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Dear Representative, Senator, and Members of the House Energy & Commerce Sub-Committee on Health,

I write today to ask you to oppose H.R. 555 / S. 117 - The Disability Integration Act (DIA). While I support the need for access to services for all people with intellectual and developmental disabilities (I/DD) and the aspirations of those who wish to live and work in integrated settings, this bill has too many fatal flaws to deserve consideration in the House or Senate.

To begin, this bill contradicts existing law under *Olmstead*, wherein the U.S. Supreme Court recognized that health care and residential decisions for individuals with intellectual disabilities are to be based on individual choice – just as they are for all other Americans:

“We emphasize that nothing in the Americans with Disabilities Act (ADA) or its implementing regulations condones termination of institutional settings for persons unable to handle and benefit from community settings...Nor is there any federal requirement that community-based treatment be imposed on patients who do not desire it.” (Olmstead v. L.C. 527 U.S. 581, 601-602)

The Disability Integration Act (DIA) contravenes this most basic of American principle. It establishes mandatory “discharge planning from acute, rehabilitation, and long-term facilities” for “individuals with LTSS disabilities” and clearly states its intent to “eliminate institutions”, i.e. Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID) and other Medicaid-certified forms of residential treatment, in violation of the law under *Olmstead* as cited above. The DIA would take away the rights of parents and guardians to choose this level of care for their family members with severe or profound intellectual and developmental disabilities (I/DD), severe autism, complex medical conditions, self-destructive behaviors, or in many cases, combinations of these conditions. The DIA overlooks these vulnerable citizens, their essential needs, and their right to live in settings most appropriate to their care.

The second fatal flaw is that the DIA is clearly unaffordable. No CBO score has yet been requested, but providing services and supports for every person on waiting lists across the country would be prohibitive, both to the Federal budget for Medicaid services and to the individual states, many of which are facing huge budget deficits and are already cutting back on Medicaid services.

Third, there are not enough Direct Support Professionals (DSPs) in the United States to provide the services promised by the DIA. In fact, we are undergoing a dangerous shortage of DSPs with a 20% vacancy rate and a turnover rate around 40-60% annually. DSPs in many states are paid less than the state minimum wage, as their salaries are tied to the federal minimum wage. The difficulty in hiring, training, and retaining qualified DSPs has resulted in high overtime payments to existing workers. The current system is unable to bear an increase in the number of people receiving services.

Finally, the current system of HCBS services is already riddled with problems that should be addressed before any expansion is considered. Lawmakers should be concerned about the system-wide failure to report critical incidents of abuse and neglect in HCBS group homes, as reported by several newspapers and the Office of the Inspector General of the Department of Health and Human Services in 2016-2107. In fact, the Inspector General found that the very institutions that would be eliminated by the DIA have a far better

record of reporting of critical incidents (99%) than the residential options that would be expanded by this bill.

Before co-sponsoring or otherwise supporting the DIA, I ask that you read the bill in its entirety, to understand the true nature of this legislation and the harm it will cause to the health and welfare of your constituents and your state's LTSS system. This bill will only exacerbate existing problems, marginalize the most vulnerable and severely impacted individuals, and limit their families' choices for appropriate residential care.

I urge you to oppose the Disability Integration Act.

Sincerely,