

Ohio: House Panel Hears Opposition To Developmental Disabilities Budget Proposals

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Developmentally disabled Ohioans, their families and those who care for them voiced opposition Tuesday to budget provisions aimed at transitioning residents from institutional settings to community and home-based programs.

Among the 64 witnesses that were scheduled to testify before the House Finance Health and Human Services Subcommittee, most spoke to the Department of Developmental Disabilities executive budget proposal and, in particular, to Intermediate Care Facility requirements that would limit the number of residents per room and restructure reimbursement and funding rates.

DODD Director John Martin has said that while it's important for the agency to provide more waivers for those who would prefer to live and work in a community or home-based setting instead of an ICF, the budget proposals are the result of Centers for Medicare and Medicaid rule changes.

The recommendations have also been made to appease Disability Rights Ohio [Protection & Advocacy], which threatened to sue the agency if it didn't move more quickly with plans to transition individuals out of institutionalized or segregated settings, he said during recent budget testimony.

While the budget proposals are geared toward improving community and workplace settings for disabled individuals, witnesses wearing badges saying "Intermediate Care Facilities and Workshops are Community" largely said residents prefer the ICF setting and would be devastated if they were required to move as a result of the required downsizing.

"I must start by sharing that I believe if someone wants the opportunity to move to a different home or to find a different job, they absolutely should be given that opportunity," Boyd's Kinsman Home Assistant Administrator Sherry Rinck said. "However, others who want to stay where they currently live or continue working where they currently work, should absolutely be given the same consideration, opportunity, and choice."

Her 45-resident ICF has considered options for meeting the requirements put forth in the budget and found that doing so would put the facility in a financial deficit and residents wouldn't see an improved quality of life, she said. "We're not trying to be defiant; we just know that we cannot move forward with this."

Boyd's Kinsman Home Chief Financial Officer Shelly Ford estimated that the center would lose about \$430,000 in the first year of downsizing, in part because of a lower number of residents and decreased funding for residents who have higher acuities.

Ms. Rinck told the panel that it's "insulting" that anyone would think that Boyd's residents were forced to choose living there because there weren't any other options available to them.

A number of residents at the ICF and their families testified that they love the facility and would refuse to accept an alternative living option even though it's inevitable that the proposed requirements would reduce the number of available beds.

In response to a question from Rep. Nickie Antonio (D-Lakewood), Ms. Rinck said she believes the number of people on various service waiting lists because families are often told that they can't be removed from them even though they've chosen a different option.

Rep. Barbara Sears (R-Sylvania) acknowledged that she has reservations about reducing funding for ICFs and workshops while restricting the number of people that can be admitted to the facilities because it takes away the choice of someone who would thrive there as opposed to in a community-based setting.

"I'm not sure I'm comfortable with it," she said.

Michelle Pierce-Mobley, Director of Stillwater Center, which is a 98-bed ICF funded by Montgomery County, said the DODD requirements not only will push out some residents who don't want to or can't live in a facility defined as more integrated in the community, but also fails to address the health needs of certain residents.

"For those of us who have to interface with the local healthcare community, we are faced with limited providers of services not just because of the individual's Medicaid status, but because of their unique presentation," she said.

"Many of the individuals we serve are not compliant when having to receive services. Many times services can only be rendered when the individual is sedated and accompanied by another caregiver. In an organization which employs over 60 direct care providers over a 24-hour period, the ability to escort individuals being transported to the hospital or serve as a sitter when there is an admission are viable options. In an eight-bed home, these options do not seem viable."

A handful of opponents to the DODD proposals also testified in reference to the decreased funding for sheltered workshops in an effort to phase them out of compliance with CMS rules.

Although a familiar sentiment shared by budget detractors was "if it's not broke, don't fix it," Advocacy & Protective Services representative Karla Rinto said the transitions the state is proposing are consistent with national developmental disabilities trends.

Ohio is among the states with the largest number of ICF beds in the country, leaving it vulnerable to the legal challenge that's been proposed by DRO, she said. Through the budget, the state has the ability to take the reins of the systems' transformation before changes are required by the federal government or the court.

"We know there are many family members who have expressed concern about these changes. APSI believes that once family members understand the various, existing community options available for their loved ones and that this budget increases the number and types of options available to their loved ones; family members will welcome these changes as improvements to their lives as well as their loved ones," Ms. Rinto said.

She added that lawmakers should take into consideration that ICFs will not be outlawed under the new model and will still be an option, but rather they will be smaller and more community-focused.

The Center for Community Solutions has spent the last six months researching the state's developmental disabilities system and is in favor of the proposed changes.

However, the center's public policy and advocacy director, Jon Honeck, told lawmakers during interested party testimony that there are some barriers to a successful transition.

Offering a number of suggestions based off the center's research, he said additional housing supports are necessary to fully support community integration and improvements are needed in the areas of Medicaid waiver services and the Employment First initiative.

He said the Cleveland-based center will publish its research findings in the coming weeks.