

New York State Report - June, 2023

By Hugo Dwyer

Again, as a resident of New York City, but not having a family member in the DD System in New York State, my exposure to the challenges met by families in the state are observational, not personal. There are plenty of families that could paint a very different picture, based on their experience.

The Commissioner of NYS Office for People With Developmental Disabilities (OPWDD) is Kerri Neifeld, who was appointed by Governor Kathy Hochul in late 2021.

NYS eliminated its public ICFs and most of its private ICFs several years ago, and replaced them with Individualized Residential Alternatives (IRAs), which essentially allowed the state to convert ICFs to HCBS services. Many IRAs are large congregate settings, housing up to 14 residents, though some have been reported to actually house more.

According to ZipRecruiter, as of Jun 2, 2023, the average annual pay for a Direct Support Professional in New York is approximately \$17.18 an hour. They go on to say that NY ranks #2 out of 50 states nationwide for Direct Support Professional salaries.¹ *(The current minimum wage in NY stands at \$17 per hour in the NYC/Westchester/Long Island region, and \$16 per hour for the rest of the state.)*

The turnover rate for DSPs in NY State is still high, though nowhere near the level of many other states.

New York also has a unique, and often criticized, system of reporting incidents of abuse and neglect. The NY State Justice Center for Person's with Special Needs serves as a clearinghouse (some say cover-up) for incidents.

In 2021, a state Appeals Court ruled that the special prosecutor created by then-Governor Andrew Cuomo for the Justice Center was unconstitutional – that the special prosecutor did not have jurisdiction over the state's many Country District Attorneys. Despite the fact that the Court's decision questioned the foundation of how the Justice Center conducts business, the organization continues uninterrupted.

"It's clear that the Court of Appeals recognizes the critical role the Justice Center plays in the protection of vulnerable people," said Justice Center spokeswoman Christine Buttigieg. "The agency's core functions including investigating allegations of abuse and neglect continue uninterrupted. Additionally, the Justice Center has worked together with local District Attorneys on prosecutions for years and will continue to work cooperatively with their offices. We are reviewing the decision to determine how best to continue that work."²

Advocate Michael Carey has been trying for several years to change this. He has encouraged legislators in two previous terms of the State General Assembly to introduce a bill that would bypass the Justice Center and have all incidents of abuse reported directly to local law enforcement agencies through the 911 system. This would make reporting violent crimes against individuals with I/DD and autism the same as reporting violent crimes against non-disabled individuals. Remarkably, that appears to be a Sisyphean task in NY State.

¹ <https://www.ziprecruiter.com/Salaries/Direct-Support-Professional-Salary--in-New-York>

² <https://spotlightnews.com/news/government/2021/04/07/court-of-appeals-rules-against-justice-center/>