

**Kerstin Sjoberg, Executive Director of Disability Rights Ohio**  
**Interested Party Testimony on House Bill 33**  
**Senate Finance Committee**  
**June 8th, 2023**

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Chair Dolan, Ranking Member Sykes, and members of the Senate Finance Committee, thank you for the opportunity to provide written-only interested party testimony on House Bill 33 (HB 33) the state's biennial budget. My name is Kerstin Sjoberg and I am the Executive Director of Disability Rights Ohio (DRO).

DRO is the state's designated protection and advocacy (P&A) system with the mission to advocate for an equitable Ohio for people with disabilities. DRO would like to applaud the Governor for making substantial investments to increase funding for direct care worker wages and the House building upon these investments in the substitute version of HB 33. This is an incredible step forward to ensure disabled Ohioans can live independently in their homes and communities. The home and community-based service (HCBS) system has been historically underfunded and now more than ever there is a critical need to ensure individuals can access care in their homes. DRO urges the Senate to build upon these investments and ensure all direct care worker wages across the HCBS system are paid at least \$20 an hour.

This testimony will address two (2) issues related to the substitute version of HB 33:

- 1) Increase wages for all direct care workers to \$20 an hour; and**
- 2) Remove §5123.60(D), §5123.601(E), and §751.10 related to Ohio's protection and advocacy system and client assistance program**

**1) Increase Direct Care Worker Wages**

DRO urges the Senate to increase funding to direct care worker wages across all waiver systems (Developmental Disabilities, Medicaid, and Aging) to at least \$20 an hour. Although there was an additional investment to the Developmental Disabilities (DD) system for wages, this is with local dollars and establishes an unequal system of pay for direct care workers.

This could lead to workers in one system leaving and going to the DD system. This does not solve the issue the Governor and the House have taken steps to address and instead could exacerbate stresses to the Medicaid and Aging home and community-based service systems.

In addition to wages, to ensure the direct care workforce is stabilized there needs to be a mechanism establishing long-term wage growth and support for paid benefits. Currently, nursing homes have a structured rebasing system to increase rates but a similar mechanism does not exist for home and community-based services and supports. By establishing a similar structure, the legislature would be able to ensure sustainability in a system historically underfunded. And by increasing funding to provide benefits to these essential workers, Ohio will be able to attract a high quality workforce supporting disabled people to live independently in their homes and communities.

## **2) Remove §5123.60(D), §5123.601(E), and §751.10 related to Ohio's protection and advocacy system and client assistance program**

DRO urges the Senate to remove all provisions related to Disability Rights Ohio, the state designated protection and advocacy system and client assistance program.

In 1972 Geraldo Rivera investigated the Willowbrook State School in New York City that uncovered inhumane and unethical treatment of people with disabilities living in this institution. The institutions overcrowding fostered abuse, dehumanization, and a public health crisis. The investigation led to Congressional investigations of state institutions. Due to the findings of these investigations, Congress passed the Developmental Disabilities Assistance and Bill of Rights Act of 1975 (DD Act).

The DD Act found that people with developmental disabilities have the right “to live independently, to exert control and choice over their own lives, and to fully participate in and contribute to their communities through full integration and inclusion” and “are at a greater risk than the general population of abuse, neglect, financial and sexual exploitation, and the violation of their legal and human rights.”

Additionally, the DD Act found that the “goals of the Nation” include providing individuals with the supports to “live in homes and communities in which individuals can exercise their full rights and responsibilities as citizens [...] achieve full integration and inclusion in society” free from abuse and neglect. The DD Act pushed for expansion of community-based living options and elevate access for individuals.

To ensure the protection of these rights and advocate for inclusion and independence of people in their communities, the DD Act created the protection and advocacy system. P&As are required to operate independently from the state without interference. DRO’s authority as the designated P&A is to investigate suspected abuse or neglect and seek justice for victims and their families, have access to records and facilities necessary to investigate abuse or neglect or to monitor the treatment and safety of residents, pursue litigation and all other appropriate remedies under federal, state, and local law, provide information and referrals regarding entitlements to services and other legal rights, and educate policymakers on needed reforms to disability-related laws and services. Within this scope, DRO works to expand opportunities for individuals to make decisions for themselves about where and with whom they live.

The amendments included in the substitute version of HB 33 conflict with the vision of the DD Act and work to interfere with the independence of the P&A. Retaliatory efforts, based on the work we do that is aligned with the desire disabled Ohioans and the requirements from our federal regulators, could have unintentional consequences on our ability to protect and advocate for the rights of people with disabilities which includes working to ensure people are free from abuse, neglect, and exploitation.

As a state, we should be focused on expanding access and opportunities for disabled Ohioans by working together to identify barriers and pass legislation that allow people to live independently in their homes and communities. Attacking an organization that’s primary role is to protect the rights of disabled Ohioans should not be a priority of the General Assembly. Disabled Ohioans face barriers everyday to independent living, employment, education, transportation, housing, and services. Working together, with the P&A system, the legislature would be more attuned to understanding the nuances of these issues and creating effective public policy.

DRO is committed to working with the legislature to make the lives of people with disabilities better, and fully supports efforts like the increase in wages for direct care workers. However, attacking DRO and our work does not help anyone, and it certainly does not help in reducing barriers for disabled Ohioans.

We urge the Senate not to accept any language that would interfere with our important and necessary work.

DRO appreciates the time and consideration of these important pieces within HB 33. We urge the Senate to increase wages for direct care workers to at least \$20 an hour and remove language related to Ohio's protection and advocacy system.

Thank you again for opportunity to provide interested party testimony in consideration of HB 33, please feel free to reach out to me or Jordan Ballinger, Policy Director at 614-466-7264 x135 or [jballinger@disabilityrightsohio.org](mailto:jballinger@disabilityrightsohio.org).



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