

OHIO STATE REPORT

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In July 2014 Ohio's Protection and Advocacy agency, Disability Rights Ohio (DRO), threatened to sue the state of Ohio over its Intermediate Care Facility (ICF) program. Sheltered workshops and facility-based day programs were also threatened under the State's interpretation of new CMS rules and comments coming from DRO.

Instead of fighting back, the Kasich administration tried to appease DRO by putting increased regulation on ICFs in legislation that would have shut the ICF program down in a couple of years.

Family members understood what was happening and fought back. We started an family advocacy group in Ohio, Disability Advocacy Alliance, through the help of VOR..

Our advocacy was highly effective and VOR played a big part in that. Lawmakers overwhelmingly supported our positions on ICFs, sheltered workshops and facility-based day programs.

We organized hundreds of people to testify in the state legislature, met with representatives, sent letters and made phone calls to lawmakers. Lawmakers had never seen this kind of advocacy from families before in Ohio.

But the numbers of contacts were not the only thing that swayed lawmakers. Other factors included:

- We were knowledgeable about the legislation and the effects of it on ICFs.
- We were knowledgeable about the new CMS regulations and its effects on sheltered workshops and facility based day programs.
- We were knowledgeable about the true meaning of the ADA and the Olmstead decision.
- Our personal stories were heartwarming and real and touched the hearts of legislators.
- Advocates comported themselves well.
- We were well organized.

Our efforts led to the Kasich administration removing the most harmful policies out of legislation.

We had won the battle, but the war was not over.

On March 31st, DRO filed a class action lawsuit in federal court against Ohio's ICF program. In the suit, DRO also attack sheltered workshops and facility-based day programs asserting that once in an ICF, these are the only work/day options for residents.

Parents, guardians and family members of individuals needing and choosing higher levels of care are sending letters to the Kasich administration requesting separate and independent representation to protect the interests of our loved ones in this lawsuit.

States are required under the DD Act to provide legal representation through their Protection and Advocacy systems to all individuals with disabilities accessing services. Ohio's P & A, DRO, only protects the interests of individuals who choose community settings.

As such, we believe DRO has a clear conflict of interest in this case. We assert that DRO is pursuing policies that are antagonistic to a large group of individuals who are being swept into the suit's class action against their will.

With our own legal representation, family members hope to intervene in the lawsuit and defeat the certification of the class.

Other items we are working on in the state include:

- Lobbying for a pay raise for Direct Care Professions in ICFs. Ohio gave a pay raise to Direct Care Professionals in community settings last July. We assert that employees of ICFs deserve a commensurate raise.
- Require the state to track the outcomes of individuals who are moved into community settings from ICFs through state downsizing efforts. Such a requirement was just put in place for state institutions and we are working to expand this to private ICFs.
- Watching issues affecting guardianship.