

## Script for Settlement Agreement Compliance Indicators Video for Individuals and Families

### Intro

As you may or may not be aware, Virginia is under a Settlement Agreement with the Department of Justice (DOJ). DOJ began an investigation of Central Virginia Training Center (CVTC) in August 2008. In April 2010, DOJ notified the Commonwealth that it was expanding its investigation to focus on Virginia's compliance with the Americans with Disabilities Act (ADA) and the U.S. Supreme Court Olmstead ruling. The Olmstead decision requires that individuals be served in the most integrated settings appropriate to meet their needs and consistent with their informed choice. In February 2011, DOJ submitted a findings letter to Virginia, concluding that the Commonwealth failed to provide services to individuals with intellectual and developmental disabilities in the most integrated setting appropriate to their needs. In March 2011, Virginia entered into negotiations with DOJ in an effort to reach a settlement. On January 26, 2012, Virginia and DOJ reached a settlement agreement.

Within the Settlement Agreement there are specific areas that Virginia has had to modify or correct in order to exit the Settlement Agreement. The details are included in a January 2012 joint court filing available for review on the DBHDS website at <http://www.dbhds.virginia.gov/doj-settlement-agreement>. We will focus on what Individuals and Families need to know that have either have happened or will be happening in order for Virginia to be in full compliance with the Department of Justice Settlement Agreement.

We will focus on specific topics today including: Support for ALL Families, Support Coordination, Crisis Services, Employment, Transportation, Improving Access and Improving Quality.

### Support for ALL Families

Have you been looking for information on how or where to apply for and obtain services?

The Department of Behavioral Health and Developmental Services (DBHDS) has launched a "My Life My Community" website<sup>1</sup>. This website is an online resource for all people with DD in Virginia and their families. You will find all kinds of information like how to find support options, access support coordination, or understand the DD waiver. DBHDS will also be providing ongoing information on the IFSP program, family to family program and peer mentoring supports, so be on the lookout. If you would like to visit the website head over to <https://mylifemycommunityvirginia.org/><sup>2</sup> [*link on screen*] and check it out. You will be able to search for supports available in your community too such as food resources, read helpful tips, and find information about a variety of topics that might help you along the way. If you would like speak with families who are familiar with services in Virginia you can visit the Family-to-Family network online <https://partnership.vcu.edu/cfi/index.html><sup>3</sup> or by calling 877-567-1122.

### Support Coordination

Have you ever wondered, what is the role of a Support Coordinator?

A Support Coordinator's role is to link, monitor, assess, coordinate and plan with the people that they support. Support coordinators are also sometimes referred to as case managers. It is their responsibility, as well, to provide individuals with the opportunity to make an informed choice when it comes to their services; this includes their choice of Case Manager/Support Coordinator.<sup>4</sup> So, who can have a support coordinator? Developmental Disability Support Coordination is a Medicaid service called Targeted Case Management. It's available to people with and without DD Waiver services if they are eligible. People interested in receiving this service contact their local community services board or behavioral health authority and ask for an intake. The CSB or BHA will take it from there and work with you to determine what services you might qualify to receive.

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Once you have a Support Coordinator, they will schedule a planning meeting every year that includes people you would like to attend. During that meeting measurable outcomes and support options will be discussed. You can also expect a meaningful conversation about employment and options to stay or become employed.<sup>5</sup>

Throughout the year the Support Coordinator will be checking in and helping you make changes to get to the life you want. Your support coordinator will assure that your Person Centered Individual Support Plan is up to date with outcomes and supports options. They will change your plans as you achieve your outcomes, and when your support needs change.<sup>6</sup>

DBHDS will ensure that support coordinators and other CSB/BHA staff have training in recognizing and responding to crisis situations and if behavioral supports are needed, the support coordinator will pay attention to ensure that they are effective. DBHDS will be providing better guidance and requirements for behavioral providers. DBHDS will also make training and topic resources available to providers on identifying and addressing health and safety risks.<sup>7</sup>

If you do experience a crisis, DBHDS will ensure that crisis assessments occur in your home or in other community settings rather than in the hospital or CSB/BHA locations. Let's talk more about what's changing with Crisis Services...<sup>8</sup>

### **Crisis Services**

Have you ever had a behavioral crisis? There is HELP available.

Each region within the Commonwealth has a Regional Education Assessment Crisis Services Habilitation (REACH) system. There is a REACH system designated for children and a REACH system designated for adults. REACH will have trainings available to families on how to implement the Crisis Education and Prevention Plans that will be developed for those within the REACH system.

Children's REACH has alternatives for families that have children in crisis. The support may include training and an out-of-home stay at a Crisis Therapeutic Home or "CTH" for children in need.<sup>9</sup> The CTH will provide training to those supporting the child to assist with returning home as soon as possible. In addition to the CTH facilities for children, the Commonwealth will implement out-of-home crisis therapeutic host-home like services for children connected to the REACH system who are experiencing a behavioral or mental health crisis to prevent institutionalization of children who would benefit from this option. More information will be coming to the DBDHS website as this option is available at <http://dbhds.virginia.gov>.

DBHDS will ensure that individuals with DD Waiver and are known to the REACH system who are admitted to a CTH facility and psychiatric hospitals will have a community residence identified within 30 days of their admission.<sup>10</sup>

### **Employment**

Do you have an interest in working?

Virginia is an Employment First state, as such every person should be given the tools and opportunity to become and stay employed. Individuals aged 14-64 will be having conversations with their Support Coordinators about employment as they think about and plan for the future. At least annually, Support Coordinators will be having conversations with all individuals from ages 14 to 64 about meaningful employment and employment options. These conversations are aimed at helping people attain a full life and become more integrated into their community. Your Support Coordinator will be

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asking questions to discover your interests and what type of work you want. They will connect you with resources and work with providers as you begin working. All of this information will be documented in your Person Centered ISP.<sup>11</sup>

### **Transportation**

Do you have transportation needs?

The Commonwealth will be focused on ensuring that there is reliable transportation when you are going to services and appointments. Your opinion is very important. There will be opportunities for participation in advisory boards and focus groups to discuss transportation needs. The Commonwealth must ensure that transportation providers are trained and provide safe and reliable transportation to each person.<sup>12</sup>

### **Improving Access**

Do you wonder how you can have your voice is heard?

DBHDS has established focus groups with family members, individuals and providers to find out what the needs of people with DD are and how to grow those services needed to support individuals in the community.

Using a variety of data about services in Virginia and through focus groups, DBHDS will prepare and address barriers to the extent possible with established timelines and specific actions. Individuals and family members are encouraged to participate as members of the Regional Quality Councils that review pertinent trends and data. The RQCs provide DBHDS with input that is implemented in quality improvement initiatives. If you want to become a member of the RQC in your region, contact the Office of Community Quality Improvement and Risk Management at DBHDS at (804) 786-3921.<sup>13</sup>

DBHDS will continue to screen children through a VIDES assessment prior to admission to an Intermediate Care Facilities for Individuals with Intellectual Disability (ICF-IID). DBHDS will ensure a Community Transition Guidebook is provided to families of children in those facilities. The guide will be provided to explain resources and services available to the family to assist with the transition process.<sup>14</sup>

### **Improving Quality**

What are some steps the Commonwealth is taking to improve quality?

The January 2020 Settlement Agreement joint court filing that is available on the DBHDS website details the DBHDS Quality Management System (QMS) and is comprised of the following functions:<sup>15</sup>

- a. Quality Assurance
- b. Quality Improvement
- c. Risk Management

Refer to the January 2020 Settlement Agreement joint court filing to learn more about how the DBHDS Quality Management System works.

To improve quality and the health of people with DD, the Commonwealth will focus on:<sup>16</sup>

- Increasing the number of people who receive an annual medical
- Increasing the number of people who have dental examinations at least annually
- ensuring behavioral support needs are identified and supported

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The Commonwealth will ensure that:<sup>17</sup>

- people reside in locations that are integrated in and supports full access to the greater community
- people are free from neglect and abuse by paid staff
- people are protected from serious injuries in service settings
- people receive services in residential services as they choose and help decide their daily schedule
- people choose where they live
- people choose or have input in choosing their housemates

### Recap

As you can see there is a lot changing in Virginia's DD System for the better. DBHDS is working to have a system of supports and services that –

- help all people with DD and their families
- improves the quality of support coordination
- enhance crisis services for children and adults
- increase opportunities for meaningful work
- focuses on reliable transportation
- engages families in improving Virginia's services system
- and redesigns quality management efforts.

Over the coming days and months, you will hear more about these changes as they are put fully into practice. In the meantime, use the resources that are available to you such as the My Life My Community Website, the DBHDS website, and the Family-to-Family Network at the Partnership for People with Disabilities.

1. III.C.8.b DBHDS has developed and launched the "My Life, My Community" website to publish information for families seeking developmental disabilities services that inform them how and where to apply for and obtain services. This will be documented by reports of activity on the website
2. III.C.2.A-F The IFSP State Plan establishes a requirement for an on-going communication plan to ensure that all families receive information about the program. (3) Knowledge of the family and peer mentoring support programs,
3. III.D.1 DBHDS facilitates with families a contact by a family-to-family peer support facilitator who shall contact families of children on at least a semi-annual basis for children aged 10 years and under, and on an annual basis for children aged 11 to 21 years, unless the family refuses contact
4. III.C.5.b.i (1) The CSB has offered each person the choice of case manager.
5. III.C.5.b.i. (6) The ISP was developed with professionals and nonprofessionals who provide individualized supports, as well as the individual being served and other persons important to the individual being served.
6. III.C.5.b.i (3) The case manager assesses whether the person's status or needs for services and supports have changed and the plan has been modified as needed.
7. III.C.6.A.i-iii DBHDS will ensure that all CSB Executive Directors, Developmental Disability Directors, case management supervisors, and case managers receive training on how to identify children and adults receiving active case management who are at risk for going into crisis. Training will also be made available to intake workers at CSBs on how to identify children and adults presenting for intake who are at risk for going into crisis and how to arrange for crisis risk assessments to occur in the home or link them to REACH crisis services.
8. III.C.6.i-iii 86% of children and adults who are known to the system will receive REACH crisis assessments at home, the residential setting, or other community setting (non-hospital/CSB location).
9. III.C.iii.B CRISIS STABILIZATION: The Commonwealth will establish and have in operation by June 30, 2019 two Crisis Therapeutic Home (CTH) facilities for children and will provide training to those supporting the child to assist the child in returning to their placement as soon as possible."
10. III.C.iii.B 86% of individuals with a DD waiver and known to the REACH system who are admitted to CTH facilities and psychiatric hospitals will have a community residence identified within 30 days of admission.
11. III.C.7.A At least 86% of individuals aged 14-17 who are receiving waiver services will have a discussion about their interest in employment and what they are working on while at home and in school toward obtaining employment upon graduation, and how the waiver services can support their readiness for work, included in their ISP. At least 86% of individuals who are receiving waiver services will have a discussion regarding the opportunity to be involved in their community through community engagement services provided in integrated settings as part of their ISP process.
12. III.C.8.a DMAS transportation operations will conduct focus groups as needed as determined by DMAS with the DD Waiver population receiving FFS and managed care transportation in order to identify, discuss, and rectify systemic problems.
13. III.D.1 DBHDS will establish a focus group with family members, individuals, and providers to identify potential barriers limiting the growth of sponsored residential, supported living, shared living, in-home supports, and respite for individuals with a "support needs level" of Level 6 or 7.

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14. III.D.5DBHDS continues to screen children through a VIDES assessment prior to admission to an ICF/IID. During the screening, DBHDS collects information from the family regarding the reason ICF/IID placement is being sought

15 III.D.5 DBHDS provides a Community Transition Guide to families of children in nursing facilities and ICFs/IID. For those seeking ICF/IID placement,

16. V.C.5 entire section

17 V.B entire section

18 V.B entire section