



Council of the District of Columbia
Committee on Health
Department of Health Care Finance FY23 Budget Hearing

Written Testimony of Peter Stephan, Staff Attorney
Disability Rights DC at University Legal Services

April 8, 2022

Disability Rights DC appreciates the opportunity to submit written testimony on the Department of Health Care Finance's (DHCF) budget in FY23. Disability Rights DC (DRDC) is the designated protection and advocacy agency for the District. We advocate on behalf of District residents with disabilities to promote their rights to live in the community under the integration mandate of the Americans with Disabilities Act (ADA) as interpreted by the Supreme Court in *Olmstead v. L.C.*, 527 U.S. 581 (1999).¹ My testimony focuses on the impact of the severe direct care staffing shortage in the District on people with disabilities, and ensuring sufficient wage increases in DHCF's budget to help address this crisis.

DRDC urges this Committee to ensure DHCF has a sufficient budget to address the staffing shortages and vacancies in the long-term care service delivery system, including Certified Nursing Assistants (CNAs), Home Health Aides (HHAs), and Direct Support Professionals (DSPs). Specifically, DRDC is troubled by the Mayor's failure to provide the funding needed to adequately increase HHAs, DSPs, and other support staff's wages in the FY23 budget. DRDC is aware from prior governmental testimony that the District needed to budget at least \$36 million to reach the 117.6% living wage target for all direct support workers. Yet, the District only budgeted \$11.5 million. DRDC remains concerned that without a significant wage increase, vacancies will remain, providers will not be able to retain quality staff and as a result, people with disabilities will be at risk of harm and neglect.

¹ DRDC, along with AARP Foundation Litigation and Terris, Pravlik, & Millian LLP, is plaintiffs' class counsel in *Brown v. District of Columbia*. *Brown* is a class action under Title II of the ADA on behalf of DC residents in nursing facilities who seek transition assistance from the DC government to move back to the community with the Medicaid long-term care services they need. DRDC is also plaintiffs' co-counsel and plaintiff in *MJ v. District of Columbia*, a class action lawsuit under Title II of the ADA and the Medicaid statute on behalf of DC youth with significant mental and behavioral health challenges seeking intensive community-based services to prevent institutionalization.

As DRDC testified during this Committee's DHCF Performance Oversight Hearing, people with physical and other disabilities, including DRDC clients RS, KL, and AK, depend on reliable, quality, and competent staff to meet their long-term care services and support needs and to avoid unnecessary institutionalization. DRDC remains concerned that without a significant wage increase, vacancies will remain among providers unable to attract and retain quality staff to support the basic health and safety of individuals with disabilities living in the community.

For further information:

Jaelyn Verner, Staff Attorney
202-547-0198 ext. 112
jverner@uls-dc.org

Peter Stephan, Staff Attorney
202-547-0198 ext. 102
pstephan@uls-dc.org