

Volume 1
November 2014



New Directions

Information about changes at the Medina County Board of Developmental Disabilities

Why are we moving in
a new direction?

OLMSTEAD DECISION

- Supreme Court Decision made in 1991
- The decision stated that Community Services will be delivered to all that want it
- This decision included individuals with developmental disabilities, mental illness, and those within the aging population

Americans with Disabilities Act (ADA)

- In 1999, the Supreme Court upheld the Olmstead Decision and stated that “unjustified segregation of person with disabilities constitutes discrimination”
- The Court stated that public entities must provide community-based services to persons with disabilities when:
 1. Such services are appropriate
 2. Affected persons do not oppose community-based treatment, and
 3. Community-based services can be reasonably accommodated

Employment First

The Employment First Initiative is a NATIONAL INITIATIVE that states, “Community Employment is the preferred option FOR ALL!”

- Transition planning in High School must include:
 - 1) Vocational Experience
 - 2) Community Integration
- Included a partnership between County Boards and Opportunities for Ohioans (OOD) where the OOD counselor visits sheltered workshops to place enrollees into Community Employment

Workforce Innovation and Opportunities Act

- President Obama signed this into law last year
- This act included all individuals with disabilities 24 years old and younger
- Anyone 24 years old or younger will not be transitioned into a sheltered workshop or be paid less than the federal minimum wage
- One exclusion clause: “unless all possibilities have been exhausted”

Disability Rights Ohio (DRO)

(used to be know as Ohio Legal Rights)

DRO sent a letter to the Director of the Dept. of Developmental Disabilities (DODD) and two other Directors, threatening legal action by the Dept. of Justice, if Ohio does not comply with desegregating all services, including:

- **Intermediate Care Facilities** (used to be known as ICF/MR's, now known as ICF/IDD's)
- **Developmental Centers**
- **County Boards**
- **Sheltered Workshops**
- **Campus-like Settings**

Director Martin (DODD) sent a letter back to DRO stating that the plan for Ohio to de-segregate has begun, but will take 10 years to complete.

DRO responded that a 10 year plan was not soon enough to prevent further legal action.

CONFLICT-FREE CASE MANAGEMENT

(known as Service and Support Administration (SSA) in Ohio)

Centers for Medicaid and Medicare Services (CMS)

- Per CMS Waiver (Medicaid) regulations, provider agencies (such as County Boards) can not provide **provider** services and Case Management (SSA) services at the same time
- In the past 5 years, Ohio has used what has been known as the “Firewalls Document”, which had previously been accepted by CMS, to assure a conflict-free environment
- Recently, CMS has told Ohio that the “Firewalls Document” is no longer valid and that Service Providers **CAN NOT** be the ones who also provide Case Management and writes the Individual Service Plan (ISP)

CENTERS FOR MEDICAID AND MEDICARE SERVICES (CMS)

- In February, 2014, CMS redefined COMMUNITY and stated:
- Services need to be in the Community
- All aspects of life should be in the Community

CMS New Definition of “COMMUNITY”

- The setting is integrated in and supports full access to the greater community;
- Is selected by the individual from among setting options;
- Ensures individual rights of privacy, dignity and respect, and freedom from coercion and restraint;
- Optimizes autonomy and independence in making life choices; and

CMS New Definition of

“COMMUNITY”

(cont.)

- Facilitates choice regarding services and who provides them.
- The final rule also includes additional requirements for provider-owned or controlled homes and community-based residential settings. These requirements include:
 - The individual has a lease or other legally enforceable agreement providing similar protections;
 - The individual has privacy in their unit including lockable doors, choice of roommates and freedom to furnish or decorate the unit;

CMS New Definition of “COMMUNITY”

(cont.)

- The individual controls his/her own schedule including access to food at any time;
- The individual can have visitors at any time; and
- The setting is physically accessible.

SO, WHAT DOES THE
FUTURE HOLD FOR
US?????