

The Future of County Boards of DD as Providers October 1, 2015



How did we get here?

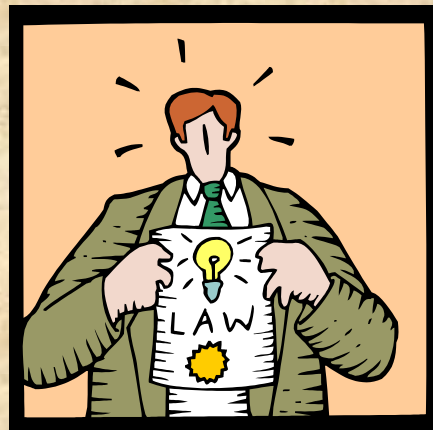
- ✓ HCBS (Home & Community Based Services) rules
- ✓ Olmstead and the DOJ (Department of Justice)
- ✓ SSA (Service & Support Administration) function
- ✓ Conflict Free Case Management



CMS (CENTER FOR MEDICARE/MEDICAID SERVICES)

UPDATED THE HCBS RULES...

- ~ Published January 16, 2014
- ~ Effective March 17, 2014



Wherever you see this on a slide, it means the language is taken directly taken from CMS's presentations on the new rules.



CMS SAYS THE INTENT OF THIS RULE IS:

To ensure that individuals have full access to benefits of community living and the opportunity to receive services in the most integrated setting appropriate



WHY NOW??



This rule aligns Medicaid funding for HCBS with the intent of the Olmsted Decision and is in line with many recent Department of Justice enforcement actions.

OLMSTEAD LITIGATION (1999)

The Supreme Court found that the civil rights of persons with disabilities were violated by unnecessary segregation in a wide variety of non-residential settings, including in segregated employment, vocational, and d programs.



OLMSTEAD MANDATES THAT INDIVIDUALS
BE GIVEN THE OPPORTUNITY FOR
MEANINGFUL COMMUNITY INTEGRATION
IN ALL AREAS OF LIFE, NOT JUST WHERE
THEY LIVE. THIS MANDATE MUST BE
FULFILLED REGARDLESS OF SEVERITY OF
DISABILITY.

SUMMARY OF FINDINGS (DOJ):

The Department of Justice has concluded that States have failed to provide employment, vocational, and day services in the most integrated setting appropriate to meet the needs of individuals, in violation of the ADA.

SUMMARY OF FINDINGS (DOJ):

- The DOJ further found that most individuals with developmental disabilities receiving employment, vocational, and day services remain unnecessarily – and often indefinitely – confined to facility-based settings or at risk of unnecessarily entering segregated sheltered workshops and facility-based day programs.

SSA FUNCTION

PERSON-CENTERED PLANNING

Written plan reflects



- Setting is chosen by the individual and is integrated in, and supports full access to the greater community
- Opportunities to seek employment and work in competitive integrated settings
- Opportunity to engage in community life, control personal resources, and receive services in the community to the same degree of access as individuals not Medicaid HCBS

CONFLICT OF INTEREST

42CFR441.301(c)(1)(v) and (vi)

Providers of HCBS for the individual, or those who have an interest in or are employed by a provider of HCBS for the individual must not provide case management or develop the person-centered service plan



OUTCOMES FOR OHIO'S DEVELOPMENTAL DISABILITY SYSTEM:

1. Counties will have until 2024 to no longer be providers of waiver services.
2. However, by 2020 county boards may not provide more than 30% of waiver services in the aggregate.
3. County boards may not provide services to new waiver recipients after July 1st of this year.

What do we do now?

- ✓ Will my family member have to leave the workshop he or she loves?
- ✓ My family member has more significant needs. Will he or she have to be in the community all the time?
- ✓ Is the workshop going to close?
- ✓ Not everyone can work. What happens then?



First steps toward local system change

- Education
- Information
- Transparency
- Balance/manage the flow of information
- Bring in outside sources to repeat the message
- Information from other sources

    Solidifies the  the 
    message.  

First steps toward local system change: Education

Kick-Off Meetings

- “Employment First” and “Community Integration” Information Sessions: Presented by OACBDD.
- Champaign County’s was held on February 18, 2014 with over 50 family members, advocates, staff, and providers in attendance.
- Shelby County’s was held on June 3, 2014 with over 60 in attendance.

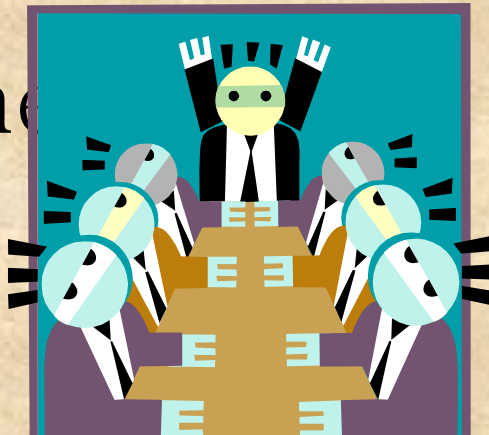
Ongoing Monthly Meetings

- Conversations continue with families, guardians, advocates, providers, and staff to gather input and craft changes in our system together.



Board Education

- County Boards and Non-Profit Boards
- Information continually shared monthly at each Board meeting
- Commissioners



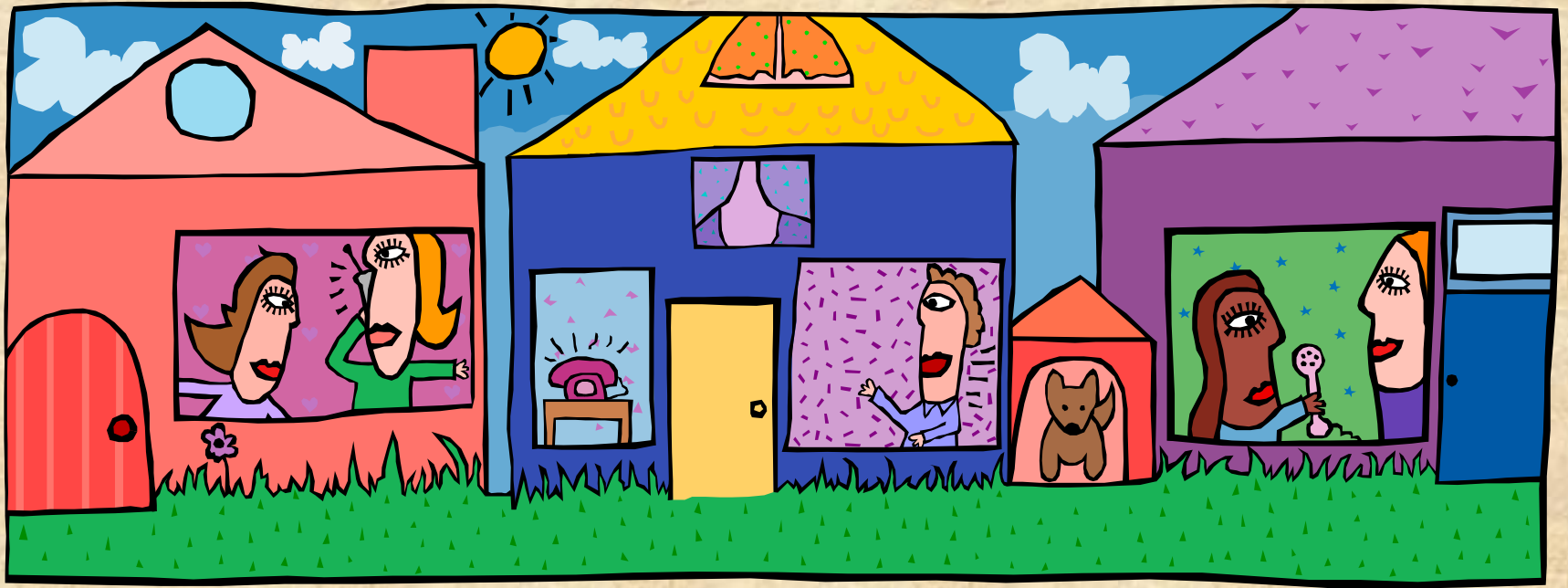
Information for Staff

- Staff are empowered to be creative
- It's OK to try things that don't work
- Dust yourself off and try again
- Go forth and do good stuff with people with developmental
- Meet with staff continually to talk about where we are, thoughts, fears, etc.



Questions And Discussion





Community
Involvement:
What an opportunity!

The
future is
becoming



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