Wages was partially included in the Senate-side and that the Global Cap repeal bill was included in the Assembly-side. We demand that the Fair Wages bill be enacted in such a way that does not allow the state to cut back on our care, services, or hours once the cost of our care begins to increase. Furthermore, we caution the Senate **against** deferring the Global Cap issue to the Department of Health (DOH), as they have no real incentive to fix this issue as adequately as Bill A.226 would. **We firmly demand that these two bills be enacted simultaneously, as we cannot increase home care workers' wages without repealing an arbitrary Global Cap, as we must ensure that services do not get cut once the cost of Medicaid home and community-based programs begin to increase.**

**Additionally, we are disturbed to hear that the bill to repeal the home care eligibility restrictions that will violate federal statute was not yet included into the proposed 2021 Budget.** If the Legislature did not initially include this because they believe that it is not a fiscal matter, we remind them that it was made one when these changes were introduced in MRT II scorecard<sup>1</sup> and put into the 2020 Budget. Perhaps the Legislature realized that the projected savings of denying our care was false, and thus, did not include the repeal bill in the Budget for these reasons. If this is the case, we expect the Legislature to act with urgency to immediately pass them through the legislative process as bills immediately.

Yet if it was not included in the Budget proposal simply because this is not a top priority for the Legislature, we remind the public that DNY ADAPT, our ally organizations, and many concerned New Yorkers have reached out to the Senate, Assembly, the DOH, and our Governor multiple times on this issue. We warned not only of the public health crisis that will emerge and the federal statute that will be violated, but also that Fair Hearing offices will be flooded, Legal Aid groups' capacity will diminish when responding to such an increase in beneficiary denial claims, and the State will experience a **significant increase in cost** at the local, statewide, and

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<sup>1</sup>[https://www.health.ny.gov/health\\_care/medicaid/redesign/2020/docs/2020-21\\_enacted\\_budget\\_scorecard.pdf](https://www.health.ny.gov/health_care/medicaid/redesign/2020/docs/2020-21_enacted_budget_scorecard.pdf)

federal levels if this repeal bill does not pass. It will only be a matter of time before disabled people start getting denied home care and either forced into a **nursing home** or left to **deteriorate** in the community.

We remind the public that higher wages are essential but will serve little purpose if the consumers driving the home care job market are denied access to their services. Thus, we emphasize that these priorities do not exist in competition with each other, but are inextricably bound within the greater movement to defend home and community based services. **What jobs will our workers take if we are denied home care services? How will we, Medicaid home care recipients, continue to be a stimulating agent in our local economies without live-saving services?**

We remain firm in our ask for the State's full investment in the lives of disabled people. Anything less than the immediate and fervent response of our Representatives and our Governor is active and deliberate violence against our community.

**We will remember.**

Ever Upward,



Downstate New York ADAPT

To view our initial statement and position on these matters, please view: [\(put link\)](#)