



Claudia J. Hammar  
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April 13, 2017

Ms. Rose Duhan  
Assistant Deputy Secretary for Health  
The Executive Chamber  
State Capitol  
Albany, NY 12224

Re: Implementation of Wage Parity for Consumer  
Directed Personal Assistance Services (CDPAS)

Dear Ms. Duhan:

The New York State Association of Health Care Providers, Inc. (HCP) strongly supports the request by the Consumer Directed Personal Assistance Association of New York (CDPAANYS) to delay implementation of the new law requiring CDPAS to be included in the Home Care Worker Wage Parity Law.

HCP and its members that serve as fiscal intermediaries (FIs) in the CDPAS program are deeply concerned that the July 1, 2017 effective date will not provide sufficient time for managed care plans, FIs, and consumers to implement the changes presented by the law, and for the New York State Department of Health (DOH) to provide necessary resources and guidance. This could adversely impact all participating stakeholders, particularly consumers that rely on these services to remain in their homes and communities.

**Based on the experience with implementing the minimum wage increase last year, HCP urges a Chapter amendment moving the effective date to December 31, 2017, at the very earliest.**

When negotiating the State Budget, the Governor and the Legislature may not have been aware that many managed long term care (MLTC) plans provide significantly lower reimbursement rates for personal assistants (PAs) in the CDPAS program than for personal care aides (PCAs) that are currently covered by the Wage Parity law. This is particularly true in Nassau and Suffolk counties, where many plans significantly reduced their CDPAS reimbursement rates last year, and prevailing reimbursement rates for PAs are two dollars an hour less than for PCAs. These contracts will need to be amended to ensure that FIs receive sufficient compensation for compliance with the new Wage Parity requirements.

As was necessary with the minimum wage increase, additional time for implementation is needed for:

- DOH to adjust MLTC plan rates, as needed, to reflect additional costs of compliance with the law;
- DOH to issue guidance to MLTC plans, FIs, and consumers about implementing the new requirements;
- FIs and MLTC plans to negotiate new contracts and to allow sufficient time for DOH intervention, if necessary, if FIs are unable to secure adequate compensation, and;
- Consumers to understand the new program and to make necessary adjustments, such as hiring additional PAs to minimize overtime costs that have not been authorized by the consumer's MLTC plan.

In addition to delaying the effective date, HCP urges the Governor's office and DOH to move forward immediately with a stakeholder engagement process to address key implementation issues, particularly with regard to ensuring that adequate resources are provided to FIs in order to meet the requirements of the Wage Parity law. As with the minimum wage increase, in some cases DOH may need to actively engage with plans to ensure that contracts are appropriately amended to support compliance with this new requirement.

Failure to take the necessary measures to address these issues could lead to significant disruption of care for consumers that rely on the CDPAS program. HCP looks forward to working with the Governor's office, DOH, and the State Legislature to ensure a smooth transition of the CDPAS program into the Wage Parity law.

Sincerely,



Claudia Hammar  
President

Cc: Hon. Kemp Hannon, Chair, Senate Health Committee  
Hon. Richard Gottfried, Chair, Assembly Health Committee  
Hon. Didi Barrett, Chair, Assembly Task Force on People with Disabilities  
Paul Francis, Deputy Secretary for Health  
Frank Walsh, NYS Division of Budget  
Jason Helgeson, New York State Medicaid Director  
John Ulberg, DOH, Office of Health Insurance Programs  
Andrew Segal, DOH, Office of Health Insurance Programs  
Bryan O'Malley, Executive Director, CDPAANYS