



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

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JAMES W. STEWART, III  
COMMISSIONER

### MEMORANDUM

**TO:** CSB ID Directors

**FROM:** Heidi Dix, Assistant Commissioner

**RE:** DOJ Settlement Agreement Information and Update #1

**DATE:** March 19, 2012

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As you are aware, on January 26, 2012, Governor McDonnell announced that he had signed a settlement agreement with the US Department of Justice to conclude almost a year of negotiations. You can access the settlement and/or fact sheets about the settlement on our website at [www.dbhds.virginia.gov/settlement.htm](http://www.dbhds.virginia.gov/settlement.htm).

This memorandum is intended to address several questions that have been raised by various stakeholders as a result of reviewing the settlement agreement. We are excited about the investment that this agreement will make in our community-based system of services and we look forward to working with many stakeholders to implement the many changes required by the agreement. Other questions will arise as we continue to work through the agreement and there will be the opportunity for collaborative efforts throughout the process.

Our goal is to communicate often to ensure there is a consistent understanding of how we are moving ahead. Should you have additional questions or concerns, please feel free to contact the individuals identified below at any time for technical assistance.

#### Frequently Asked Questions:

#### ***How will DBHDS communicate with training center families, employees, and community stakeholders?***

DBHDS has held and will be holding several meetings over the next few months to discuss the terms of the settlement agreement, receive feedback, and answer questions.

We are in the process of completing meetings with all training center employees on all shifts affected by the proposed closures.

We are also meeting with family members of those individuals that live at the training centers to discuss the agreement. We will be meeting with each Region's CSB Executive Directors and ID Directors in March and April. We are in the process of planning meetings with community providers, TACIDD and self-advocates for April and May. We will share information about the dates, times, and locations of these meetings within the next few weeks. We intend to establish multiple mechanisms for stakeholder input as we move forward over the coming months and years. More guidance will be forthcoming on this topic this spring. In addition, DBHDS will continue to update and expand its webpage, [www.dbhds.virginia.gov/settlement.htm](http://www.dbhds.virginia.gov/settlement.htm) as more information becomes available so that interested parties can access information at any time.

***What is the Target Population of the Settlement Agreement?***

The Target Population is defined in the Settlement Agreement as individuals with ID/DD who meet any of the following criteria:

- a. Are currently residing at any of the Training Centers;
- b. Who (i) meet the criteria for the wait list for the ID waiver or (ii) meet the criteria for the wait list for the DD waiver; or
- c. Currently reside in a nursing facility or ICF.

Individuals who fall into categories (a) through (c) will remain in the target population for the duration of the agreement, regardless of the setting they may move to or whether they obtain a waiver slot.

To the extent children meet any of the above criteria; they would be included in the target population. Virginia cannot exclude individuals from the target population because they have co-occurring mental illness, TBI, or other neurological conditions or forensic involvement.

***How will waiver slots created by the Settlement Agreement be distributed?***

The Settlement Agreement establishes a set number of slots to be created each fiscal year. The 805 slots for Training Center residents will be managed by Central Office in partnership with training center leadership and will be distributed based on the annual schedule in the Agreement.

The 2,915 community ID waiver slots will be assigned and distributed on an annual basis using standard Office of Developmental Services procedures. The 450 IFDDS waiver slots will be distributed on an annual basis using standard DMAS procedures.

There are slots prioritized each year in FY13, FY14, and FY15 in both the ID and IFDDS waiver for children under 22 years of age transitioning from nursing facilities and large ICFs. DBHDS and DMAS will be developing guidance about how these slots will be distributed.

***How will the individual and family supports program be operated and funds distributed?***

The individual and family supports program is a state general fund program intended to provide minimal supports to individuals and families who are on the wait list for ID and DD waiver slots and do not have access to other supports through EPSDT or the EDCD waiver. The program could provide, depending on the final budget approved by the General Assembly, up to \$3000 in annual support to families. Individuals and/or families would be required to apply for the support on an annual basis with assistance from their case manager. DBHDS (and DMAS where applicable) would review and approve the applications and funding amounts. DBHDS will be the lead in developing and implementing this program, which is slated to begin during FY13. We will be working with stakeholders to develop this program. More information about the program and opportunities to participate in its development will be forthcoming.

***Does the Settlement Agreement prohibit individuals from residing in congregate settings with five or more beds?***

The Settlement Agreement does not prohibit individuals from residing in congregate settings with five or more beds now or in the future. Congregate settings of five or more beds are permissible, including community ICFs and group homes, as long as individuals in the target population have been provided with community living options available to meet their support needs and have made an informed choice.

The Agreement establishes a structure for Community Resource Consultants or Community Integration Managers to review placements in congregate settings of five or more individuals in consultation, in some cases, with Regional Support Teams (defined below). The review is intended to examine whether an individual in the target population and their authorized representative/guardian was given an informed choice of community placement options. DBHDS will be working with CSBs over the next few months to develop the CRC-CIM-Regional Support Team structure. We will issue guidelines for how Regional Support Teams will operate. The structure is intended to complement existing Regional ID and Admissions Management Committee infrastructures.

## **CSB ID Directors**

### **Page 4**

- Community Resource Consultants are DBHDS employees that provide technical support, training, and assistance regarding Medicaid waiver programs and other community services to community providers (both private and CSB);
- Community Integration Managers are DBHDS employees that provide technical support, training, and assistance to Training Center staff and families regarding the Training Center discharge process; and
- Regional Support Teams are entities established to assist families, CSB case managers, Community Resource Consultants, and Community Integration Managers in identifying regional support options for individuals that may be difficult to support.

### ***What are the Settlement Agreement expectations for case management?***

The Settlement Agreement has several requirements related to case management. The primary requirement is: within 12 months of the effective date of the Agreement, case managers shall meet face-to-face at least every 30 days with individuals who fall into one of the following categories:

1. Receive services from providers having conditional or provisional licenses;
2. Have more intensive behavioral or medical needs as defined by the Supports Intensity Scale category representing the highest level of risk to individuals;
3. Have an interruption of service greater than 30 days;
4. Encounter the crisis system for a serious crisis or multiple less serious crises within a three month period;
5. Have transitioned from a training center within the previous 12 months; or
6. Reside in congregate settings of 5 or more individuals.

At least one visit every two months to individuals who fall into one of the categories described above must be in the individual's place of residence.

DBHDS, in collaboration with DMAS, will be gathering input from CSB case managers and DD case managers to develop definitions, guidelines, and/or CSB Performance Contract modifications regarding these requirements over the next several months. Discussion about case management and the new expectations related to the Agreement are an essential part of implementation. There are also requirements related to gathering data regarding case management visits and case management training that must be implemented. DBHDS will be working with stakeholders and DMAS to gather input regarding these areas and ensure information about these requirements and expectations for implementation are clearly communicated.

***How will the discharge process at training centers work and what role will CSB case managers play in this process?***

Every individual residing at a training center must have a discharge plan by July 1, 2012. The discharge plan will be developed through the current Personal Support Team (PST) process currently used by all training centers for annual meetings. CSB case managers, along with the individual and his authorized representative, are expected to participate in these meetings and every effort will be made to ensure this participation.

The discharge plan must outline the next steps, and timeframes, in moving an individual toward discharge in a person-centered and safe manner. It does not require identification of a specific community placement by July 1. Training center staff will work closely with CSB case managers and community providers to ensure that all discharge plans are developed with: (1) the individual and authorized representative as a participant; (2) the unique individual support needs and preferences identified; (3) clear discussions of current, viable community options for placement based on those support needs and preferences; and (4) appropriate transition planning to ensure safe transition to the community and ongoing support and monitoring.

More detailed information about how the training center discharge process will work and an updated Admissions and Discharge Protocol will be the subject of a future update in April.

***How will Virginia ensure community providers are adequately trained to support individuals with complex medical and behavioral needs?***

Virginia is required by the Settlement Agreement to implement a statewide core competency-based training curriculum for all staff who provide services under the Agreement. DBHDS is currently working to develop this curriculum and plan for its implementation. Information about the training curriculum and how training will be made available to community providers will be shared with stakeholders in the future.

As individuals transition from training centers to the community, training center and CSB case managers will work closely with community providers to ensure that community provider staff receive complete information on specific support needs of the individual who is transitioning.

***What will happen to the training center-operated Regional Community Support Centers when the training centers close?***

Regional Community Support Centers are located at each training center in Virginia and provide dental services, behavioral consultation, general medical care, and other services to individuals who reside in the community and do not have access to medical professionals in their home community. This important safety net must continue to operate after four of Virginia's training centers close. DBHDS will present a proposal in FY13 on how to transition this important function to a community-based operation in all five Regions. The proposal will be developed in consultation with training center staff that operates the current Regional Community Support Centers, CSBs, and private providers who will be assisting individuals in accessing these services.

***How can we connect with training center employees who could provide support to individuals in our communities as the training centers downsize and close?***

DBHDS will be reaching out to community providers over the coming months to discuss how we can leverage the enormous talent and skills of the professionals who now work at our training centers. These highly trained individuals would be an asset to many community providers serving individuals with ID and DD and we hope to collaborate with our community partners to determine how we can match training center employees to jobs as we downsize. In addition, DBHDS is working to assist training center employees who wish to become community providers in how to own and operate their own business and become a licensed provider.

***Why will Southeastern Virginia Training Center (SEVTC) remain open? What role will SEVTC have in serving the most severely disabled?***

SEVTC received funds for a completely new residential campus with a maximum capacity of 75 individuals by the General Assembly in 2009. That re-build is almost complete and cost the Commonwealth \$25M. With such a recent investment in a new facility and all of the efficiencies associated with new construction, it was determined that it was wiser to continue with this facility throughout the DOJ settlement period. However, SEVTC must comply with all requirements of the settlement agreement related to the target population they serve, including the discharge requirements. A statewide admissions process will be developed over time to address the changing role of SEVTC as the only training center in Virginia.

***How will the START program support individuals transitioning out of training centers as well as those in the community?***

START is the Systemic, Therapeutic, Assessment, Respite, and Treatment model for crisis intervention and stabilization for individuals with ID and DD. START has been implemented in several states and localities and the decision has been made to implement this model in Virginia.

START programs are under development in each region of the Commonwealth and will serve individuals with ID and DD who are in crisis and require either in-home support and assistance or crisis stabilization.

During the discharge planning process, an individual’s Personal Support Team (PST) will determine if a crisis support plan is required for the individual and connect that individual with the START program in their region to develop a crisis support plan. Making this connection and developing a plan will ensure that individuals who are transitioning have a relationship, not just with their CSB case manager, but also with a START coordinator who understands how best to support the individual to prevent crises and assist when they are in crisis. The provider or family providing supports to the individual will know who to contact on a 24 hour basis to receive support and assistance when the individual is in crisis.

***Who can I contact at DBHDS regarding questions or technical assistance related to implementation of the Settlement Agreement?***

The Settlement Agreement will be implemented over a ten year period. There are many elements that will require implementation during the next several years. Should you have questions or require technical assistance at any time with any aspect of the Settlement Agreement or related topics, please use the chart below to contact a DBHDS or DMAS staff member.

<b>Topic Area</b>	<b>Contact Information</b>
Training center closures and planning, future land use, case management, provider training curriculum, Regional Community Support Centers, Independent Reviewer	Heidi Dix Assistant Commissioner Division of Developmental Services 804.786.3921 <a href="mailto:Heidi.dix@dbhds.virginia.gov">Heidi.dix@dbhds.virginia.gov</a>
ID waiver slot distribution, individual/family supports program, National Core Indicators	Lee Price Director Office of Developmental Services, DBHDS 804.786.5850 <a href="mailto:Lee.price@dbhds.virginia.gov">Lee.price@dbhds.virginia.gov</a>
ID Waiver prior authorization	Cynthia Smith Community Resource Manager Waiver Preauthorization DBHDS <a href="mailto:Cynthia.smith@dbhds.virginia.gov">Cynthia.smith@dbhds.virginia.gov</a> 804.786.0946

<p>ID and Day Support Waiver Regulations, Policies, and Technical Assistance, ID Waiver and Day Support Waiver Renewal</p>	<p>Dawn Traver Community Resource Manager Waiver Policy and Regulations DBHDS <a href="mailto:Dawn.traver@dbhds.virginia.gov">Dawn.traver@dbhds.virginia.gov</a> 757.253.4316</p>
<p>DD Waiver Renewal</p>	<p>Helen Leonard Management Lead Division of Long-Term Care DMAS 804.786.2153 <a href="mailto:Helen.leonard@dmas.virginia.gov">Helen.leonard@dmas.virginia.gov</a></p>
<p>DD Waiver Regulations &amp; Policies</p>	<p>Nichole Martin Program Manager Division of Long-Term Care DMAS 804.371.5016 <a href="mailto:Nichole.martin@dmas.virginia.gov">Nichole.martin@dmas.virginia.gov</a></p>
<p>DD Waiver Slot Distribution, DD Waiver Changes, Communications with DD Waiver Case Managers</p>	<p>Sam Piñero Program Manager-DD Division of Long-Term Care DMAS 804.786.2149 <a href="mailto:Sam.pinero@dmas.virginia.gov">Sam.pinero@dmas.virginia.gov</a></p>
<p>IDOLS and Supports Intensity Scale (SIS)</p>	<p>Cheri Stierer, Ph.D. Community Resource Manager –Data and Quality Improvement Office of Developmental Services DBHDS <a href="mailto:Cheri.stierer@dbhds.virginia.gov">Cheri.stierer@dbhds.virginia.gov</a> 804.786.0803</p>
<p>Crisis services and crisis stabilization (START)</p>	<p>Bob Villa START Coordinator Office of Developmental Services DBHDS <a href="mailto:Bob.villa@dbhds.virginia.gov">Bob.villa@dbhds.virginia.gov</a> 804.371.4696</p>

Supported Employment and Integrated Day Activities	Adam Sass Employment Coordinator DBHDS <a href="mailto:Adam.sass@dbhds.virginia.gov">Adam.sass@dbhds.virginia.gov</a> 804.786.1203
Community Living Options and Housing Opportunities	Eric Leabough Housing Coordinator DBHDS <a href="mailto:Eric.leabough@dbhds.virginia.gov">Eric.leabough@dbhds.virginia.gov</a> 804.786.1393
Autism services and developmental disabilities, technical assistance, and training	Cindy Gwinn Community Resource Manager Autism Spectrum Disorders DBHDS <a href="mailto:Cindy.gwinn@dbhds.virginia.gov">Cindy.gwinn@dbhds.virginia.gov</a> 804.371.2887
Training center discharges, Regional Support Teams, Community Integration Managers, Post-Move Monitoring	Jae Benz Director Training Center Discharges and Community Integration DBHDS <a href="mailto:Jae.benz@dbhds.virginia.gov">Jae.benz@dbhds.virginia.gov</a> 804.371.5384  <u>Community Integration Managers:</u>  <b>Southside Virginia Training Center</b> Debra A. Smith <a href="mailto:Debbie.smith@dbhds.virginia.gov">Debbie.smith@dbhds.virginia.gov</a> 804.524.7897  <b>Northern Virginia Training Center</b> Kelly Rinehimer <a href="mailto:kelly.rinehimer@dbhds.virginia.gov">kelly.rinehimer@dbhds.virginia.gov</a> 703.323.4049  <b>Southeastern Virginia Training Center</b> Sarah K. Stansberry, M.S. Ed. <a href="mailto:Sarah.stansberry@dbhds.virginia.gov">Sarah.stansberry@dbhds.virginia.gov</a>

	<p>757.424.8515</p> <p><b>Central Virginia Training Center</b> Under recruitment</p> <p><b>Southwestern Virginia Training Center</b> Under recruitment</p>
<p>PCP and PCT, Community Resource Consultants, ID and Day Support Waiver Technical Assistance</p>	<p>Gail Rheinheimer Community Resource Manager Training and Technical Assistance DBHDS <a href="mailto:Gail.rheinheimer@dbhds.virginia.gov">Gail.rheinheimer@dbhds.virginia.gov</a> 540.981.0697</p> <p><u>Community Resource Consultants:</u></p> <p><b>Region I</b> Eric Williams <a href="mailto:Eric.williams@dbhds.virginia.gov">Eric.williams@dbhds.virginia.gov</a> 540.375.4248</p> <p>Kathy Witt <a href="mailto:Kathy.witt@dbhds.virginia.gov">Kathy.witt@dbhds.virginia.gov</a> 804.461.0299</p> <p><b>Region II</b> Barry Seaver <a href="mailto:Barry.seaver@dbhds.virginia.gov">Barry.seaver@dbhds.virginia.gov</a> 804.758.5877</p> <p>Jennifer Kurtz <a href="mailto:Jennifer.kurtz@dbhds.virginia.gov">Jennifer.kurtz@dbhds.virginia.gov</a> 804.461.0256</p> <p><b>Region III</b> Wanda Earp <a href="mailto:Wanda.earp@dbhds.virginia.gov">Wanda.earp@dbhds.virginia.gov</a> 276.669.7762</p> <p>Karen Poe <a href="mailto:Karen.poe@dbhds.virginia.gov">Karen.poe@dbhds.virginia.gov</a> 276.733.5176</p>

	<p><b>Region IV</b>  David Meadows  <a href="mailto:David.meadows@dbhds.virginia.gov">David.meadows@dbhds.virginia.gov</a>  804.786.5813</p> <p>Andrea Coleman  <a href="mailto:Andrea.coleman@dbhds.virginia.gov">Andrea.coleman@dbhds.virginia.gov</a>  804.371.2583</p> <p><b>Region V</b>  Xiomara Apicella  <a href="mailto:Xiomara.apicella@dbhds.virginia.gov">Xiomara.apicella@dbhds.virginia.gov</a>  757.434.5328</p> <p>Michelle Guziewicz  <a href="mailto:Michelle.guziewicz@dbhds.virginia.gov">Michelle.guziewicz@dbhds.virginia.gov</a>  804.461.0254</p>
Family Peer Program and Family Resources	Under recruitment (please contact Dawn Traver) Family Resource Coordinator
Risk Management, provider data collection, Regional Quality Councils, data measures, licensing requirements	Les Saltzberg Acting Assistant Commissioner Quality Improvement DBHDS <a href="mailto:Les.saltzberg@dbhds.virginia.gov">Les.saltzberg@dbhds.virginia.gov</a> 804.786.1747
Human Rights and CHRIS	Margaret Walsh Director Office of Human Rights DBHDS <a href="mailto:Margaret.walsh@dbhds.virginia.gov">Margaret.walsh@dbhds.virginia.gov</a> 804.786.3988
Training center ICF/ID regulations, medical equipment technical assistance, community ICF/ID technical assistance, admissions management committee	Susan Elmore Facility/Community Resource Manager DBHDS <a href="mailto:Susan.elmore@dbhds.virginia.gov">Susan.elmore@dbhds.virginia.gov</a> 804.371.2478