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March 26, 2015

SENT VIA US MAIL AND ELECTRONIC MAIL

Mr. Greg Moody, Director
Governor's Office of Health Transformation
77 South High Street, 30th Floor
Columbus, OH 43215

Mr. John L. Martin, Director
Ohio Department of Developmental Disabilities
30 E. Broad Street, 12th Floor
Columbus, OH 43215-3434

Dear Directors Moody and Martin:

Thank you for agreeing to speak with us on March 10, 2015. As we discussed, the proposed initiatives contained in the FY 2016-17 Executive Budget represent an important first step towards enabling people with developmental disabilities to access opportunities to live, work, and spend their days in integrated settings in their communities. Nevertheless, much work remains to create a system that complies with the Americans with Disabilities Act and the Supreme Court's decision in *Olmstead v. L.C.*, 527 U.S. 581 (1999).

During our call, you proposed focusing future discussions on what could be accomplished during the present administration. While we continue to believe that a longer term commitment is necessary, we are willing at this time to consider working together to reach an enforceable agreement covering the next four years. Such an agreement could benefit the State in a number of ways: forestalling costly and time-consuming litigation, mobilizing support for the State's rebalancing initiatives, and providing leverage needed to secure proposed appropriations. However, time is of the essence if these goals are to be achieved.

The budget is currently under attack from multiple constituencies, placing many critical elements of the State's plan in jeopardy. Without the complete package of reforms laid out in the proposed budget, there would be no foundation for a future agreement and no alternative for class members but to pursue their claims in court.

Consequently, we propose an immediate resumption of negotiations. It is critical that work begin now while the budget proposal is still intact and with time to ensure these important first steps remain and with time to arrive at a comprehensive, written agreement by the time the budget concludes. To be clear, for a four-year agreement to be successful, it must lay the groundwork for ongoing systems change in both residential services and employment/day services. This includes several key items:

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- A plan for providing integrated employment and day services to current residents of ICFs and developmental centers, as well as those who transition to the community with waiver services.
- A financial commitment to continue expansion of community-based services, including new state-funded waiver slots, to ensure individuals in ICFs or at risk of institutionalization can be served through integrated services in the community. The state must cement adequate state-funded home and community-based waiver services as a model for the future.
- Systemic strategies to divert individuals from unnecessary ICF admissions and reduce reliance on institutional levels of care.
- Home and community-based waivers which provide an array of specialized services including nursing, behavioral supports, crisis services, supported housing and transportation. These services are required to transition individuals with a range of complex needs and to ensure their meaningful community integration.
- A comprehensive outreach and education effort for individuals and families who are currently utilizing the ICF service model so that they fully understand the benefits and opportunities of integrated community options. This outreach must be more than a brochure; it should include facilitated access to community programs and the involvement of peers and families with lived experience.
- The development of sufficient capacity of qualified providers for integrated service provision, including a statewide core competency-based and value-based training program for all service providers and public agency staff to manage and facilitate the transition from institutional to integrated service delivery.

We reiterate our desire to work collaboratively with you. I would appreciate it if you would contact me by April 7, 2015 to advise us of your willingness to work together to build on the budget proposal's important first steps and engage in negotiations that will produce a four-year enforceable agreement that addresses these key issues.

Respectfully,



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