

ALLIANCE FOR THE BETTERMENT OF CITIZENS WITH DISABILITIES

ABCD NEWS:

Special Budget Edition

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Olmstead Plan Being Developed with Input from the Community: Final Report due to Legislature on May 2, 2007

Special Olmstead Edition:

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Last year, the Arc of New Jersey, along with ABCD, advocated for legislation that mandated the creation of a plan by the Division of Developmental Disabilities that would enable residents of the State Developmental Centers who want to live in the community to do so over the next eight years.

The legislation, P.L. 2006, c.61 required that the Division work with the community to identify those individuals who are appropriate candidates to live in the community, identify resources needed such as housing and services so that the individuals could live as independently as possible, and delineate the necessary funding for services and housing accordingly. Although the plan has accomplished some of these goals, it

needs to have funding attached to it to make this a reality. In addition, more advocacy is needed with the Legislature and the Governor to ensure that the plan is implemented.

The Olmstead legislation was signed into law in August 2006 with a requirement that the plan was due out nine months after its effective date. As required by the law, the Division held four public hearings around the State in January to solicit public input. Unfortunately, other than those public hearings, the community was not provided the opportunity to submit public input to the plan until April. In March, a new Assistant Commissioner, Kenneth Ritchey was appointed to lead the Division. He understood the need for additional community input into the plan prior to its submission to the Governor and to the Legislature and provided the community with a draft of the plan in April requesting comments.

At a recent meeting of a meeting with the leadership of the Developmental Disabilities community, Ken Ritchey provided an overview of the changes made to the plan due to this additional community input. He explained that the plan is, and will continue to be, a living document that will change over time with public input. The rest of the article explains some of the changes being suggested by the Division. The plan was sent to the Governor's office for review prior to its final submission to the Legislature on May 2nd, so it is unclear, as of this writing, what the final plan will look like.

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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Suggested Changes to the Original Plan:

- The Division is modifying the number of individuals identified for placement to 1,850 individuals by FY 2015 rather than the initial proposal to move 1,005 individuals. The Division identified more than 2,400 individuals who can and want to move out of the Developmental Centers. However, many of these individuals have families who do not wish for them to move into the community. ABCD is concerned that the plan does not mention the closing or consolidation of Developmental Centers. Within the first three years, if the plan is implemented, approximately 600 individuals, the size of one Developmental Center, will move into the community.
- The Division will create an Olmstead Implementation and Planning Advisory Council which will consist of individuals, families, provider organizations, and advocates. The Council will work with DDD leadership to provide input into the planning, design, monitoring, and evaluation process. The initial plan did not include any additional community input into the planning or implementation for moving people out of the Developmental Centers.
- The Division will establish a process for re-allocation of resources (using a formula) from the Developmental Centers to the community. Some states actually move staff into the community; others simply move the money with the individual.
- The Division will be redesigning services including case management. Currently, the Division's best ratio for case management is 1:60 individuals. The national best ratio is 1:45. The Division is planning to redirect people from case management who need less intensive services. The Division plans to pilot this in the next few months. More discussion, ABCD believes, is needed on ensuring an adequate case management system for those already receiving community services, for those living at home with their families, as well as those moving out of the Developmental Centers.

Moving Forward:

The Division and providers need to do a better job in leveraging funds for housing. The Division assumes that 20% of the individuals from the Developmental Centers will live in an apartment in the first year. ABCD is concerned that individuals leaving the Developmental Centers may need more intensive supports than can be provided in apartments.

The plan is being modified to strengthen the demographics information on the individuals moving from the Developmental Centers. ABCD included in its comments on the plan concerns about the lack of information about the individuals moving out of the Developmental Centers. More specific information is needed on how accessible housing will be developed for individuals to live in the community. In addition, the population leaving the Developmental Centers will have significant medical and mental health needs. Services in the community are already stretched and the initial draft plan did not provide any specific guidelines to assist community providers to build the necessary support infrastructure.

The Division has appointed a full-time Olmstead Project Manager who is responsible for implementation. Other Division staff will be working with the manager to ensure its proper execution. In addition, a number of performance indicators were identified to measure the state's progress with the plan. Action steps were added as well. ABCD and other advocates have raised concerns over the years that plans for Olmstead did not include objectives and action steps. ABCD is heartened by these additions.

There are a number of other changes that were made due to public input, including a description of the collaborative work between the Division and others to enhance the training and career ladder needs of Direct Support Professionals. This and the other changes to the Plan will go a long way in ensuring that the Plan meets its goal of guaranteeing the rights of all people to live in the most appropriate community-based setting to suit their needs.

Olmstead Briefing at NJ Disability and Law Conference

On April 12, 2007 members of ABCD’s staff attended the NJ Law and Disability Issues Conference at the New Jersey Law Center. The event was sponsored by the NJ State Bar Foundation, the Community Health Law Project, and NJ Institute for Continuing Legal Education, and focused primarily on issues of universal health care, Medicaid Community Care Waiver restructuring, and the implementation of the State’s Olmstead Plan.

ABCD’s Executive Director Lowell Arye was a featured expert on the panel of presenters for the Medicaid Waiver workshop, while staffers Jonathan Campbell and Emily Kronenberger attended the Olmstead Plan update. The Olmstead Plan History timeline is included below, in addition to ABCD’s analysis and commentary on the currently developing Plan and its implications.

Olmstead History Timeline in New Jersey:

1999-2001	2005
Stakeholders draft guiding principles for moving individuals into the community following the Olmstead Supreme Court decision of 1999.	NJ Protection and Advocacy files lawsuit against the New Jersey Department of Human Services: DHS receives appropriation of \$50 million for FY07-09 to implement Olmstead Plan.
2006	2007
P.L. 2006, c.61 enacted mandating that DHS present a comprehensive Olmstead Plan by May 2, 2007 and hold public hearings for community input on the Plan.	“Path to Progress,” NJ’s Olmstead Plan, is still currently under development by DHS. The Plan will be submitted to the Legislature by May 2, 2007, and the Department plans to move 1005 individuals who meet certain criteria into the community first.

Looking Ahead for Olmstead

After a review of the Division’s Olmstead Housing Plan three things become very clear. First, the Division wants New Jersey to be at the forefront of the integrated housing movement. Second, in order to achieve this lofty and important goal the State must dramatically enhance the community-care infrastructure and the inter-departmental cooperation that presently exists. Third, the Corzine Administration and the New Jersey Legislature must find ways to create the political will to address the economic and social realities facing the successful integration of people with developmental disabilities into New Jersey communities.

Significant Change Needed:

For years housing opportunities for individuals with developmental disabilities has almost exclusively been created through the Division funding both housing development and the supports and services for the

individual. The Division would like to see that model replaced with a “Housing Partnership” model. In this model community-care agencies would partner with private and community sources to leverage between 20% and 50% of the housing development costs. Agencies would also be partnered with other agencies with differing areas of expertise to develop a single housing project. The Division would like to see housing development, property management, and service delivery handled by different organizations working together to maximize the organizations strengths and minimize their inexperience in certain areas. ABCD believes that the “Housing Partnership” model is an important step in addressing the fiscal realities of New Jersey’s budget but it is necessary to recognize that such a change requires community-care agencies to be adept at business practices that are often underdeveloped in the human services field. There is a need for the Division to assist agencies through more intensive training and technical assistance in transitioning to such a different housing model.

Creating integrated housing opportunities for those moving out of the Development Centers built on the “Housing Partnership” model requires a significant change in how departments and divisions work with one another. The Division’s vision of a multi-layered approach has a great deal of potential for success. This potential can be realized only if housing development and support programs can be developed in partnership between departments. ABCD recommends the development of an interagency Olmstead supervisory committee. These meetings could be used to coordinate housing projects while insuring an adequate level of support for individuals to successful integrate into the community. It would also help streamline and clarify the development and transition process for community-care agencies.

ABCD Recommends Increased Support for Individuals through Periods of Transition:

The division wishes to develop a variety of integrated community options for the 1,850 individuals moving out of the seven Development Centers over the next eight years. This is an approach that ABCD’s member agencies support. However, to meet this goal it must be recognized that these individuals are moving from an extremely structured and medically controlled environment into the independence of the community. Many of these individuals have disabilities that require constant monitoring and attention. The State must insure that a significant percentage of funding dollars used to support the individual in the Developmental Center will follow him or her into the community. ABCD believes that many, of these individuals can be transitioned into integrated environments. We must ensure that individuals with significant multiple physical and developmental disabilities receive all of the supports appropriate to their needs. The Division’s call for more housing options including: supportive housing, supervised apartments, small group home settings, and shared living arrangements is a positive step toward real integration. However, we must recognize the radical life changes that will be occurring for these individuals over the next several years. We must help them in this transition in ways similar to how we help individuals that are struggling with homelessness.

Community Education and Buy-In Necessary:

Perhaps the greatest obstacle to accomplishing the successful transition of individuals from the Developmental Centers into the community is not to be found within the current system of the Department of Human Services or the culture of community-care agencies. The greatest obstacle to successful realization of community integration is the public’s lack of desire to welcome these individuals into their communities and provide the adequate funding needed to successfully integrate. New Jersey is desperate for more affordable housing including affordable housing that is also accessible and adaptable. Without this type of housing available moving 1,860 people into the community is an unrealistic dream. New Jersey officials must not only be realistic about the financial costs of integration but also be willing to fight to end the fear and discrimination that many housing projects for people with disabilities have faced from communities in the past and will assuredly face in the future. New Jersey’s plan to integrate our communities must include funds to educate the public about the need for affordable and accessible housing as well as the realities and

benefits of welcoming people with developmental disabilities into New Jersey's communities. Governor Corzine and New Jersey legislators must champion the cause of integration, having the commitment to fight for adequate funding, close down New Jersey's Developmental Centers, and articulate a bold and consistent vision for creating equal opportunities for all New Jersey citizens.



Coalition for a Moral Budget's Update on Medicaid Co-Pays

Bi-partisan Opposition to Medicaid Co-pays; Continued Advocacy Needed

ABCD is a member of the Coalition for a Moral Budget, which includes a diverse group of advocacy organizations, several HMOs, and all of the trade organizations for pharmacies. Currently, the Coalition is fighting the Governor's proposals for Medicaid co-pays while explaining to Legislators our concerns about the co-pays which target seniors, people with disabilities, and other poor individuals.

During the budget hearings, the Assembly and Senate Committee members expressed strong bi-partisan opposition to the Medicaid co-pays. The Legislators stated that it was not clear to them how the State could expect individuals on Medicaid to pay any money for services and prescription drugs. During the Senate budget hearing for the Department of Human Services, Senator Vitale quoted information from materials provided by the Coalition for a Moral Budget which explained that every national research study demonstrated the negative effects of Medicaid co-pays on individuals.

For example, a study examining the impact of Medicaid drug co-payments policies in thirty-eight states found that the primary effect of co-payments is to reduce the likelihood that Medicaid beneficiaries fill any prescriptions during the year. Another study found that higher co-payments led to reductions in patients' use of drugs for high blood pressure and cholesterol reduction, which can lead to the worsening of these medical conditions and even to more severe consequences such as heart attacks. A research study in Utah found that even small co-payments led to significant reductions in health care access and utilization. In the Utah study, even though the co-payments were "nominal", forty-percent of beneficiaries reported that it caused "serious" financial hardships.

ABCD requests that everyone continue to contact their Legislators to let them know of our opposition to Medicaid co-pays. In the final two months of the budget process, we need to make sure that people who do not have a voice are heard on this important issue.

ABCD Event Announcement!

Save the Date of May 31 and Support the Cost of Providing Care Coalition in Trenton!

Advocates, families, and agency and community members are invited to attend the Cost of Providing Care Coalition Rally on the steps of the State House in Trenton on May 31 at 11:30. The Coalition is calling for a 4.1% Cost of Providing Care increase for FY08 and for this increase to be indexed annually in order to fully fund community-based agencies that provide supports and services to the state's most vulnerable citizens. Since 1993, the actual cost of providing care has increased at twice the rate of funding received by agencies that provide services to individuals with multiple physical and developmental disabilities.

NJ Legislators and the Governor need to hear from you in order to ensure that the Cost of Providing Care increase is realized in the FY08 final budget and beyond. ABCD invites all New Jerseyans to make your voices heard by supporting service providers and the Cost of Providing Care Coalition on May 31!



ABCD Welcomes new Assistant Commissioner for DDD

ABCD would like to welcome Kenneth Ritchey, new Assistant Commissioner for the Division of Developmental Disabilities, on his arrival to the Division and to the great State of New Jersey which took place in March. Asst. Commissioner Ritchey comes to New Jersey from Ohio, having served as the Director of the Ohio Department of Mental Retardation and Developmental Disabilities since 1999. During his time as Director of MR/DD in Ohio, Mr. Ritchey led the department through various accomplishments and systems change.

Since beginning at the Division last month, ABCD's Executive Director Lowell Arye has had the pleasure to meet with Mr. Ritchey several times, and has been invited to meet with the Assistant Commissioner on a regular monthly basis in order to discuss DD issues. ABCD looks forward to continuing to work with Mr. Ritchey on a number of issues, including on the Division's Olmstead Plan.

ABCD's Website Now Includes New Online Resource Guide and Community Calendar!

Check out ABCD's new *Resource Guide* for resources in the DD community and our new community calendar for news and information on upcoming ABCD and community-related events. The calendar is updated on a bi-weekly basis, so be sure to check back periodically for new event postings. If your agency has a meeting or event that you would like us to post, please contact Emily at Emily@abcdnj.org and include the name of the agency, date, and nature of the event, along with contact information.

Recent Publications

- ABCD's Comments on the Proposed Draft Olmstead Plan, <http://www.abcdnj.org/OlmsteadComments.html>
- "Higher Co-Pays Increase Hardship" *Trenton Times*, Arye, L. <http://www.nj.com/opinion/times/letters/index.ssf?/base/news-1/1177906259286480.xml&coll=5>
- In case you missed it, the March/April 2007 issue of *ABCD News* and all other back issues are available for download online!*

*Visit <http://www.abcdnj.org/pubs.html> to read all of ABCD's recent and past publications.

Important Dates:

May:

10: "Strategies for Protecting Older Citizens," Elder and Disabilities Law Section/ NJ State Bar Foundation, call 1-800 FREE LAW for more information.

21: Mercer County Monday Mornings Meeting, call Nicole Davis at 609.581.4500, ext. 12 to register.

23: VSA Arts "Partners in the Arts Festival," call 732.745.3885 for more information.

24: Anti-Poverty Network Rally at 11:30, State House in Trenton for the APN Welfare Grants, Un-Happy 20th Anniversary Rally.

31: Cost of Providing Care Rally at 11:30, State House in Trenton, visit www.abcdnj.org for more information and updates!

June:

1: Annual Conference on Medical Care for People with Developmental Disabilities, contact Diane Flynn at The Arc of New Jersey, 732.246.2525, ext. 28.

3: "Activate Your Life," An Advocacy & Employment Conference for Young Adults with Disabilities, contact carole.tonks@njddc.org for more information.

*Ongoing trainings for supported employment, direct support, essential life style planning, individual habilitation plans, and positive behavioral supports are available through the Elizabeth Boggs Center on Developmental Disabilities. For more information, go to <http://rwjms.umdnj.edu/boggscenter/>

*Please check ABCD's Community Calendar at <http://www.abcdnj.org/about.html> for regularly updated announcements on ABCD and community-related events.

Spotlight on an ABCD Member Agency: St. John's Community Services

ABCD is proud to welcome its newest member, St. John's Community Services, which joined ABCD earlier this spring. Since 1868, St. John's has been providing community-based services to children and adults, including recreation, community participation, housing, employment, and empowerment programs. Currently, St. John's Community serves children and adults with disabilities in several New Jersey locations, in addition to the states of Pennsylvania, Virginia and in the District of Columbia.

As a premier human service organization serving people with disabilities for well over one hundred years, St. John's Community Services continues to expand its agency to provide quality services throughout the state of New Jersey and maintain its mission "to create innovative ways to assist children and adults with special needs as well as the communities in which they live." Currently, St. John's serves 52 individuals in its various programs, including 18 individuals who participate in its employment program. The agency also provides a respite program for 34 children on Saturdays.

For more information about St. John's Community Services, visit them on the web at <http://www.sjcs.org/>.

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.