



2015
ANNUAL REPORT

2015: Continued Growth, Continued Challenges

2015 saw unprecedented growth for Consumer Directed Personal Assistance (CDPA), as well as for the Association. However, that growth presented a range of new challenges, as many issues which have been pressuring the program for years continued, and issues we knew were on the horizon finally took effect.

For the third year in a row, we estimate that consumer enrollment in the program grew by about 20%, meaning it has gone from 10,000 in January of 2012 to about 17,000 by the end of 2015. Notably, this growth took place as the industry and those within it navigated many challenges, facing continuously shrinking Medicaid reimbursements, a changing landscape of policies resulting in new costs, and the resulting stagnant wages.

CDPAANYS collaborated with the New York Association on Independent Living to hold a well-attended Legislative Day in Albany in February. We also developed a new initiative at the 13th Annual Conference which allowed for the creation of a consumer scholarship fund for Lobby Day and other CDPAANYS events in the future.

CDPAANYS did work to secure \$20 million to pay for FLSA overtime and travel costs as part of the SFY 2015-16 budget. We also fought for language that reinvests increased revenue from Community First Choice into community-based services, and provisions that require managed care plans be reimbursed a sufficient amount to pay for quality services and continuity of care. During the non-budget cycle, CDPAANYS worked with key legislators on language expanding the definition of who can be a personal assistant to include non-legally liable parents of adult children and legislation that was ultimately vetoed that would have required State licensure for fiscal intermediaries.

The greatest challenges affecting fiscal intermediaries in 2015 came from the unfunded Fair Labor Standards Act requiring full time and a half, as well as reimbursement for travel. Coupled with decreasing reimbursement rates and stagnant wages, this change is eroding consumers' ability to hire or retain workers.

CDPAANYS spent much of 2015 preparing member fiscal intermediaries (FIs) for the impact of the FLSA rule changes, as well as advocating for additional funding. Extensive work with the Governor, the Legislature and the Department of Health resulted in the allocation of emergency funding to pay for overtime and travel costs.

We also continued work on our 14-month grant exploring the effectiveness of peer mentoring in CDPA. Data collected from managed care plans, fiscal intermediaries and individual callers clearly demonstrated the effectiveness of peer mentoring at increasing enrollment and retention rates in CDPA by consumers and the success of the peer mentoring project creates many opportunities for FIs and consumers moving forward.

Engagement of consumers and workers in organized grassroots advocacy was a top priority for CDPAANYS in 2015. In a coordinated push to organize consumers in grassroots advocacy in their localities and communities, CDPAANYS traveled to several different consumer forums statewide. We also held a series of press events in Albany, and dozens of consumers and workers attended Governor Cuomo's fast food wage board hearings around the state.

As we and the program continue to grow, we have strived to continue our dedication to providing a high level of support and resources for provider member fiscal intermediaries and consumers as they seek to deal with the opportunities and challenges that the new systems present. CDPAANYS will work in 2016 and beyond to minimize the impact of these changes both nationally and on the State level.

Thank you,

A handwritten signature in black ink, appearing to read "Amy M. O'Malley". The signature is fluid and cursive, with a long horizontal stroke at the end.

2015 Landmark Actions

- Worked to delay or void United States Department of Labor rules on FLSA changes related to overtime and travel, filing an amicus brief at the D.C. Court of Appeals that was referenced during arguments.
- Secured \$20 million in the SFY 2015-16 budget for fiscal intermediaries to help offset costs of overtime and travel costs resulting from FLSA rules changes.
- Spearheaded a bill passed by the Legislature requiring fiscal intermediaries to be certified by NYS Department of Health.
- Played a key role in the development of a law that would expand the definition of who can be a personal assistant in CDPA.
- Educated legislators, fiscal intermediaries, managed care plans, consumers, and personal assistants about the costs and impact of FLSA rules changes.
- Successfully demonstrated the effectiveness of peer mentoring in attracting and retaining consumers in CDPA through a 14-month Balancing Incentive Program grant.
- Continued to provide critical guidance to NYS Department of Health on numerous policies, such as criteria for providers wishing to become fiscal intermediaries.

FLSA: \$20 Million in SFY 2015-16 Budget for Overtime Costs, Additional BIP Funding

- CDPAANYS filed an Amicus Brief in the case of Home Care Association of America et al. v Weil in April, focusing on the specific nature and impact of the change as relates to CDPA. The substance of our brief was referenced by one of the Justices during oral arguments.
- The final decision ruled in favor of USDOL on August 21 and went into effect on October 13, 2015.
- CDPAANYS shifted its focus to work alongside dozens of other organizations and advocacy groups to demonstrate the critical importance of funding this mandate.
- Pressure from CDPAANYS on Governor Cuomo and the Department of Health resulted in an additional \$20 million in the 2015-16 budget to fund FLSA overtime. An additional BIP funding pool of \$5 million was created to provide temporary relief for fiscal intermediaries.

Licensure/Certification of Fiscal Intermediaries

- After much communication with CDPAANYS, and multiple comments on previous drafts, the State released MLTC Policy 15.05 in August 2015. The policy document was a long-awaited guidance document that eliminated the requirement that an organization must have a minimum of one contract with a local department of social services to be considered a fiscal intermediary.
- As a result of this new guidance, the number of agencies contracted with managed long-term care plans to provide CDPA dramatically increased.
- To ensure that fiscal intermediaries are knowledgeable about CDPA regulations and statute and are not exploiting the program to avoid costs or regulations while not giving consumers the control the program requires, CDPAANYS worked with the Legislature to develop a bill for the licensure of fiscal intermediaries by Department of Health. The bill passed both houses of the Legislature unanimously.

Expanding Roles in CDPA

- CDPAANYS worked with Assembly Majority Leader Morelle and Senator Felder to draft and pass legislation that allows parents to be paid as consumer directed personal assistants to their adult children.
- CDPAANYS continued our efforts, providing guidance to the Department of Health throughout the implementation process and ensuring that specific provisions were enacted in a manner consistent with the rest of the program.
- The bill was signed by Governor Cuomo for an effective date of April 1, 2016.

Growing Local Grassroots Advocacy

- CDPAANYS organized consumers and workers for a series of actions, including press conferences, Legislative Day, and coordinated attendance at Governor Cuomo's fast food wage board hearings in Buffalo, Albany, Long Island and New York City.
- Forums targeting consumers and workers were held in Troy, Albany, Geneva, Rochester, and Ithaca, engaging consumers and workers to develop local strategies to best advocate for funded higher wages and reimbursement.



Peer Mentoring Program Increases Availability and Effectiveness of CDPA

- CDPAANYS was awarded \$295,500 in Balancing Incentives Program funding at the end of 2014 to implement a 14-month project, “Using Peer Mentoring To Increase the Availability and Effectiveness of Consumer Directed Personal Assistance.”
- In September, 2015, CDPAANYS drafted an interim report on the project detailing its results to that point. It was determined that the project was meeting all goals and that peer mentoring is an effective intervention in helping grow CDPA.
 - **86% of individuals stated peer mentoring helped them choose CDPA.**
 - **1 in 3 individuals indicated they would not still be using CDPA if it were not for peer mentoring.**
 - **2 in 3 individuals indicated they were better able to manage their program because of peer mentoring.**
 - **1 in 2 said that peer mentoring helped them as they determined CDPA was not right for them at this time.**

13th Annual Conference



BUILDING THE FOUNDATION FOR SUCCESS

CDPAANYS 13th Annual Conference
October 26 & 27, 2015 at the Hilton Garden Inn, Troy, New York

13th Annual Conference Highlights

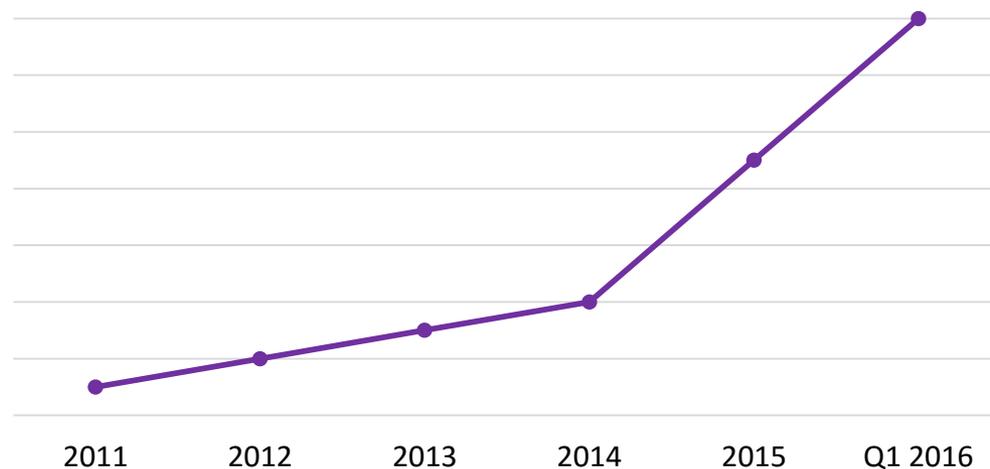
- CDPAANYS' 13th Annual Conference attracted unprecedented interest from new fiscal intermediaries. Participants attended representing nearly 40 different fiscal intermediaries, plans, and out-of-state financial management service providers.
- The conference saw an outpouring of support from sponsors, vendors and a raffle/auction fundraiser, enabling CDPAANYS to expand its educational events in 2016 and making consumer scholarships for 2016 Legislative Day possible.
- Michael Kink of the Strong Economy for All Coalition and Ron Deutsch of the Fiscal Policy Institute gave the Opening Plenary on the importance of organizing workers in advocacy for higher wages. The Breakfast Keynote speaker was Margaret Willard, Director of the Bureau of Long Term Care NYS Department of Health, who addressed a number of long term care issues affecting fiscal intermediaries and CDPA.
- Breakout sessions covered a wide array of current topics impacting CDPA, from legal seminars on preparing for FLSA to value-based payments, cash & counseling and other program innovations, and a new track of breakout sessions targeting new and non-member fiscal intermediaries.
- CDPAANYS was honored to present Senator Kemp Hannon with the Constance Laymon Excellence in Leadership Award and Bruce Darling, CEO of the Center for Disability Rights, with the Sally Johnston Award for Advocacy.

Expanding Membership In New York State

- CDPAANYS continued to grow as a provider member organization. In 2015, CDPAANYS members served consumers in all 62 counties.
- Fiscal intermediaries saw value in joining CDPAANYS as a means to demonstrate to consumers and plans their dedication to the core principles of CDPA.
- Affiliate Organization, Individual and Consumer membership numbers also experienced growth in 2015.

- Finger Lakes Independence Center, Companion Care of Rochester, Jzanus Homecare, Heritage Christian Services, Inc. and Caring Professionals, Inc. were welcomed as new members in 2015.
- In the first quarter of 2016 alone, CDPAANYS welcomed five more provider members.

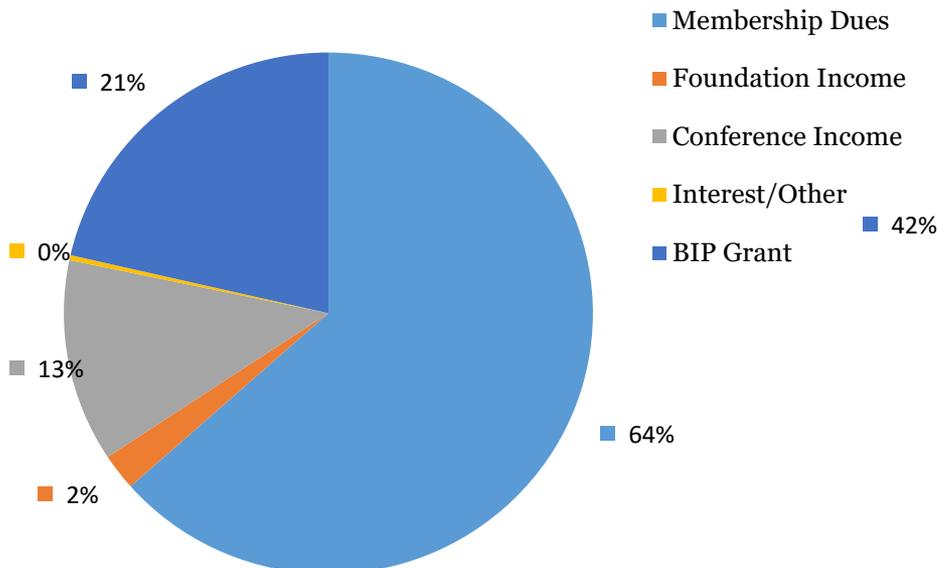
CDPAANYS Provider Membership



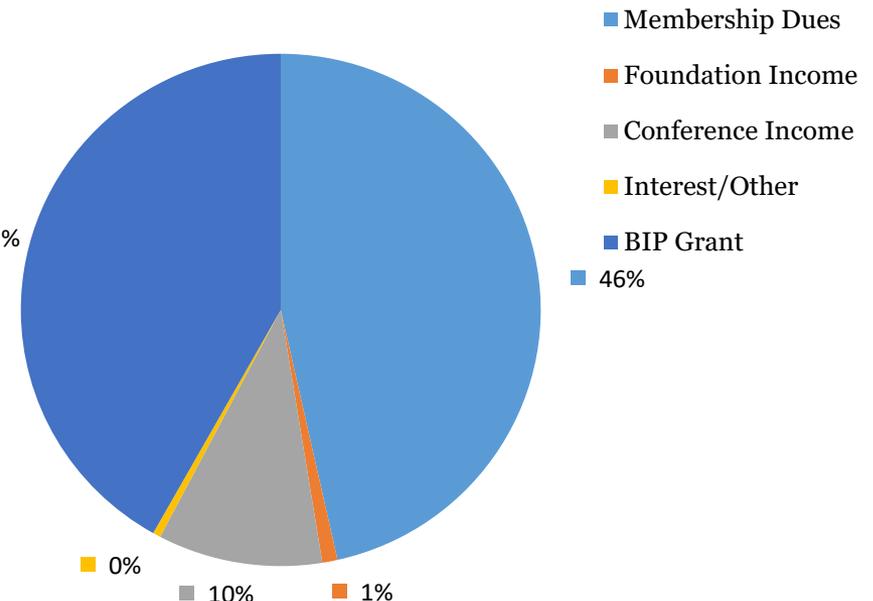
Financial Sustainability – Expanding Possibilities

- CDPAANYS ended 2015 at an unencumbered surplus for the first time in the organization’s history, marking a shift toward a more financially secure future and creating new opportunities for future organizational growth and revenue streams.
- Membership dues from provider, affiliate and individual members accounted for 46% of total income in 2015, as opposed to 63% in 2014. The BIP Peer Mentoring Program grant made up 42% of total income in 2015.

2014 Revenue By Category



2015 Revenue By Category



ADDENDUM

Quarter 1 - 2016

\$15 and Funding: Minimum Wage, Overtime and Fair Pay for CDPA

- For the first time, CDPAANYS was able to offer travel scholarships to consumers for Legislative Day – once again held jointly with the New York Association on Independent Living in Albany.
- CDPAANYS joined a coalition of over 80 human services providers and associations called **#15andFunding**, focused on the State's responsibility to fund its own programs and pay the thousands of workers in those programs.
- Feedback from CDPAANYS and other advocacy groups influenced the Department of Health to amend its rules for how emergency FLSA funds to MLTC plans would be distributed to providers.

2016 Actions & Efforts

- CDPAANYS' strong advocacy focused on funding the minimum wage helped to secure up to \$57 million in Medicaid global cap space.
- CDPAANYS will be part of a stakeholder group working to determine methodologies for distributing the funding to pay for the minimum wage.
- Our regulatory efforts have also worked at creating a long-term methodology to fund the overtime and travel costs within managed care - efforts that are being realized in Q2 of 2016.
- We are beginning efforts to implement and replicate our peer mentoring program, rebranded as CDPAANYS Peer2Peer program, which will help grow CDPA and create a model for fiscal intermediaries in the world of Value-Based Purchasing.

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For more information about CDPAANYS or for information on joining as an Individual,
Affiliate or Provider Member, please contact us at
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