

TACIDD
Meeting Notes
June 15, 2012

DOJ Settlement Agreement – Commissioner James Stewart

The Commissioner began by giving the background of the Department of Justice's (DOJ) involvement in Virginia. (See also: <http://www.dbhds.virginia.gov/Settlement.htm>)

- In November 2008 DOJ went to Central Virginia Training Center to investigate regarding the Civil Rights of Institutionalized Persons Act (CRIPA). This investigation was expanded to all Training Centers in 2009 and then expanded to the whole ID/DD service system with an eye to observance of the *Olmstead* decision and the Americans' with Disabilities Act.
- The DOJ's February 2011 Findings Letter to Governor McDonnell had three primary findings:
 - Virginia does not provide services in the most integrated setting.
 - Virginia has not developed a sufficient quantity of community-based services, as evidenced by the long waiting lists for the ID and DD Waivers.
 - Virginia has a flawed discharge planning process (i.e., inconsistencies across the state's Training Centers).
- Virginia Health and Human Resources Secretary William Hazel put together a team in early 2011 to develop a Settlement Agreement in order to avoid going to court. The goals, from the perspective of the state, are to serve as many people as possible in quality settings and be fiscally responsible. The work of this team was concluded by the signature of DOJ and Secretary Hazel in January of 2012 on the proposed Settlement Agreement.
- The agreement had to be signed by a judge. US District Judge John Gibney held a hearing last Friday, June 8th, to consider input from a group of family members of Training Center residents. The judge indicated that he would sign the agreement following a few modifications.

The major components of the Settlement Agreement:

- 4170 Waiver slots are to be added. 805 for those exiting Training Centers with the remaining to be used for decreasing the waiting lists. Some slots will be set aside for children in ICFs and nursing facilities.
- Establishment of an Individual and Family Support Program with up to \$3,000 per person made available for those in the community waiting for slots. To serve 1000 people per year.
- Network of crisis response services to be established across the Commonwealth (via the national Systemic, Therapeutic, Assessment, Respite and Treatment program – "START")
 - All regional programs are to be operational by the end of the calendar year.
 - Individuals in crisis may be supported in a temporary respite facility or in their home with the goal being to keep people in their communities vs. hospitalization.
- Housing
 - \$800,000 rent subsidy money has been set aside to provide supports for individuals to live independently in the community.
 - Staff are searching for other means of rent subsidy funds.
- Employment First
 - The ODS Employment Specialist is working to promote employment opportunities for individuals in the community.
- More consistent and appropriate role for case managers

- Seven modules of a cross-system training curriculum have been completed and are being used
- Accountability of case managers is being monitored.
- These efforts may lead to a statewide certification of case managers.
- **Quality Oversight**
 - Licensing Specialists will be spending a significantly more time in community homes (for those moving from the Training Centers).
 - Unannounced visits will occur within 7 and 17 days after TC discharge and then monthly throughout the post-discharge year.
 - There has been an increase in Office of Licensing staff from 15 to 30 members and more will be added. In addition ODS has seen an increase in Community Resource Consultants from five to 10. More Office of Human Rights staff are to be added as well.
 - Data collection is another element of quality oversight
 - The state's Independent Reviewer is Donald Fletcher.

Tweaks required by Judge Gibney per Friday's hearing:

- Clarification of who is the authorized representative and his/her authority to consent.
- Choice to be discharged (cannot be discharged without consent).
- The Independent reviewer receives notice of serious injuries and deaths of those individuals moved from the training centers.

Planning for the Settlement Agreement includes the closure of four of the five Training Centers:

- The 15 newly built cottages at Southeastern Virginia Training Center will remain open.
- Part of the reason for the TC closures: cannot operate two systems and be fiscally responsible.
- The price tag for all services in the Settlement Agreement = \$2 billion (cumulative).

Questions:

- Will there be a notification sent to Training Center families about their ability to choose Training Centers?
 - There will be much communication forthcoming at the appropriate time.
- How will people with developmental disabilities (non-ID) be included?
 - START will evolve to include people with DD,
 - DBHDS also wants to determine which appropriate DD community representatives need to be at the table in order to ensure many aspects of the settlement agreement are done with the DD community in mind
 - The case management training will focus on ID CMs first, but will eventually include DD case managers, too.

Settlement Agreement Implementation Details

A PowerPoint addressing topics such as training for community providers, waiver improvements & renewal, provider selection, quality measures, data collection, enhanced oversight, etc. was presented by Lee Price, Director of the Office of Developmental Services and Les Saltzberg, Director of the Office of Licensing. See PowerPoint for details.

Questions for Les:

- The state is putting all these changes together now to strengthen the community system of care, while at the same time having an aggressive closure schedule. This feels scary to family members because certain things are not yet in place.
 - The Office of Licensing has already doubled its staff and has an aggressive pre- and post-discharge oversight process already in place. There is already an emphasis on health and safety and the closures will be accomplished at a pace which can be effective.
- If the State closes Training Centers but an individual's community placement fails, what happens then?
 - There has been one situation since November, out of x number transitioned total since November, in which a person was not doing well and did go back to the Training Center for further evaluation.
- Is there a means to encourage provider reporting without a lot of penalties (which could discourage self-reporting)?
 - Many eyes are on each of these community placements (neighbors, co-workers, variety of outside stakeholders coming in, etc.)
 - Licensing makes it clear that it does not have a 'gotcha' approach, but it has very high expectations.
 - Strong providers will engage family members and advocates as helpers in making the system better.
 - We want to involve more people without having a "parade" going into community settings.
- Is there a way to collect data on all placements and compare them?
 - We have some of this data, but need to improve our collection/distribution of it.

The Discharge/Moving Process for those Exiting the Training Centers

A PowerPoint detailing the role of the Community Integration Managers, census reduction goals, identification of individuals for discharge, assurances, pre-move meetings, pre-move monitoring, the active move process and the post-move monitoring was presented by Jae Benz, Director of Training Center Discharges and Community Integration. See PowerPoint for details.

Questions for Jae:

- Money Follows the Person (MFP) doesn't pay for Assistive Technology/Environmental Modifications prior to the start of Waiver services.
 - A number of providers have stepped up to make the needed modifications.
 - Training Centers have lent needed equipment until it could be purchased under the Waiver.
- Is there a toolkit for parents to tell them what questions to ask?
 - One was developed some time ago and will be dusted off and posted to the website.
 - There is also a VOR checklist that some Northern Virginia Training Center parents have.

ODS Updates

The Governor signed the budget and 300 slots have been distributed to the CSBs for assignment to individuals on the waiting list. The numbers of slots per CSB has been posted on the DBHDS website.

START – Bob Villa

- HPR I & II's programs went out to bid and the contract was awarded to Easter Seals. They are just starting the hiring process, but have experience in implementing START services in North Carolina. Other HPRs are in various stages of readiness. All are receiving training. Expect 24-7 crisis availability in several regions by August/September.
- The first Statewide Steering Committee meeting is coming up on June 25th.
- An error in the START state budget has been fixed.

Questions for Bob:

- Are local law enforcement authorities being educated about START?
 - Yes, occurring now; to continue.
- Providers are still expected to be qualified to handle the challenging behaviors of those they accept for service and START is the safety net?
 - Yes. START is to complement, vs. replace the existing system.

Individual and Family Support Program – Lee Price

- There have been several meetings with a group of stakeholders to develop regulations and policies and procedures. The regulations are currently at the Office of the Attorney General for review.
- The funding cannot be distributed until the regulations are in place. Hoping for an early March 2013 commencement.
- This funding will be available to all on the ID or DD Waiver waiting lists.
- The funding will be available for typical family support funds uses: specialized equipment, family training, etc.

Preauthorization – Cynthia Smith

- Two new staff have joined the team: Karen Jones and Angela Bright.
- By 6/18 staff should be caught up to all submissions through June 1st.

Regulations and Policy – Dawn Traver

- The new MFP Family Resource Consultant, Betty Vines, began Monday, June 11. She will be available to help family members through the transition process.
- The ID Waiver final proposed regulations are being reviewed by the Office of the Attorney General.

Intellectual Disability On-Line System (IDOLS), NCI and SIS™ – Cheri Stierer

- There are still providers who somehow didn't get the word that paper ISARs are no longer acceptable. All paper ISARs are being sent back.
- Providers must close old service authorizations in IDOLS before opening new services.
- The implementation of the National Core Indicators (NCI) Children's Survey will begin in July. This is to be sent to the family at the annual plan date.
- The Supports Intensity Scale®™ (SIS™) appeal process will be instituted in July. This does not involve appealing the SIS score, but the process by which it was derived. The process will be on the DBHDS website.

Employment First – Lee Price

- The Second Employment First Summit will be held in October.

Partners' Announcements

The Arc of Virginia – Jamie Liban

- The Arc's state convention will be held August 9 – 11 with the theme being "Tools for Successful Implementation of the Agreement."
- Registration information will be available next week.

Centers for Independent Living – Kim Lett

- The CILs have been working on a Virginia Board for People with Disabilities grant to enlarge the pool of consumer-directed employees. There will be a directory of potential employees ready by summer's end/September.

Prince William Arc – Susan Rudolph

The PWArc has received a grant from the Potomac Health Foundation to gather data and develop a curriculum regarding health, wellness and exercise for people with intellectual disability. The curriculum will be made available to others upon completion.

The next TACIDD meeting is scheduled for **September 21, 2012**, 10 AM – 2PM, at the Henrico Area Mental Health and Developmental Services on Woodman Road, Glen Allen.