

ABCD NEWS

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ABCD Budget Initiatives Update for FY 2008

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Overview

As the proposed State Fiscal Year 2008 budget is being developed, ABCD is continuing its advocacy on behalf of our member agencies and the individuals they serve. ABCD and many of its member agencies testified at the Department of Human Services Budget Forums in October. ABCD has developed and is disseminating recommendation to State officials for spending in the Division of Developmental Disabilities (DDD) and in the Early Intervention Program. ABCD has also joined together with the Cost of Providing Care Coalition to continue to push for an annualized cost of providing care increase for community providers.

Cost of Care

An Action Alert by the Cost of Providing Care Coalition is calling for inclusion in the Governor's

proposed budget of a 4.1% increase in community provider contracts for FY 2008. The Coalition is asking for letters to be sent to the Governor to include an annualized increase and to support A 1996, a bill that would require an annualized cost of providing care increase.

DDD Funding

DDD funding recommendations are: 1) ensure that all federal Medicaid funds are claimed for and re-invested in DDD community services; 2) continue funding initiatives for those individuals in Developmental Centers who can be served in the community; 3) continue funding initiatives for individuals on the Residential Waiting List who live at home with their families; and 4) continue funding for services of individuals living at home with their families who need day programs.

EI Funding

The Early Intervention System needs a long term financing plan. ABCD recommends: 1) funding is maintained yearly for EI services to accommodate the growth in children and families; 2) available federal funding is claimed and maximized through applying for a Federal Home and Community-Based Services Waiver for Early Intervention; and 3) the state work with insurance companies and/or pass legislation to expand insurance programs to include EI services in coverage.

ABCD has distributed these recommendations widely and has discussed them with officials from the Departments of Human Services and Health and Human Services as well as the Governor's Office. For more information about the recommendation, please visit our website at the link below:

<http://www.abcdnj.org/action.html>

ABCD is a statewide organization that provides policy analysis and education related to people with developmental disabilities. ABCD represents member agencies that provide an array of community-based services to more than 9,000 people with multiple physical and developmental disabilities and their families.

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Medicaid Buy-in for Children with Disabilities: A Possibility for New Jersey

Under a new federal law known as the Family Opportunity Act (FOA), families with a child with a disability and whose income is above the Medicaid eligibility level will be able to buy-in to Medicaid. New Jersey, and other States, must choose to cover this benefit option before families may buy-in to Medicaid.

As part of the federal Deficit Reduction Act of 2005, Congress included the FOA, which creates a new option for states to extend Medicaid coverage to children with disabilities whose family income does not exceed 300% of the poverty level. Beginning in 2007, coverage is phased in for children up to age 6: this age will rise to 19 by 2009. States are permitted to charge income-related premiums and parents are required to participate in employer-sponsored insurance if the employers cover at least 50% of the premium.

This is an important new opportunity of which New Jersey can and should take advantage. Many children with disabilities do not have the benefits of Medicaid coverage, which provides recipients with open-ended entitlement to important health care services such as:

- prescription drugs;
- unlimited speech, physical, and other therapies;
- personal care assistance;
- other health and support services which facilitate more independent living in the community

For families who have private health insurance, this option would provide important wrap-around services for benefits not covered by private insurance.

Currently, New Jersey already covers children who do not have health insurance up to 350% of the poverty level under NJ Family Care (the State's Child Health Insurance Program). Nevertheless, children who qualify for this state program receive a benefits package similar to those provided by private health insurance and do not receive the many important benefits covered under Medicaid.

In 2000, New Jersey became the 9th state in the nation to choose a Medicaid buy-in program for individuals with disabilities who work and have incomes above 250% of the poverty level, known as NJ WorkAbility. More than 2,000 individuals are now receiving Medicaid benefits under this important new program. New Jersey should continue with its progressive policies of ensuring that people with disabilities have the opportunity to receive Medicaid benefits even if their incomes are above the Medicaid eligibility level. New Jersey should choose the option of a Medicaid buy-in for children.

ABCD Staff Development Survey

ABCD member agencies will soon be receiving the 2006 ABCD Staff Development Survey. This survey will help the Quality Assurance and Training Senior Staff Forum design the first ABCD Interagency Staff Development and Training Day, tentatively planned for sometime in 2007. We are hoping that this day will give our agencies the opportunities to work together and draw on one another's strengths to maximize training opportunities for our agencies' staff.

The survey is divided into two sections: 1) a Special Education Staff Development Survey, and 2) a Direct Support Professionals (DSP) Development Survey. These sections will be used to design a full day of development opportunities for Special Education Staff (teachers, teachers' aides, etc.) and DSPs. In order to ensure the most effective and desirable development opportunities we are asking our membership to have all their special education staff and DSPs complete the survey. If you have any questions, please feel free to contact Jonathan at (609) 581-8375 or at jonathan@abcdnj.org.

ABCD Discusses Issues with New Commissioner at Department of Human Services

Clarke Bruno, Governor Corzine's nominee for the position of Commissioner of the Department of Human Services, began work on September 18th. A date for a confirmation hearing has not yet been announced. Acting Commissioner Bruno has begun working on a number of issues of importance to people with developmental disabilities. Mr. Bruno comes to this position after serving as the General Counsel for the City of New York's Department of Homelessness for the past four years. As General Counsel, Mr. Bruno directed the legal affairs for 2200 employees, designed defense strategies for class action law suits, oversaw negotiations for major capital development, and was responsible for regulatory reform initiatives. Mr. Bruno also worked at three law firms in New York City, served as a Law Clerk for a United States District Court Judge, and was the Executive Director of the Metro North Association, an East Harlem-based housing and educational agency. Mr. Bruno received his law degree from New York University.

Lowell Arye, ABCD's Executive Director, was given an opportunity to speak one-on-one with the Commissioner-designate in September. Lowell focused on several issues with the Mr. Bruno including: 1) the need to plan in the Division of Developmental Disabilities and the need to include all community stakeholders in the planning process; 2) maximizing New Jersey's federal revenues from the waiver and re-investing those funds in the community, as well as the need to include all stakeholders in the discussion of the waiver as required by the new State Waiver law); 3) Olmstead planning and moving people out of the Developmental Centers. Lowell explained the new law, signed by Governor Corzine in August, required a report to the Governor and Legislature by May on what resources, housing and funding was needed to move people with developmental disabilities out of the Developmental Centers over the next over 8 years; 4) Cost of Care and the need to include mandatory growth in the budget for community providers. Lowell explained that agencies have not seen significant increases over the years even though the costs of health insurance, workers compensation, and energy have been going up); 5) the need to coordinate policies between different departments for people with developmental disabilities, especially with the Departments of Health and Senior Services, Education, Labor, and Community Affairs; and 6) the need to maintain our comprehensive Medicaid program for people with developmental disabilities and other vulnerable New Jerseyans: this includes ensuring that Medicaid co-pays are not included in the upcoming FY 2008 budget.

Acting Commissioner Bruno requested additional information on many of these issues, especially on the Community Care Waiver. He explained that he was looking forward to more conversations about these and other issues.

ABCD Continuing Commitment to Affordable/Accessible Housing

Governor Corzine has made a commitment to producing, preserving, and financing 100,000 units of affordable housing over the next ten years. DCA and HMFA officials have been charged with developing a tangible housing plan by the end of 2006. DCA Commissioner Susan Bass Levin has convened the New Jersey Housing Policy Task Force to help in developing this housing plan. The NJ Housing Policy Task Force has been broken up into subcommittees. ABCD staff member Jonathan Campbell is a member of the Special Needs Subcommittee. The Special Needs Subcommittee will continue to meet during November to finalize their recommendations to DCA. The recommendations of the subcommittees will be used by DCA officials to develop the State of New Jersey Housing Plan. If you have any questions, please feel free to contact Jonathan at 609-581-8375 or at jonathan@abcdnj.org.

ABCD Joins Advocates in Successful Amicus Brief

On October 20, 2006, ABCD joined over a dozen New Jersey advocacy organizations in filing an affidavit as an amicus curiae, or "friend of the court", in support of the plaintiffs *A.R. and S.R. on behalf of T.R.*, in the case of *A.R. and S.R. on behalf of T.R v. Freehold Regional High School Board of Education*. Plaintiffs are parents of a student with a disability who requested a Due Process Hearing after the Freehold Board of Education proposed a change to the student's Individual Education Plan (IEP) that would have resulted in his removal from a specialized private school.

The case, which was heard before the U.S. District Court for the District of New Jersey, was originally decided in favor of the defendants, and therefore placed the burden of proof on parents who request a Due Process Hearing. ABCD and other advocates are strongly opposed to this ruling, as parents should not be held responsible by the court to bear the burden of proof in order to show that a school district is not acting in compliance with a child's IEP. ABCD believes that the burden of proof in the Due Process hearing should be placed upon the school district and recommends that legislation be introduced and passed that places the burden of proof on the school district in such cases.

After filing the amicus brief, ABCD was informed by attorneys that the Freehold Regional School District reconsidered its position and settled the case in favor of the student. Nevertheless, the court ruling continues to uphold that the burden of proof be placed upon parents who request Due Process Hearings. ABCD has provided the Department of the Public Advocate with a statement of its views on the burden of proof and supports a departmental effort to move forward on state legislation.



New Jersey Legislative Administrative Notes

A3459: Requires Wheelchair Occupant Securement Devices on Certain Vehicles and Training in Their Use for Certain Employees.

This bill requires any bus or van utilized in the business of transporting persons in wheelchairs to be equipped with a wheelchair securement device and occupant securement device in accord with the federal regulations. Seatbelts and shoulder harnesses are not to be used in lieu of the device to secure the wheelchair.

In addition, the bill requires that the Director of the Division of Disability Services in the Department of Human Services biannually offer a training course in proper wheelchair transportation. The training course is to include 1) proper procedure for securing the wheelchair; 2) proper procedure for securing the occupant with a belt and shoulder harness; and 3) proper use and operation of the vehicle's lift or loading device.

Any new employee or volunteer must successfully complete the course offered by or approved by the Division of Disability Services prior to transporting or assisting in the transportation of a person in a wheelchair. All current employees will have up to nine months to successfully complete the course.

Certification that an employee is properly trained would be both filed with the Division of Disability Services and kept on the premises of the business. The certification is to be made immediately available for inspection upon request of a member of the public.

A violation of this act is punishable by a fine of \$2,500 for a first violation, \$5,000 for a second violation, and \$10,000 for a third or subsequent violation.

Visit www.abcdnj.org/pubs.html for complete coverage of New Jersey's Legislative Administrative Notes.

Recent Publications

"Part of the Community," Arye, L. The Star Ledger (August 24, 2006) www.nj.com/starledger

"Affordable Housing is a Civil Rights Issue." Arye, L. Home News Tribune (September 13, 2006) <http://www.thnt.com/apps/pbcs.dll/frontpage>

*ABCD Synopsis on Proposed Changes to Family Cost Participation, Early Intervention Program (September, 2006)**

*ABCD Budget Brief on Early Intervention Program (September, 2006)**

*Testimony on Proposed Changes to Family Cost Participation (October 12, 2006)**

*ABCD Testimony at Department of Human Services Community Budget Forum, FY 2008 (October 19, 2006)**

*ABCD Budget Brief on the Division of Developmental Disabilities (October, 2006)**

*Medicaid Buy-In for Children with Disabilities a Possibility for New Jersey (October 2006)**

*Publications available online at www.abcdnj.org.

Important Dates

November:

14: DD Lecture Series Preparing Youth with Disabilities to Successfully Transition to Postsecondary Education and Employment
For more information, visit <http://rwjms.umdnj.edu/boggscenter>

16 & 17: NJACP Conference "Celebrating Today's Success/ Creating Tomorrow's Future"
Atlantic City Convention Center
For more information, visit www.njacp.org

17: DCA Committee Meeting, ABCD Office
For more information, contact Jonathan at jonathan@abcdnj.org

December:

1: State Interagency Coordinating Council (SICC)
Medical Society of NJ, Lawrenceville, NJ

5: Anti-Poverty Network Annual Conference
War Memorial, Trenton
For more information, visit www.antipovertynetwork.org

Spotlight on an ABCD Member Agency: Elwyn New Jersey

ABCD is pleased to welcome Elwyn NJ as a new member agency. Elwyn New Jersey, formerly The Training School, is a not for profit organization that is part of Elwyn Inc, headquartered in Media, Pennsylvania. In January 1981, Elwyn took over the management of The Training School and beginning in 1994, with the support of the New Jersey Division of Developmental Disabilities, began to depopulate the campus and create community based residential programs.

Elwyn New Jersey operates 45 group homes (Atlantic, Cumberland and Gloucester Counties), 2 supervised/supportive living apartments (Cumberland County) for 296 clients who can live and work in the community, including a group home for residents who are medically fragile and those with severe physical disabilities..

In addition to the residential services, Elwyn New Jersey operates 7 day programs (located in Vineland) serving 350 clients daily with services ranging from skills building for those who are profoundly mentally retarded, shelter workshops, and supported employment.

Elwyn honors its mission of "maximizing potential through personal commitment, collective talents, and innovation, while supporting individuals with diverse challenges in shaping distinctive, meaningful lives" by offering continuums of care and a wide range of community services for children and adults. Elwyn's focus on building partnerships with families, communities, and government is the key guideline of the organization's vision.

ABCD NEWS is published periodically and provides an update on the activities of ABCD and on major issues facing people with multiple and physical developmental disabilities in New Jersey. For an electronic subscription, send your e-mail address to emily@abcdnj.org.