

Pipeline Quarterly

Winter 2014-15

Our Future - What Lies Ahead for Ohio's Developmental Disabilities Community?



Living, Working, and Learning in Their Communities

The future of services for Ohioans with developmental disabilities is being shaped by many forces, including federal regulations, state funding, and new approaches to include all people in their communities.

Responding to the challenges of developing a plan that transitions Ohio's service delivery system to comply with new directives from the federal Centers for Medicare and Medicaid Services (CMS) is helping DODD re-evaluate every corner of the system through the eyes of people served.

We also have benefited from a great deal of work done by the Strategic Planning Leadership Group, resulting in recommendations to help guide our system during the next ten years. In addition, we are working to address concerns brought forward by Disability Rights Ohio in a letter we received July 1, 2014.

One of DODD's key initiatives is to develop and encourage supports and services that offer new and better opportunities for living in the community, increasing independence, and maximizing resources.

We also are exploring opportunities to access federal and state funds that support more community-based services and new or under-utilized options. An example is the increase in waivers proposed in the 2016-2017 budget, offering more options and opportunities for individuals with developmental disabilities to be more involved in their communities.

As we work closely with key stakeholders in building a quality future for Ohioans with developmental disabilities, we will continue to ensure that people served must be at the table and have their voices heard. Through these discussions we will learn what the future holds.

For timely Administration news and updates, visit the Department's website at DODD.ohio.gov/OurFuture

New Resources

The Direct Line

News from Director John Martin
Ohio Department of Developmental Disabilities

Our system, both here in Ohio and nationally, is experiencing change. The expectations of and for individuals with developmental disabilities rightfully is increasing, and individuals want to more fully participate in their communities. Our system must evolve to respond to these needs, and that leads to a significant amount of change.

A new tool has been developed to help you better understand these changes. *Direct Line* is a series of updates that will offer an overview on a specific topic, and connect you with more information. Some will focus on a high-level topic, and others will go into details on a specific component of a change.

The first three issues of *Direct Line* are online at DODD.ohio.gov/OurFuture

- **Independent Provider Changes:** Overview explains the proposed phase-out of independent providers, how this affects you, and how individuals can continue working with non-agency providers.
- **Independent Provider Changes:** Common Law Employer/Employer Authority offers more details about Common Law Employer, one of the ways in which individuals can continue working with non-agency providers.
- **CMS Transition Plan:** Employment and Day Services talks about how the new rule from CMS affects - and does not affect - facility-based work and day services programs.

Watch for more issues of Direct Line to learn more about the changes taking place in our system. New issues will be sent via email, and all issues will be available on DODD.ohio.gov.

2014 Accomplishments Help to Build Our Future

We share several accomplishments for 2014, which offer some building blocks for our collective future.

\$5 million to help kids in crisis.

DODD and the Department of Mental Health and Addiction Services awarded more than \$1.4 million in Strong Families, Safe Communities funding to seven collaborative community projects providing care coordination and crisis intervention services for youth at-risk due to a mental illness and/or developmental disability. The grants are part of a two-year, \$5 million statewide initiative launched in 2013. Currently, 46 counties are served by the initiative. Best practices will be shared statewide so other communities can implement similar programs.

More opportunities for community-based employment.

With support from the Employment First initiative, 905 people with developmental disabilities are receiving integrated employment services – an increase of 13 percent. An additional 1,200 are working with Opportunities for Ohioans with Disabilities counselors to prepare for and secure community-based jobs. More than 1,200 staff have been trained on supported employment, and 15 pilot sites are working toward collaborative, multi-agency transition planning.

Improving the lives of individuals with autism.

Ohio is at the forefront of providing support to people with autism, and is developing a new online training and certification program to better equip community members and professionals to work with individuals who have autism, and increase the number of qualified providers. DODD has led the Interagency Work Group on Autism to increase collaboration among partnering agencies. Also, the Autism Diagnosis and Education Program (ADEP) continues to aid in early diagnosis. In Ohio, the average age of diagnosis is 30 months, compared to a national average of four years. In addition, the P.L.A.Y. project is teaching families effective strategies for daily interactions with their young children.

Increased transparency to help families make informed decisions.

To improve opportunities for individuals, families, and guardians who need to make informed decisions about where loved ones live and work, DODD posted providers' survey and compliance reports on the Department's website. Information for 2013 and later is available for public review to give families peace of mind, and support informed decisions. ■

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Building on Success



DODD Director John Martin (center) visited Findlay to spotlight a Strong Families, Safe Communities grant, awarded to the Family Resource Center of Northwest Ohio, Inc., in partnership with other agencies in Allen, Auglaize, Hancock, Hardin, Putnam, and Van Wert counties. The agencies have forged strong partnerships for success.

Living in the Community

In 2014, a total of 48 individuals moved from ICFs into a community-based setting, and 38 individuals moved from Developmental Centers into a community-based setting.

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Strategic Planning Leadership Group Examines System Recommends 24 Benchmarks to Help Guide Ohio's Developmental Disabilities Service System



A representative group of SPLG members gathered for this photo during a break in the benchmarking process late last year. The final meeting on November 4 wrapped up 12 months of discussions and planning.

In December 2014, the Strategic Planning Leadership Group (SPLG) completed a report that distills the efforts of the Group's 24 members, and other stakeholders who advised and informed their efforts. The Group's collective commitment, as reflected in the report, was to improve services for Ohio's more than 93,000 citizens with developmental disabilities, and make recommendations to impact the system over a short-term two-year timeframe, as well as a ten year timeframe. While not all of the recommendations will be adopted, they are helping to guide plans for the service system's future.

SPLG members represented diverse roles and perspectives from across the statewide service system, bringing energy to the process of benchmarking and creating recommendations. Their 24 recommendations emphasize the involvement of individuals served and their families, in directing services and defining service quality.

Fourteen stakeholder organizations, as well as parents and self advocates, were involved in the SPLG and worked along with representatives from the Ohio Department of Medicaid, and DODD. Department staff arranged for various local and national presenters, pro-



Service participant Tami Grogg (right) pauses during her presentation to other SPLG members about residential services. People First of Ohio Executive Director Sadie Hunter adds a comment to Tami's example, "She's lived what she's talking about, and she's thought this through so that others will understand it, too."

vided information as requested, but were not part of the benchmark development process and did not cast votes on the recommendations.

The Group met monthly, November 2013 – November 2014 to examine trends and issues, conduct in-depth data analyses, and explore best practices pertaining to issues of central importance for people with disabilities. Four open forums offered opportunities for people with disabilities, families, services providers, and County Board staff to hear presentations from recognized national leaders. Topics focused on the federal Centers for

(cont. on p. 5)

SPLG Examines System (cont. from p. 4)

Medicare and Medicaid Services (CMS) rule, Work Opportunities, Community Living, and Listening to People/Family Supports. During the planning year, SPLG planning was impacted by two key events:

The federal Centers for Medicare and Medicaid Services (CMS) published new rules for Home and Community Based Services (HCBS), and Disability Rights Ohio sent key members of Governor John Kasich's administration a letter outlining a series of findings, and proposing remedial actions. After nine months of study and conversation, the SPLG generated ten-year benchmarks:

- Ten benchmarks address the experiences of people with disabilities and their families;
- Six benchmarks address service delivery; and,
- Eight benchmarks address infrastructure.

The **SPLG Final Report** offers recommendations while acknowledging that daunting challenges are ahead for the developmental disabilities services system in Ohio, and across the nation. Using the benchmarks as a guide, DODD will continue to focus on community-based services, and collaboration with the individuals, families, and other stakeholders within Ohio's developmental disabilities community. The 2016-2017 budget proposal currently being reviewed by the Ohio legislature reflects much of the guidance provided by the Strategic Planning Leadership Group, and proposes that funding be aligned with community-based services.

DODD Director John Martin acknowledged during budget testimony the anxiety that change produces for everyone involved in the system, and the opportunities that change provides to move forward in new or different ways. He said,

“Our job as leaders is to manage this change. There are a lot of decisions that will need to be made. This is a significant point in the lives of people with disabilities in Ohio.”

Organizations participating in the Strategic Planning Leadership Group

- Ohio Association of County Boards of DD
- Ohio Superintendents of County Boards of DD
- The Arc of Ohio
- People First
- The Ohio League
- Advocacy and Protective Services Inc.
- Ohio Self Determination Association
- The Autism Society, Down Syndrome Association
- Ohio Developmental Disabilities Council
- Ohio SIBS
- Ohio Waiver Network
- Values and Faith Alliance
- Ohio Provider Resource Association
- Ohio Health Care Association

Looking Ahead **Developmental Centers** *continue to have a role in* **the service system**

In February, DODD Director John Martin informed individuals, families, and staff, of the Department's intent to close Montgomery Developmental Center and Youngstown Developmental Center. The state's other eight Developmental Centers (DCs) will remain open, and will continue to serve Ohioans with developmental disabilities who have the most complex needs. Director Martin stated,

“The decision to close two DCs was not made easily, and much thought was given to selecting which centers to close. We considered the options available to individuals and their families, and to the employees at each DC.”

Director Martin's announcement noted that the Montgomery and Youngstown centers offered the most options for the individuals who live there, and for the staff who work there to transition into a new or different opportunity.

Families may choose to consider a different DC, a waiver, or a community-based ICF, and employees may choose job placement support to transition to a position in a different state-funded agency, including a different DC, and have priority status in that process, and may exercise an ERIP option among other choices.

More information at:
DODD.ohio.gov/Our Future and the Budget and Developmental Center Hotline, toll-free, 855-611-6446 (OHIO), or 614-728-5311

Budget Spotlight - More Choices for Individuals with Developmental Disabilities

Governor John Kasich's budget proposals continue to transform Ohio into a national leader in health care. Included in the historic 2016-2017 biennial budget proposed February 2, Blueprint for A New Ohio, are many areas affecting DODD and the statewide developmental disabilities community, including a historic investment in Ohio's DD service system.



Among them are:

- **Raising the Medicaid Asset Limit:** The recommendation is that the asset limit for Medicaid recipients be raised to \$2,000 from the current \$1,500. Many self advocates have requested this increase as a common sense approach to allowing them improved economic security without penalizing them for earning money.
- **Focusing on self-directed services:** Service providers will be able to continue providing Medicaid-funded HCBS waiver services if they seek employment through a home health agency, or if they provide services to a person who is using a self-directed option where the recipient is the employer of record. This includes services provided under the Self Empowered Life Funding (SELF) waiver now, and self-directed services will be added to the Individual Options (IO) and Level One waivers in the future. Read more about these changes in this [white paper from OHT](#).

To improve oversight, decrease fraud and abuse, and improve health outcomes for people, a majority of states -- along with the federal Medicare program -- allow Medicaid-funded services provided only through home health care agencies, not independent providers. Under the proposed budget, the Ohio Department of Medicaid would not take any new independent providers after July 1, 2016 -- and by July 1, 2019, only accept claims submitted through home health agencies unless they are providing services under a self-directed waiver.

DODD Director John Martin observed that the 2016-2017 budget proposal considers the needs of all Ohioans, and provides funding for initiatives designed to help people of all abilities to live, work, and learn in their communities. In state dollars, the DODD portion of the budget is increased by \$45 million in year one, and by \$102 million in year two, over FY2015 levels.

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Learn more about the budget at these links: [Our Future](#); [Policy Detail](#); [Fact Sheet](#); [Governor's website](#).

Governor Kasich's Blueprint for a New Ohio proposes historic new investments to ensure that every Ohioan with a developmental disability who wants to live and work in the community can do so.

The Executive Budget will invest \$316 million over two years to increase home and community based services (HCBS), create new options for individuals who want to leave institutions, and support community-based employment for anyone who wants to work.

- Office of Health Transformation



The Warren County Kroger Store was named an Employer of the Year

during the Governor's Office on People with Disabilities annual recognition event, Kroger stores around the state have embraced and welcomed community-based employment and training programs for people with developmental disabilities,

Budget Spotlight - More Choices! The scale of change is transformational ...

(cont. from p. 6)

He noted, “Funding for Home and Community-Based Services (waivers) goes from \$184 million (FY2015) to \$279 million (FY2017) in support of those receiving and waiting for waivers. That’s an increase of \$95 million in this area, to move forward statewide efforts to offer more choices for Ohioans with developmental disabilities -- including downsizing institutional settings, and building into the system more opportunities for community inclusion at home and at work.” He added,

“It is a historic demonstration of support, and makes a down-payment on the recommendations made by the Strategic Planning Leadership Group.”

How the Money Will Be Used – *Additional Waiver Services*

Additional waivers will increase support to people on the waiting list, or who choose to leave Intermediate Care Facilities (ICFs):

- Adding approximately 2,000 new IO waivers and 1,000 Self Empowered Life Funding (SELF) waivers to assist people on the waiting list, and those who leave an ICF.
- Adding 2,890 more IO waivers by converting the Transitions DD (TDD) waivers, thereby providing enhanced payments and day services, reducing the types of waivers from four to three, and simplifying the system.

How the Money Will Be Used – *Strengthening Waiver Services*

The budget continues to prioritize funding to reflect the growing demand for HCBS and will allow DODD to:

- Add nursing services to the IO waiver to serve people with medical needs who live in community settings.
- Increase waiver rates by 6 percent to provide for increased wages for direct care staff.
- Strengthen oversight and quality assurance efforts so the person-centered plan is delivering meaningful outcomes.
- Develop a daily rate to decrease administrative complexity.

How the Money Will Be Used – *Employment and Day Services*

The budget includes nearly \$3 million for each of the two years and will create new service models that promote community employment and integrated day services. Individuals will transition from workshops and other facility-based day settings to community-based alternatives, over an extended timeframe.

Learn more about the budget at these links: [Our Future](#); [Policy Detail](#); [Fact Sheet](#); [Governor’s website](#).

not incremental.



Shared Living affords people opportunities to live in a family home setting and experience the daily rhythms of life in the community.

Susan Neva (seated, right) lives in a family home in Mahoning County complete with caregivers, friends, dogs, and family members who visit often. Susan’s mother (seated, left) says that Ohio Shared Living services are the right choice for their family.

How the Money Will Be Used – *System Infrastructure Improvements*

Director Martin noted that statewide system infrastructure improvements have been built into the budget plans so that a foundation of excellence in service can be encouraged and supported. He stated, “We will have approximately \$8 million per year to provide training to the statewide DD services workforce to better equip them to provide community services, while

(cont. on p. 8)

Additional funds for community employment will be used for support of DODD’s partnership with Opportunities for Ohioans with Disabilities (OOD) to assist in the cost of transitioning to integrated day services and supported employment, and to inform individuals and families regarding the options available to them.

Budget Spotlight *(cont. from p. 7)*

How the Money Will Be Used – System Infrastructure Improvements covering some costs associated with system transformation efforts. Some rental assistance will be provided to support community living, strengthen employment and day service integration, and help providers transition from ICFs to waiver services.”

How the Money Will Be Used – ICF Program

Continuing the community-based services direction in the previous two budgets, DODD will continue the modernization of the ICF program, in line with the vision outlined in the ICF white paper three years ago. It includes plans for smaller facilities, conversions to waivers, and a focus on services to people with the most intense needs.

DODD will honor the choice of individuals who want to stay in ICFs, while supporting the choice of those who want to leave.

Some of the initiatives to help accomplish this include:

- Removing the grandfather clause that permits more than two people in a bedroom. A downsizing plan will be required that brings the provider into compliance within ten years. Admission will be restricted if facilities do not meet the two-persons-per-bedroom standard.
- Including a modest increase in funds to accommodate downsizing. When coupled with a flat rate for people in acuity assessment categories five and six, it provides more funds for people with high acuity.
- Contracting to redesign the ICF reimbursement system to reward quality.
- Requesting a recommendation from a County Board of DD prior to a person entering a large ICF. The County Board and DODD must determine that admission to the large ICF is the least restrictive environment for that person, while leaving the final decision to that person.
- Deeming persons in ICFs a priority on the waiver waiting list. They would receive options counseling, and be contacted by someone not affiliated with the ICF to determine their interest in community options.
- Allow funding to follow a person who chooses to leave a large ICF.

The budget introduced in February now is in the discussion process in the Ohio Legislature, and state legislators will review the full budget during the next few months. This is a thorough process which culminates in the adoption of an agreed-upon version of the budget bill by June 30. DODD respects the process and understands there may be revisions and various changes before the final bill is enacted.

DODD appreciates the Kasich Administration’s additional investments in community-based services, supporting the trend away from large, institutional settings, and workshop-based employment, and reflecting recommendations developed by the Strategic Planning Leadership Group. We understand that the budget is a complex construct with many moving parts. DODD actively will engage the statewide developmental disabilities community in reviewing and exploring the options available to the system. We look forward to working with our partners to continue the modernization process.



“ *The ache for home lives in all of us ... the safe place where we can go as we are and not be questioned.* ”



-Maya Angelou

The Future for Independent Providers

In Governor John Kasich's 2016-2017 budget proposal, a shift to an agency-only model is recommended. It is a change that would phase out independent providers, unless they are providing services under a self-directed waiver. Many are wondering –

Why is this happening? When is this happening? What will happen to those who are served by independent providers? What is the self-directed option? What will happen to my job?

Why is this happening? The shift to an agency-only model will improve oversight, fight fraud and abuse, and improve health outcomes for people served. In addition, the agency-only model is used by a majority of states, as well as the Federal Medicaid program.

When is this happening? Approval of the budget proposal will be on or before June 30. The change would occur during a three-year period to allow individuals and providers to make transitions. Key dates include:

- **July 1, 2016:** The Ohio Department of Medicaid (ODM) will not enroll any new independent providers. And, starting on this date, ODM certification will not be renewed for current independent providers when their certification expires.

- **July 1, 2019:** ODM no longer will accept claims with dates of service after this date when submitted through independent providers, except in claims noting the provision of self-directed waiver services.

What will happen to those served by Independent Providers? If a person is on the Self Empowered Life Funding (SELF) waiver, there will be no change. If a person is on an Individual Options (IO) or Level One waiver, there will be a change. DODD will add a self-directed option to the IO and Level One waivers, which will allow usage of the Employer Authority service to choose a non-agency provider. A person also may choose to receive services from an agency. Persons who are on the Transitions DD waiver will be moved to an IO waiver and then may use Employer Authority to choose a non-agency provider, or receive services from an agency.

What is the self-directed option? Under self-directed waivers, people receiving services employ their providers, therefore, the providers no longer are independent providers -- they become employees of the service recipient.

What will happen to my job? Independent providers may seek employment through an agency provider, or provide services under Employer Authority. *DODD is committed to answering your questions.*

Call our hotline at 855-611-6446 (OHIO) or 614-728-5311, and look for more information about the budget at DODD.ohio.gov/OurFuture.

Update on Disability Rights Ohio

*DODD and Disability Rights Ohio share a mutual goal for people with developmental disabilities:
More opportunities for community integration and participation.*

Last July, Disability Rights Ohio (DRO) sent a letter to Governor John Kasich, DODD Director John Martin, and other key agency partners outlining some concerns regarding the status of Ohio's developmental disabilities service system. DRO indicated a likelihood of a lawsuit if certain changes are not made to the system.

This letter, and some of its recommendations, has sparked some controversy, as some families who have family members living in a large ICF or a Developmental Center feel that those settings best meet their needs. DODD understands that the individuals served have a wide range of needs, and it is not anyone's intent to place people in settings that are not appropriate.

We plan to continue to offer a range of services that meet various needs.

Talks are underway between DODD and DRO, and all options are being considered. We believe that is the best way to reach our shared goal. The 2016-2017 budget also addresses many of the stated concerns.

Centers for Medicare and Medicaid Services Transition Plan

In January 2014, the federal Centers for Medicare and Medicaid Services (CMS) released new requirements for Home and Community Based Services (HCBS) waivers administered by states. Essentially, the rule says that federal Medicaid funds no longer may be used to pay for waiver services that are offered in an institutional setting, or settings adjacent to public institutions or other settings that have the effect of isolating people receiving HCBS.

The rule became effective March 17, 2014. Each state was required to examine its waiver system, determine if any settings existed which did not meet the new HCB settings characteristics outlined in the rule, and develop a statewide plan to ensure compliance within five years of the rule's effective date. DODD convened a CMS Transition Plan Committee comprised of stakeholders from across the DD system to review our current waiver services/rules, to identify settings that may not fully comply with the regulation, and to develop recommendations for how to bring them into compliance. We used the recommendations from the Transition Plan Committee when working with the Ohio Departments of Aging and Medicaid, and the Governor's Office of Health Transformation to draft Ohio's Transition Plan.

The next step in the process was to seek feedback from the public, including individuals and families, providers, and County Boards. Ohio accepted public comment via email, voicemail, video, U.S. Mail, and two public hearings. Many comments were submitted. This feedback was summarized and used to make changes to Ohio's plan. A complete summary of the feedback and resulting changes, as well as a copy of the plan that will be submitted to CMS, will be posted at DODD.Ohio.gov/OurFuture.

The information will be posted after the Transition Plan and related documents are submitted to CMS. Submission of the Plan must occur no later than March 17.

CMS will review the plan, and approve it or seek further clarifications and changes. The items outlined in the state's transition plan and the timing of their implementation will be based on CMS' approval. CMS has not shared information about when they will respond to states' transition plans.

We will keep you informed as we learn more about the status of Ohio's CMS Transition Plan, including approval of the plan and/or any clarifications and changes requested by CMS.

Publication Notes

Published four times annually by the Ohio Department of Developmental Disabilities (DODD) Division of Legislative Affairs & Communications, *Pipeline Quarterly* focuses on people and topics of interest to the statewide developmental disabilities community, and supports the Administration's core concepts and philosophy.

We thank all who have allowed us to work with them to prepare this issue, and who have contributed to its development.

Reader ideas, comments, and feedback are always welcomed. Please submit ideas and feedback to Editor Sherry Steinman, sherry.steinman@dodd.ohio.gov, or call 614-644-0262.

Pipeline Quarterly and the twice-monthly *Pipeline* publications are archived online at www.dodd.ohio.gov/pipeline/.

The Mission of the Ohio Department of Developmental Disabilities

is continuous improvement of the quality of life for Ohio's citizens with developmental disabilities and their families.



Department of
Developmental Disabilities