

DODD's Preparation for the 2016-2017 Biennium Budget

Joint Medicaid Oversight Committee

John L. Martin, Director

January 22, 2015



Department of
Developmental Disabilities

How We Have Done Our Work

Convened a Strategic Planning Leadership Group (SPLG)

In November 2013, twenty-four representatives from advocates, self-advocates, providers, county board and state staff.

OHT

Disability Rights
Ohio Letter and
Litigation Threat

Two developments impacting our
planning

CMS Rules and
Transition Plan

How We Did Our Work

1. We looked at data
2. We examined current initiatives
3. We brought in states/speakers that our data or our experience indicates we could learn something from
4. Grouped members and other Ohio folks present on Ohio initiatives and best practices that we can learn from
5. Utilized information from (1), (2), (3), and (4) above to establish benchmarks

The Goal

In November 2014, SPLG established benchmarks and a strategic vision of where the system should be in ten years from now.

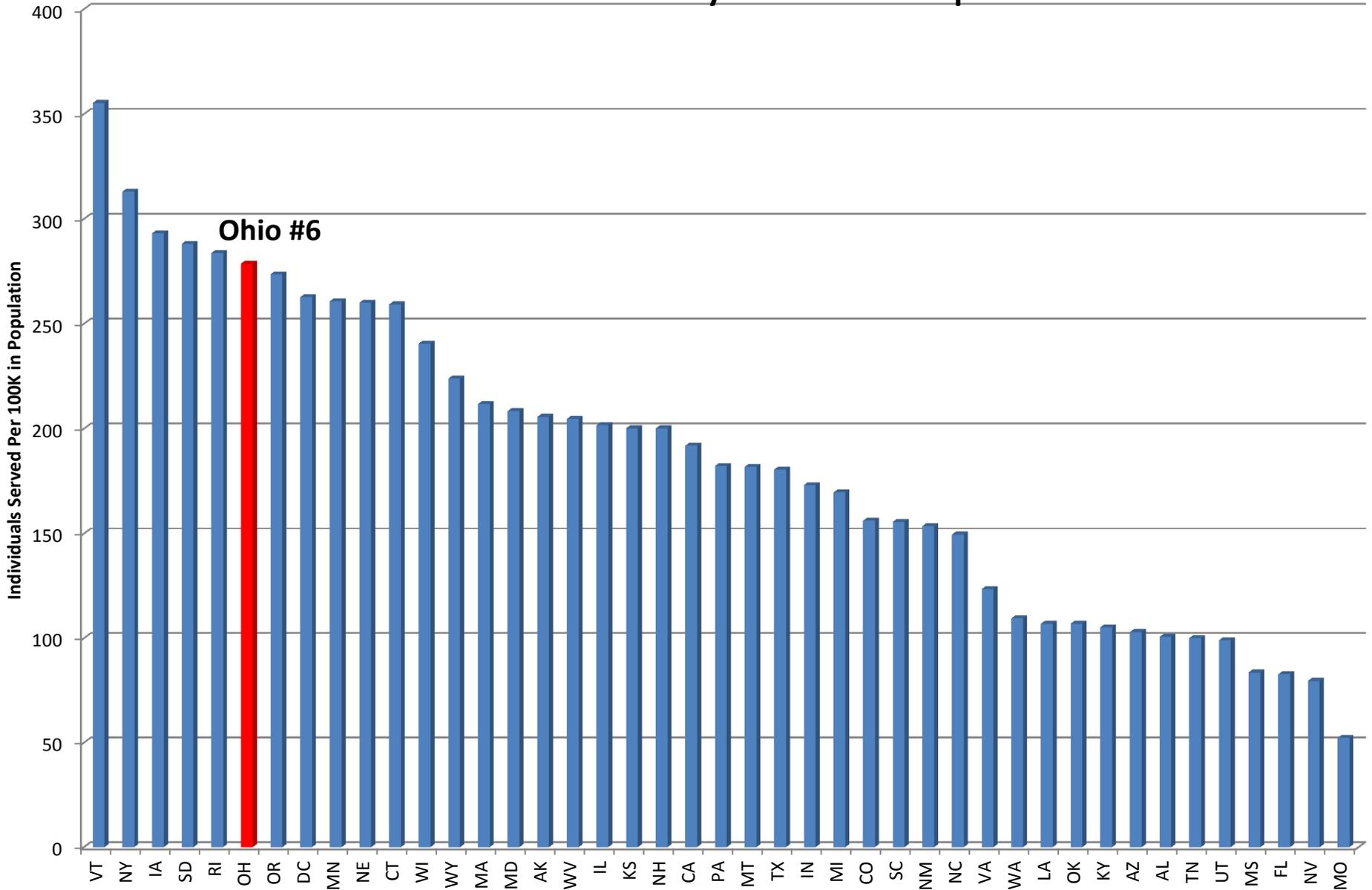
Outline of Presentation

- Examples of data we examined
- External Influences
 - CMS Rule - what does it mean and impact on Ohio
 - DRO Letter – who are they and implications to our work
- Presentation of Goals
- How the Department is using these goals to establish the biennium budget work

Examples of Data

Examples of Data

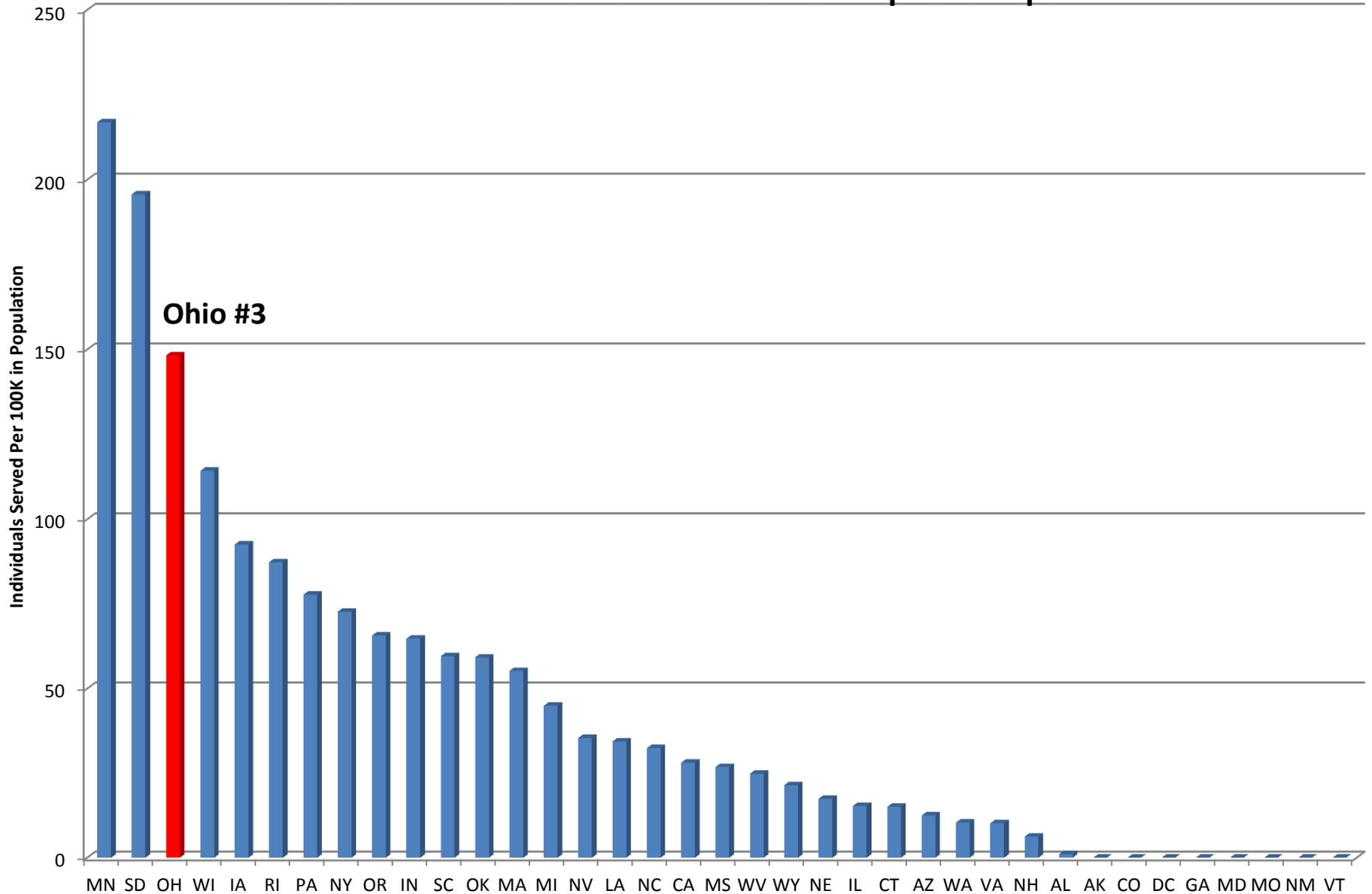
Individuals Served in Day Services Per Capita



Source: Butterworth, J., Hall, A.C., Smith, F. A., Migliore, A., Winsor, J., Domin, D., & Sulewski, J. (2013). State Data: The national report on employment services and outcomes. Boston, MA: University of Massachusetts Boston, Institute for Community Inclusion.

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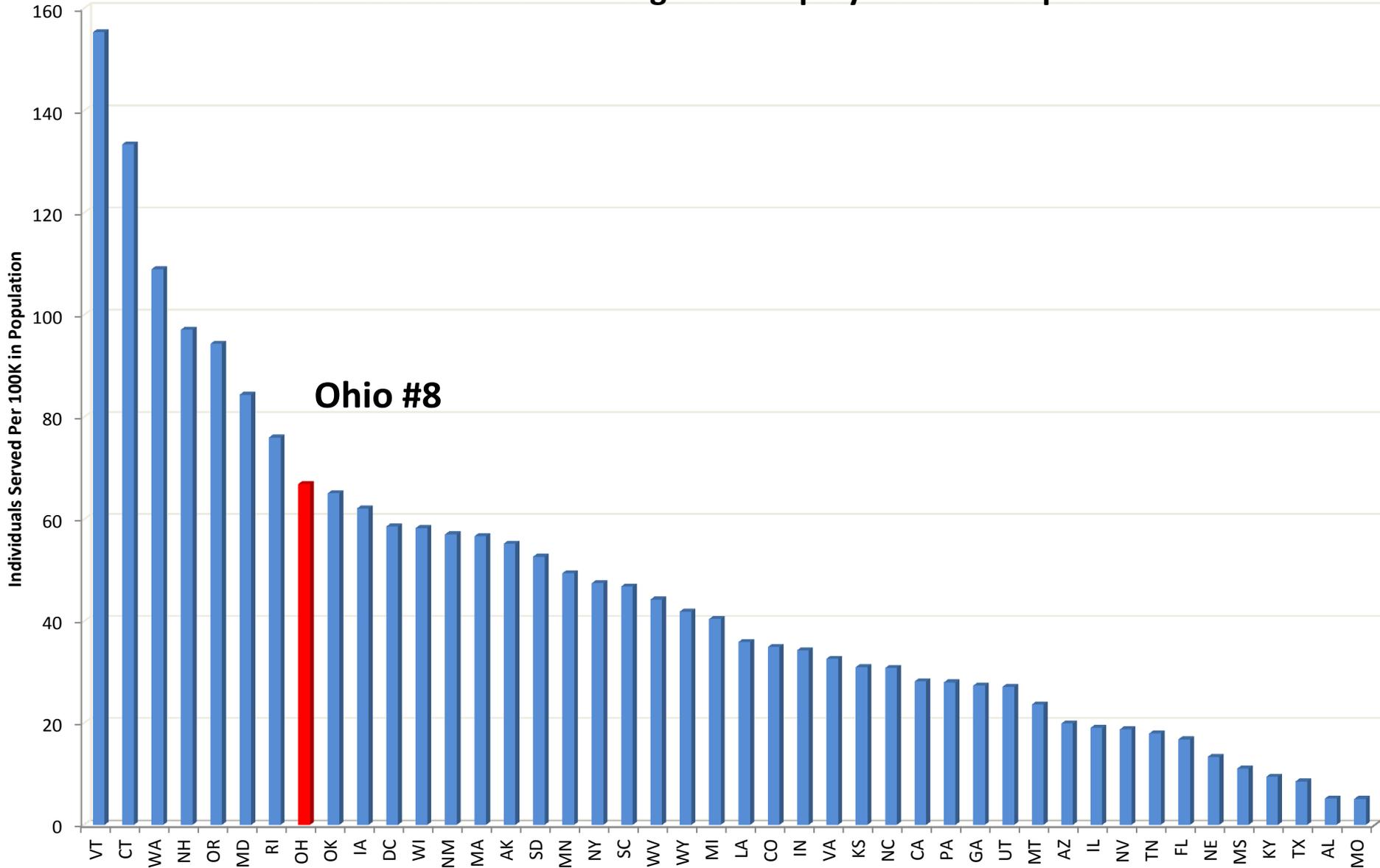
Individuals Served in Sheltered Workshops Per Capita



Source: Butterworth, J., Hall, A.C., Smith, F. A., Migliore, A., Winsor, J., Domin, D., & Sulewski, J. (2013). State Data: The national report on employment services and outcomes. Boston, MA: University of Massachusetts Boston, Institute for Community Inclusion.

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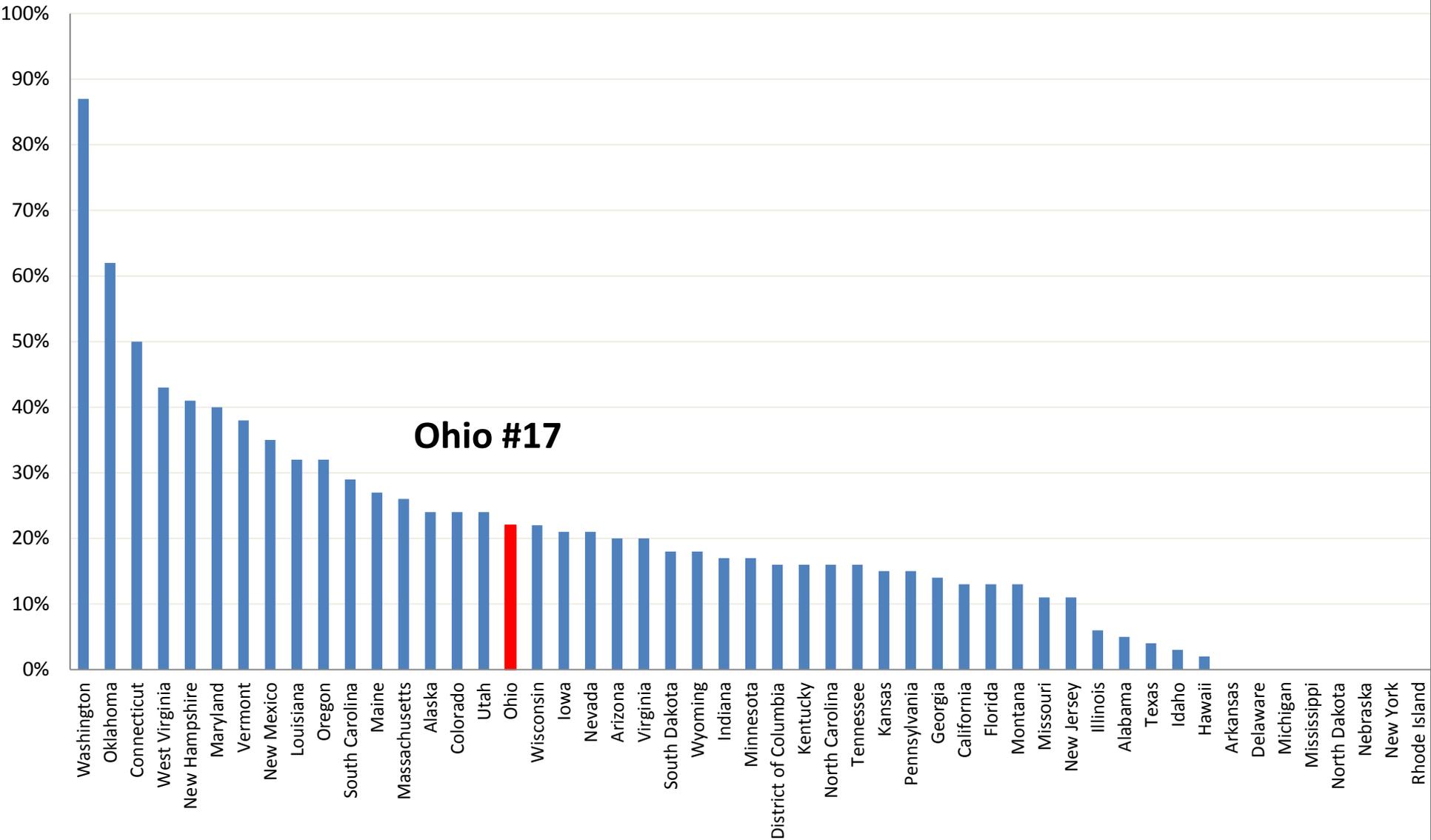
Individuals Served in Integrated Employment Per Capita



Source: Butterworth, J., Hall, A.C., Smith, F. A., Migliore, A., Winsor, J., Domin, D., & Sulewski, J. (2013). State Data: The national report on employment services and outcomes. Boston, MA: University of Massachusetts Boston, Institute for Community Inclusion.

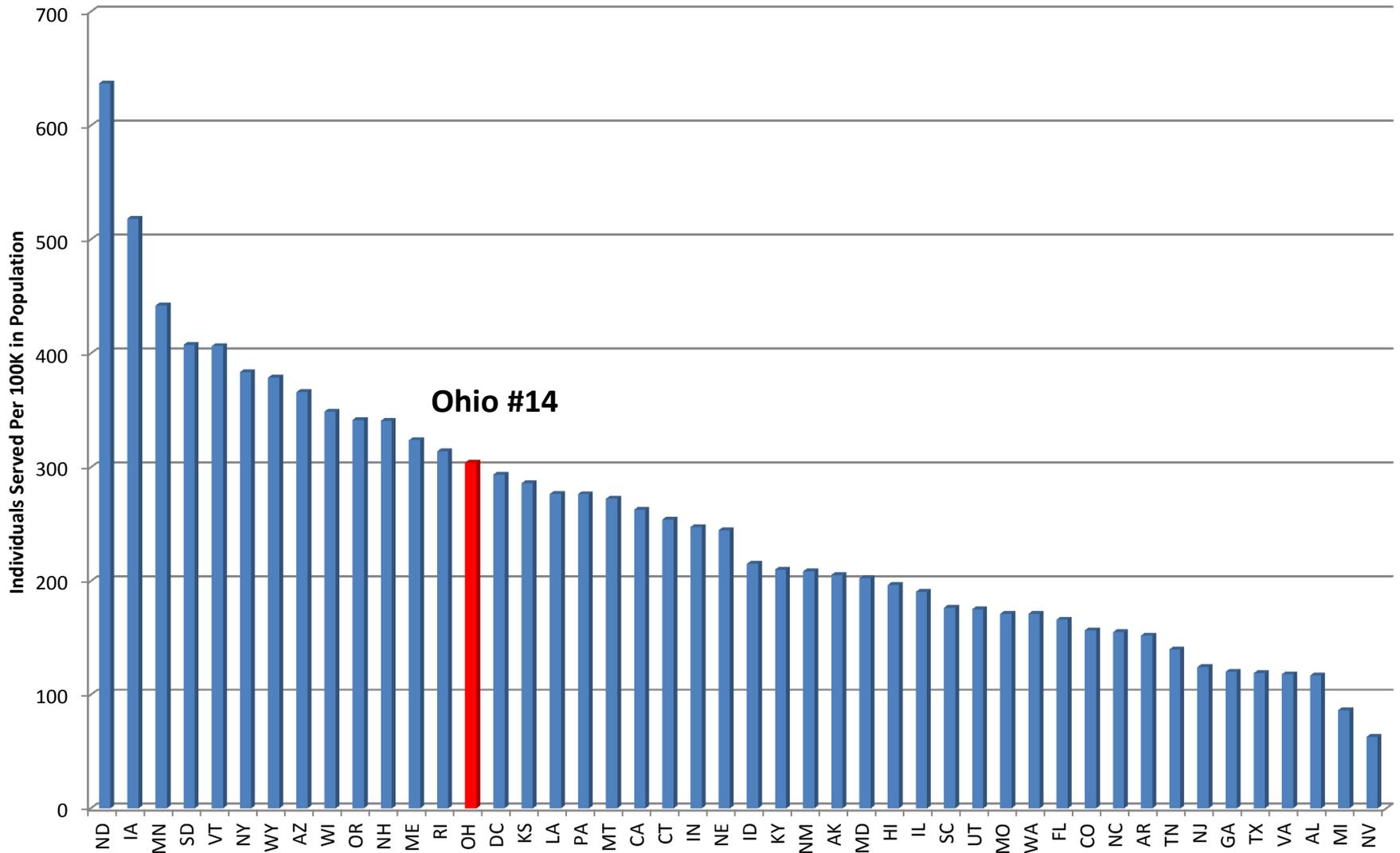
Examples of Data

Individuals in Integrated Employment as a % of Individuals Receiving Day Services 2012



Examples of Data

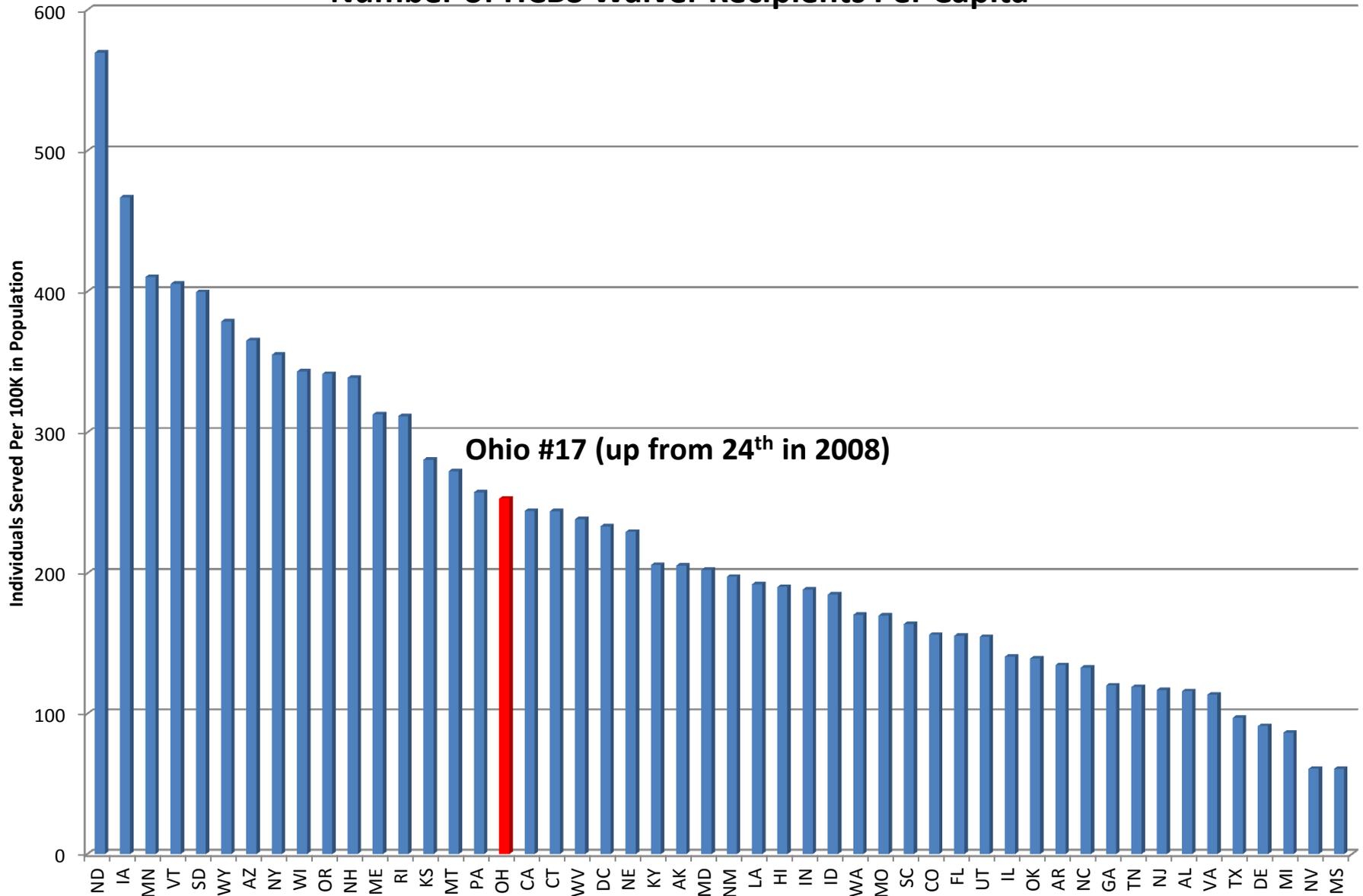
Number of Individuals in Non-State ICFs & HCBS Waiver Recipients Per Capita



Source: Larson, S.A., Ryan, A., Salmi, P., Smith, D., Anderson, L. and Hewitt A.S. (2013). Residential Services for Persons with Developmental Disabilities: Status and trends through 2011. Minneapolis: University of Minnesota, Research and Training Center on Community Living, Institute on Community Integration.

Examples of Data

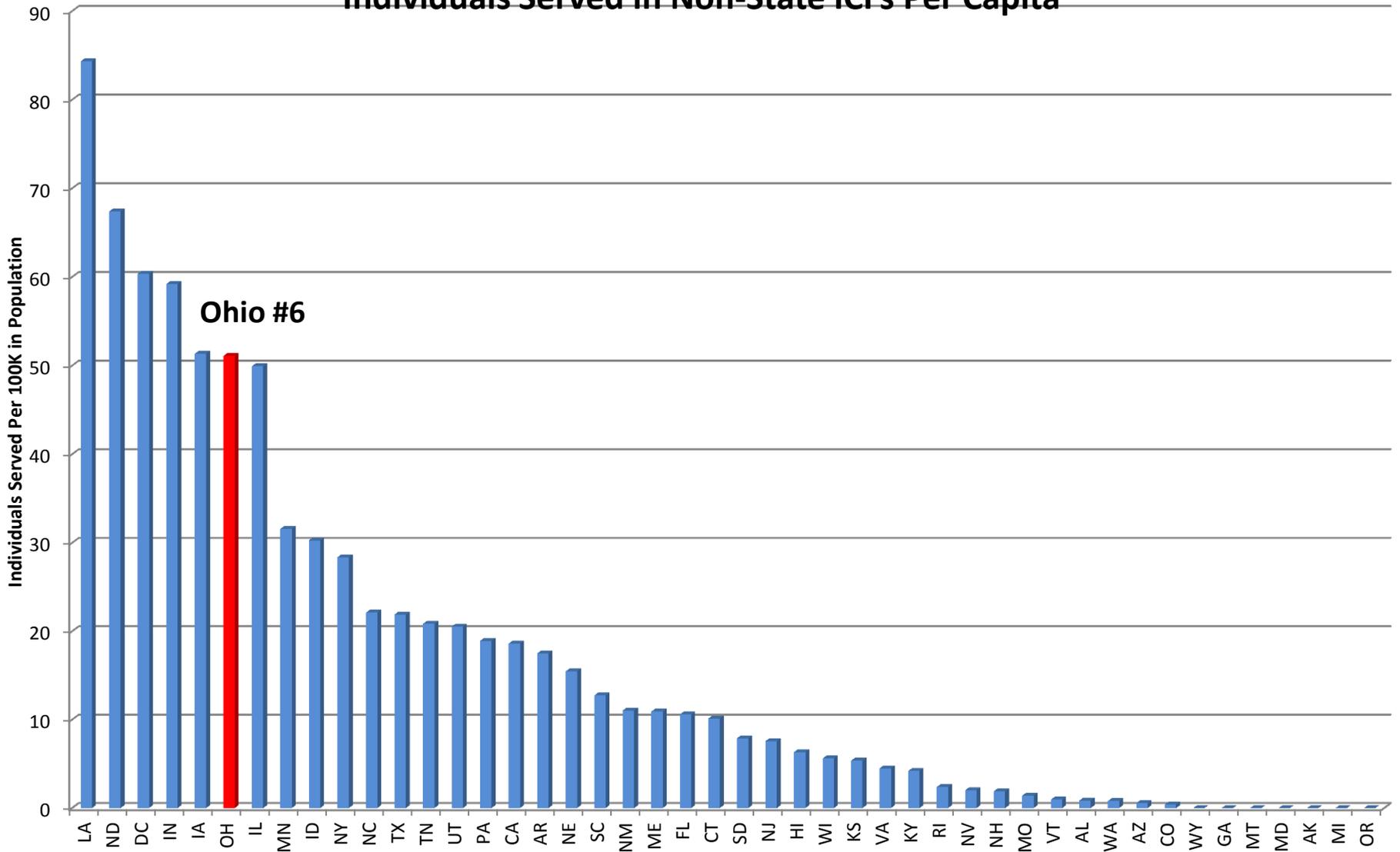
Number of HCBS Waiver Recipients Per Capita



Source: Larson, S.A., Ryan, A., Salmi, P., Smith, D., Anderson, L. and Hewitt A.S. (2013). Residential Services for Persons with Developmental Disabilities: Status and trends through 2011. Minneapolis: University of Minnesota, Research and Training Center on Community Living, Institute on Community Integration.

Examples of Data

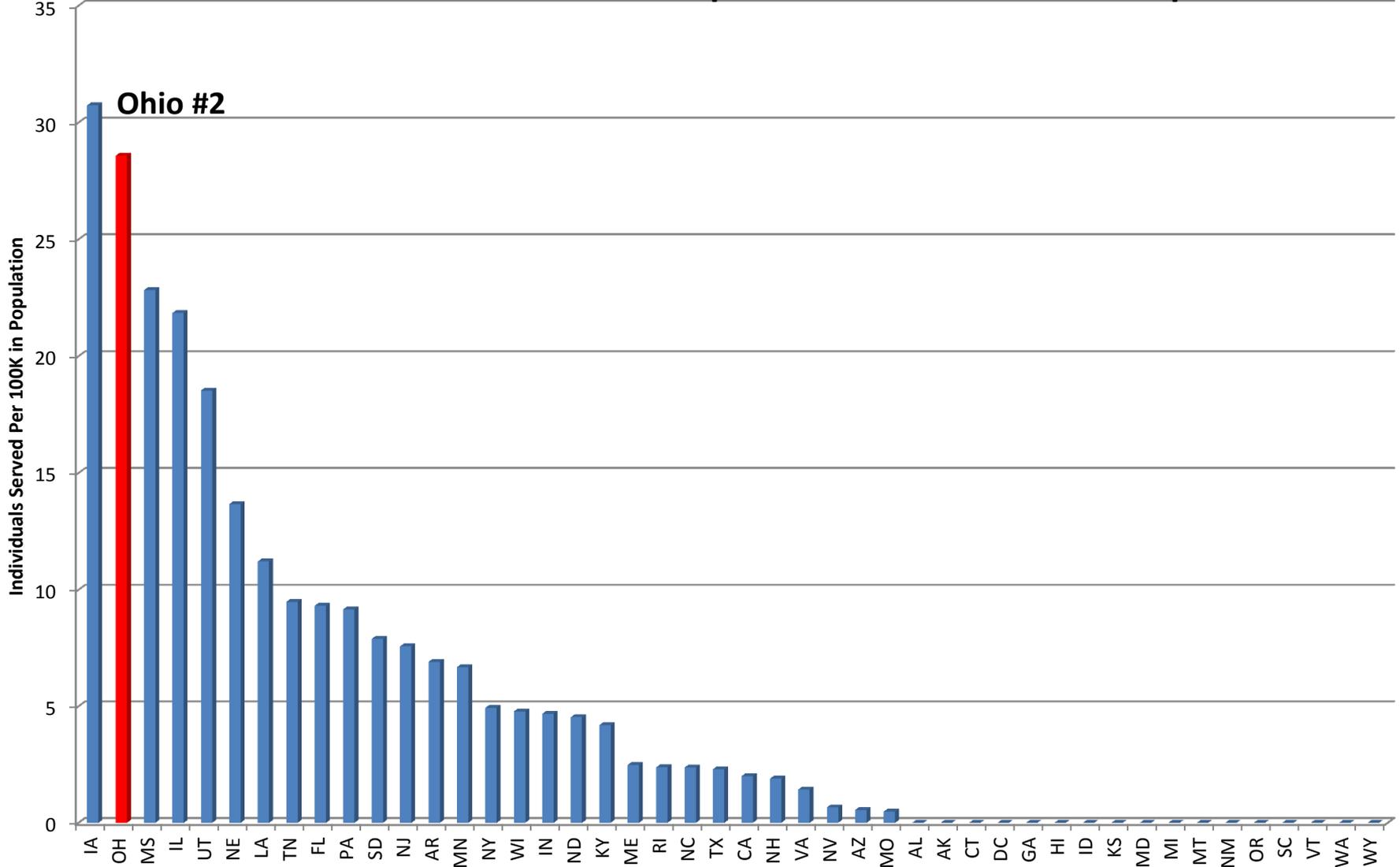
Individuals Served in Non-State ICFs Per Capita



Source: Larson, S.A., Ryan, A., Salmi, P., Smith, D., Anderson, L. and Hewitt A.S. (2013). Residential Services for Persons with Developmental Disabilities: Status and trends through 2011. Minneapolis: University of Minnesota, Research and Training Center on Community Living, Institute on Community Integration.

Examples of Data

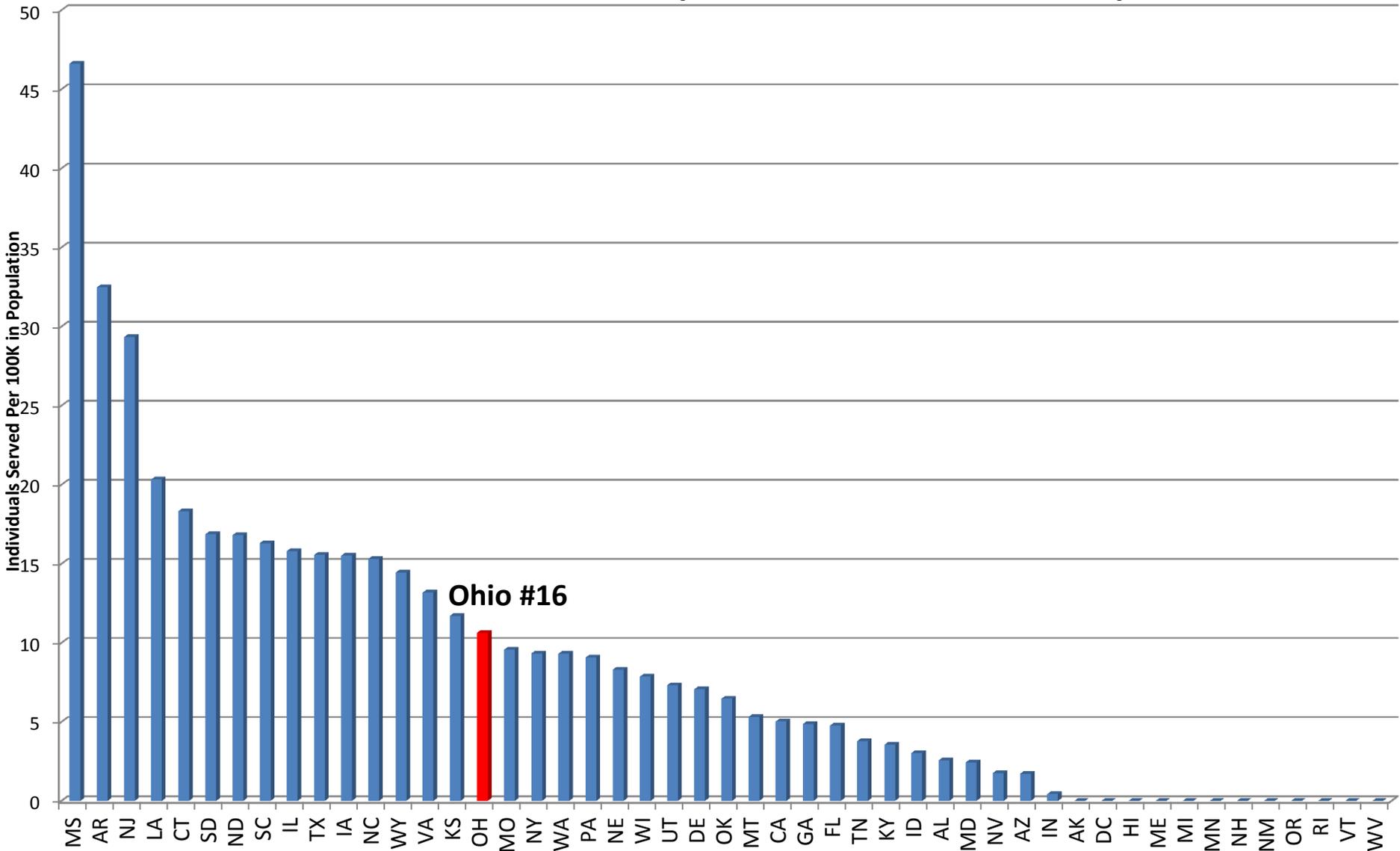
Individuals Served in Non State-Operated ICFs > 16 beds Per Capita



Source: Larson, S.A., Ryan, A., Salmi, P., Smith, D., Anderson, L. and Hewitt A.S. (2013). Residential Services for Persons with Developmental Disabilities: Status and trends through 2011. Minneapolis: University of Minnesota, Research and Training Center on Community Living, Institute on Community Integration.

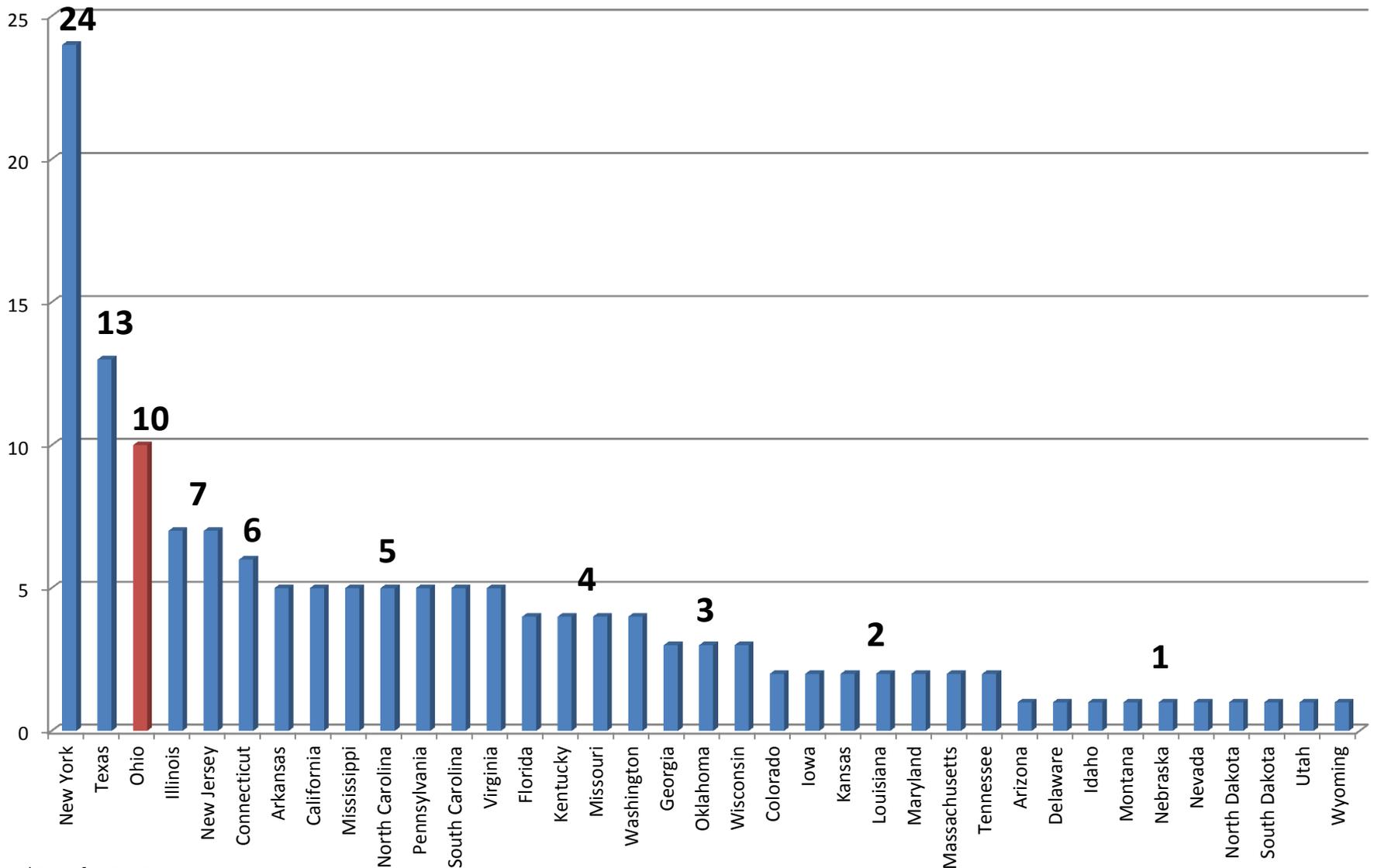
Examples of Data

Individuals Served in State-Operated ICFs > 16 beds Per Capita



Source: Larson, S.A., Ryan, A., Salmi, P., Smith, D., Anderson, L. and Hewitt A.S. (2013). Residential Services for Persons with Developmental Disabilities: Status and trends through 2011. Minneapolis: University of Minnesota, Research and Training Center on Community Living, Institute on Community Integration.

Number of State-Operated Institutions



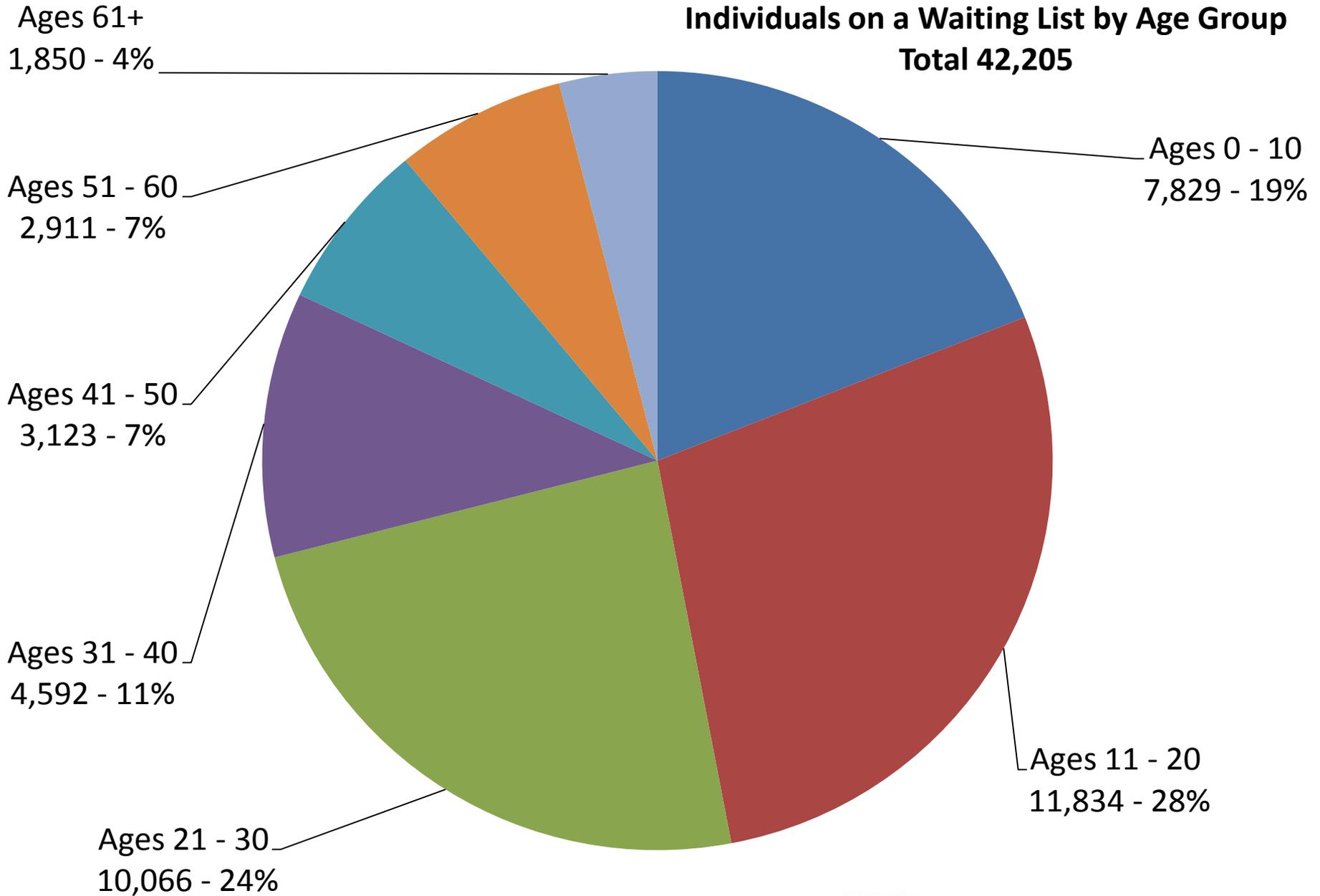
*Data for FY13

Source: State of the State in Intellectual and Developmental Disabilities (2015) Pre-publication proof

Examples of Data

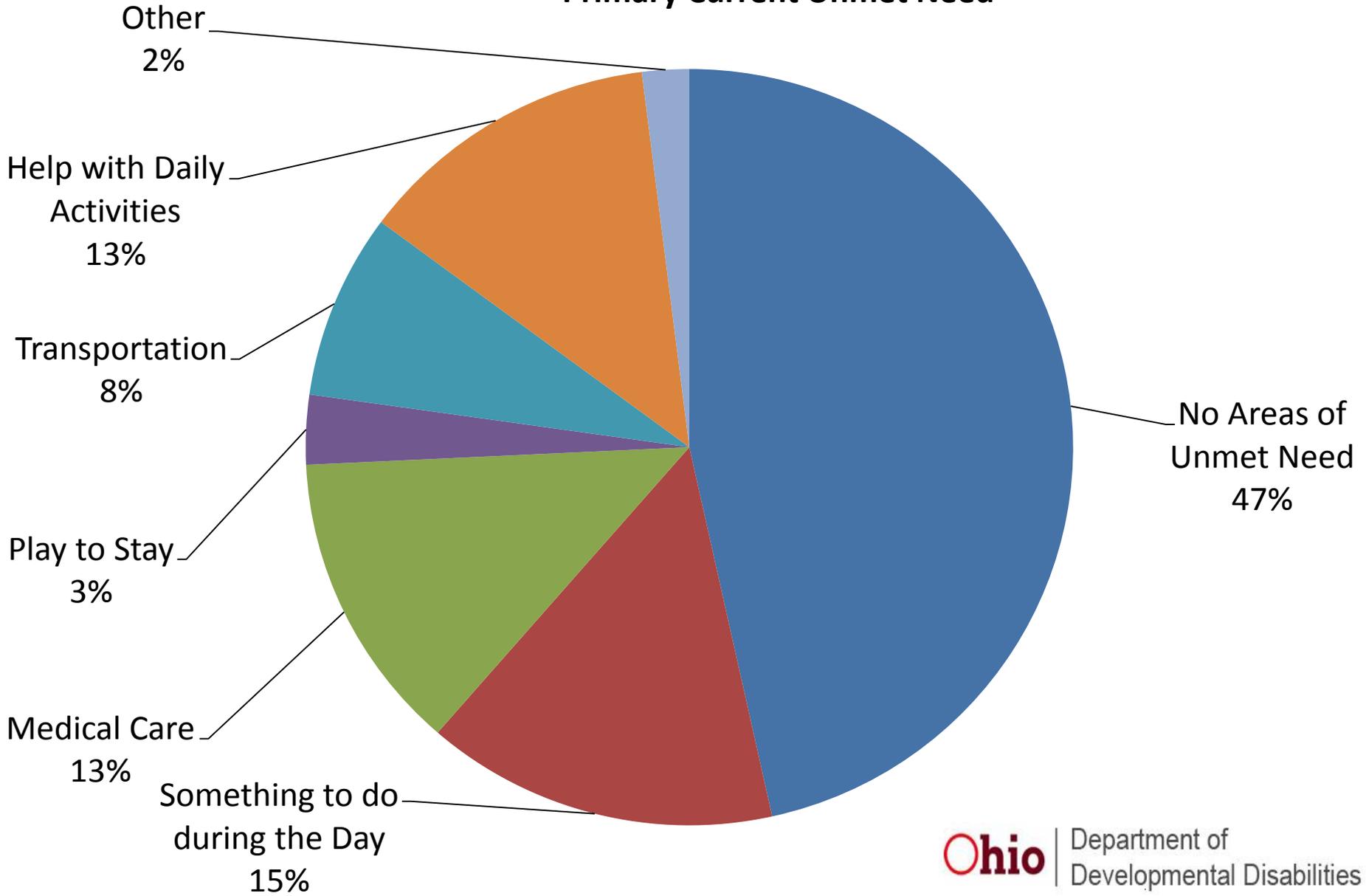
Individuals on a Waiting List by Age Group

Total 42,205



Examples of Data

Primary Current Unmet Need



New CMS Rule

CMS Rule

Context of the New CMS Rule

- The Federal Government funds two types of services
 - Institutional Services (ICF Program)
 - Community Services (The Waiver Program)
- Over time, (20 years) the line has become blurred between these two systems. In the eyes of CMS, some waiver services have taken on the characteristics of institutional services.
- CMS first issued their public notice of proposed rule making in 2009 and received over 2,000 comments from external stakeholders. CMS published their new rule in January 2014 with the intent of clarifying what community services are and drawing a clear line between community and institutional services.
- They gave states five years to come into compliance with these new rules.

CMS Rule

Three Ways the New CMS Rule Impacts Ohio

1. Day Services: Ohio uses waivers to fund a lot of services in settings CMS contends does not have the characteristics of community services:
 - a. Sheltered Workshops
 - b. Segregated Day Services
2. Residential Services: Ohio has some individuals receiving waiver services in settings where community integration could be improved.
3. The rule clarified that while in institutional settings, the entity that develops the person's plan is often the same entity providing the service in community settings; this needs to be separated. For waivers, the person developing the plan and helping the family or individual choose a provider cannot be employed by the same entity providing the services. This is referred to as the conflict of interest provision.

CMS Rule

The Office of Health Transformation has drafted a plan to come into compliance with the CMS rule that is out for public comments.

Much of the public comment from the DD community expresses concern about the direction CMS has taken.

DRO

Letter

DRO Letter

In June of 2014, Ohio received a letter from Disability Rights of Ohio.

- Disability Rights Ohio is a non-profit corporation federally funded as Ohio's Protection and Advocacy (P&A) system and Client Assistance Program (CAP).
- In their letter to the State, DRO references The Americans with Disabilities Act (ADA) and the Supreme Court decision in *L.C. v. Olmstead*. In this decision, the Court said that, under the ADA, a state must provide services to people with disabilities in the most integrated, least restrictive setting in the community appropriate to their individual needs while respecting the choices of the individual.

DRO Letter

- DRO alleges in their letter that Ohio is operating a segregated system that emphasizes institutional services (Sheltered Workshops & Day Services, ICFs, Developmental Centers) over community-based services and, as such, is violating the Americans with Disabilities Act and the tenets of the Olmstead decision. We do not share that belief, but we do agree on a goal of increasing community opportunities.
- They are asking Ohio to remedy this situation or they will look for relief in Federal Court.

Strategic Planning Leadership Group

Strategic Planning Leadership Group

- The Strategic Planning Leadership Group (SPLG), after reviewing lots of data, listening to other State experts, reviewing the new CMS rule and the DRO letter, set a strategic direction for the field by establishing ten year benchmarks. A total of 24 goals were set by this group, each requiring a 75% vote to be accepted.
- So who were they and what direction did they set?

Members of the Strategic Planning Leadership Group

Arc of Ohio	Gary Tonks
	Judy Murray
People First	Sadie Hunter
	Tami Grogg
The Ohio League	Neil Castilow
Ohio Self Determination	Sharon Travis
	Diana Mairose
Autism Association	Pat Cloppert
Down Syndrome Assoc.	Marge Barnheiser
Advocacy and Protective Services Inc.	Karla Rinto
DD Council	Carolyn Knight
Special Initiatives by Brothers and Sisters	Barb Sapharas

Ohio Waiver Network	Kathy Phillips
Ohio Provider Resource Assoc.	Mark Davis
	Jorji Milliken
Ohio Health Care Assoc.	Pete Van Runkle
	Marilyn Weber
Values and Faith Alliance	Vicki Obee-Hilty
	Deb Lyle
Ohio Assoc. County Boards	Steve Oster
	Alice Pavey
	Willie Jones
	Dee Zeffiro-Krenisky
Ohio Department of Medicaid	Icilda Dickerson

Strategic Planning Leadership Group

Summary of the Direction Set by the Group

Strengthen the Community Service Infrastructure by:

- Increasing pay to direct service staff
- Adding nursing services to the waiver
- Becoming better at planning with and communicating with families and individuals we serve, helping them to have more control and make informed decision about their lives
- Improving training for those who plan for services and those who provide services

Improve Service Delivery by:

- Increasing sustainable, cost-effective service delivery models through the use of technology and host homes
- Increasing housing opportunities in safe neighborhoods
- Providing significantly more opportunities for community employment and integrated day services
- Significantly reducing the use of:
 - Large ICFs
 - State-Operated Developmental Centers
- Providing services to those on waiting lists
- Simplifying the DD waiver system for individuals and families by consolidating existing waivers (we currently have four)

Strategic Planning Leadership Group

When DODD presents its 2016/2017 biennium budget, it will support the direction set by the SPLG.