

State Rep Report for VOR - State of Ohio

Ohioans have been engaged in fighting a class action lawsuit brought by our Protection and Advocacy Agency that attacks ICFs and sheltered workshops. The intervention of ICF families into the lawsuit has had a positive impact allowing the judge to understand the diverse interests at stake, both those of individuals seeking community services and those seeking ICF services. The judge recognized that over the course of an individual's life, he or she may benefit from both community services and ICF services as needs and circumstances change. By attempting to remove an essential care option, as the Protection & Advocacy Agency seeks to do, it is infringing upon the rights of individuals with disabilities to adapt to their changing needs. The resulting class that was certified was extremely narrow in scope. Parties are engaged at present in seeking settlement of the claims, including claims DD families filed against the State of Ohio and County Boards for failure to inform individuals and their families of the ICF choice when they seek care options.

Additionally, DD families have been working to pass legislation that will require families to be informed of all service options when they seek services from their local Medicaid administrators, the County Boards of DD. Such legislation would bring Ohio into compliance with federal law that requires service information to be offered to Medicaid applicants when they inquire about services; requires free choice of provider; and requires choice to be offered between ICF and community services.

An amendment was introduced that would require a biennial review of the Protection & Advocacy agency in Ohio. Ohioans are hopeful this amendment will pass. The Protection & Advocacy agency is lobbying against it.

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