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**Perspective from an Advocate or Expert**

Many of us have loved ones with intellectual and developmental disabilities (I/DD) who rely on disability services to help them live fulfilling lives in their homes and communities. The care offered by community-based providers is highly sensitive and can even be lifesaving. Whether it’s helping clients out of bed and into their wheelchairs, managing medication, helping them to communicate and socialize with others, preparing meals, or organizing activities, the direct support workforce is crucial to maintaining quality of life for many people with I/DD.

Right now, this workforce is in crisis as direct support professionals (DSPs) leave the industry in droves due to unsustainably low wages. Disability service providers don’t and can’t control the rates at which their services are offered or the wages they are able to pay DSPs, because they are determined by Medicaid reimbursement rates. These fixed rates are low, as low as $9 per hour in some states, driving a severe workforce shortage that threatens care for people with I/DD.

In the midst of this crisis, disability service providers have consistently raised the need for increased funding for disability services and higher Medicaid reimbursement rates so they can attract and retain the skilled professionals needed to provide care to people with I/DD. But the many well-intended policies recently proposed by the federal government could have a significant negative impact on providers, driving this crisis to an all-out disaster.

The Department of Labor (DOL) recently proposed a rule that seeks to increase the minimum salary threshold for overtime exemptions from $684/week ($35,568/year) to $1,059/week

($55,068/year), with an automatic adjustment every three years. While the purpose of this rule is to help provide the increased pay they deserve to employees, including those who deliver services to people with disabilities, the rule could instead have the opposite impact in our field. Providers who are fully reliant on Medicaid funding simply do not have the funds to comply with this rule if it is enacted. Instead, they’ll be forced to make major cuts to their services.

In a [survey](https://www.ancor.org/wp-content/uploads/2022/10/The-State-of-Americas-Direct-Support-Workforce-Crisis-2022.pdf) last year, ANCOR found that 63% of providers are discontinuing programs and services due to insufficient staffing, and 55% of providers are considering additional service discontinuations. Instituting significant new expenses for disability providers, as this rule would do, without providing additional funding has the potential to completely collapse the system of services. This would not only increase the risk of institutionalization for those relying on these critical services, but also the risk of unemployment for the very workforce the DOL is attempting to protect.

Meanwhile, more than 497,000 people with I/DD find themselves languishing on states’ waiting lists, sometimes waiting for years to receive critical services, illustrating the tenuous nature of access to services that could be further threatened by the proposed Overtime Rule. In a separate survey, ANCOR asked more than 700 providers across 45 states how their services would be affected if the proposed rule were to pass, and more than half of respondents (61%) said they would be forced to convert salaried employees to hourly workers, and 49% said they would restrict the amount of overtime permitted. Both of these measures would further threaten the stability of the direct support workforce.

Perhaps even scarier is the impact in states where providers aren’t allowed to turn away new referrals or discontinue existing lines of service, regardless of whether they have enough qualified staff to deliver those services. We already hear heartbreaking stories, such as [insert example/anecdote ie being forced to sleep in their wheelchairs without someone to help them into bed, etc]

As a [role], I stand with ANCOR in its call for the U.S. Department of Labor to slow their approach to the increased overtime rule to allow for community providers to prepare and seek an increase in reimbursement rates. We cannot continue to strain these services and expect people with I/DD to live with the ramifications. Quite simply, people with disabilities and the communities where they live deserve better.