

Division of Developmental Disabilities' Community Services and Developmental Centers

Background

People with developmental disabilities are individuals with a significant chronic disability which presents itself before age 22 and which causes substantial functional limitations. People with developmental disabilities include individuals with mental retardation, cerebral palsy, autism, spina bifida and other neurological impairments, such as brain injury.

The Division of Developmental Disabilities (DDD) serves about 31,000 individuals with developmental disabilities. More than 28,000 of those individuals live in the community, most live at home with their families. DDD expends more than two-thirds of its budget on community services, the bulk of those funds going to residential services. Only about 7% of the community services' budget is spent on individuals living with their families. Ten percent of the individuals served by the Division (3,100) live in Developmental Centers, with expenditures comprising approximately 35% of the Division's budget. As many as half of individuals living in the Developmental Centers wish to live in less restrictive settings appropriate to their needs. There have been no new waiting list initiatives since FY '02 even though there are more than 7,800 individuals on the residential waiting list (3,500 people in the Priority Category).

The Division's caseload is heterogeneous, comprised of individuals with significant age differentials. Currently, more than one-third of all people served by the Division are age 40 and above. More than 63% of individuals living in the Developmental Centers and more than 28% of individuals served in the community are age 40 and above. People with developmental disabilities have an earlier onset for age-related health problems, exacerbating the needs of an aging population. In addition, a new phenomena is occurring, that of aging caregivers of people with developmental disabilities. Approximately 40% of the Division's caseload is comprised of individuals under the age of 22, with that percentage likely increasing to 50% in the next decade. This diverse population creates demands for flexible services and supports.

Current Status

The FY '07 budget included \$211.6 million of one-time resources (including retroactive claiming of federal dollars generated revenues of \$194 million for fiscal year 2001-2004 and \$17.6 million in updated projections for federal ICF/MR reimbursement). Of this amount, \$111.6 million is being used to offset State appropriations in the seven developmental centers. In addition, \$50 million is being used for additional services to people with developmental disabilities (\$40 million to move 180 individuals from the Developmental Centers over two years; \$7 million for a residential waiting list initiative and \$3 million for family support).

Investigations of New Lisbon and the Woodbridge Developmental Centers resulted in settlement agreements between the U.S. Department of Justice and the New Jersey Department of Human Services. Both investigations found that New Jersey was violating the civil rights of people with developmental disabilities under the Americans with Disabilities Act (ADA) as construed by the U.S. Supreme Court decision in Olmstead. In addition, New Jersey Protection and Advocacy filed suit last summer against the State on behalf of individuals living in the State Developmental Centers. There have been no initiatives to move people out of the State Developmental Centers since 2002.

(Over)

Governor Corzine signed P.L. 2006, C. 61, mandating the DDD to create a plan with public input, by May 2007, with established benchmarks to ensure that within eight years of implementation, each resident in a State developmental center expressing a desire to live in the community and whose individual habilitation plan recommends community living is able to live in a community-based setting. The plan must identify the resources needed including how necessary funding, services, and housing will be provided. Although the new law does not focus upon people on the residential waiting list, additional planning is needed to ensure that individuals on the waiting list also receive needed services.

New Jersey has never maximized all of its federal revenues from the Medicaid Home and Community-Based Services waiver for people with developmental disabilities, called the Community Care Waiver (CCW). The McGreevy and Codey Administration's worked to claim federal revenues for more services and to ensure that all eligible individuals apply for the waiver. However, analyses demonstrate that New Jersey has over-estimated the amount of federal revenues it receives for the CCW over the past decade. More must be done to ensure that New Jersey maximizes its federal Medicaid funds for the waiver and that all federal revenues be re-invested in DDD community services.

Governor Corzine signed P.L. 2005, C 252, that mandates the Department of Human Services to apply for Medicaid Home and Community-based waivers; send written reports to the Legislature every three months on the application's status until a waiver is approved by the federal government; and upon approval of the waiver, provide a report and hold public forums on the waiver including what services are and are not being reimbursed by the federal waiver and what impediments to expanding existing waiver services.

Recommendation

- Ensure that all federal Medicaid funds are claimed for and reinvested in the DDD community services.
- Continue funding the development and operations of the homes for people on the waiting list who want to move from their families' homes.
- Continue funding initiatives to transition those individuals who can appropriately be served in the community, while continuing to ensure that the Developmental Centers have funds to protect the health and safety of individuals living in the Developmental Centers.
- Continue funding, on an annual basis, Real Life Choices, and services for individuals who are aging out of schools and who now need DDD Day programs.