



**Montgomery County Commission on People with Disabilities
Developmental Disabilities Advisory Committee
Meeting Summary – January 22nd, 2019**

Sue Hartung, Co-Chair • Larry Bram, Co-Chair

Welcome

Minutes from past meetings can be found online at:

www.montgomerycountymd.gov/HHS-Program/ADS/CPWD/CPWDIndex.html, under the tab Developmental Disability Advisory Committee.

Briefing on Report on the Work Group on Meeting the Needs of Residents with Developmental Differences and Discussion on Prioritization of Items

Report:

www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2018/20181126/20181126_HHS1.pdf

Claire Funkhouser, Parent Representative and former Chair of the Commission on People with Disabilities (CPWD), will represent CPWD at the upcoming County Council briefing scheduled for January 24th.

Susan Hartung thanked Kim Mayo, DHHS, and Linda McMillan, Senior Legislative Analyst, for chairing the Work Group on Meeting the Needs of Residents with Developmental Differences. Susan led a discussion on priorities from the report should be the focus as well as feedback. The task of this group is to decide how to implement the recommendations made in this report.

It was asked how to disseminate the report to the Montgomery County Councilmembers as well as the State legislators while they are in session.

Betsy noted that Montgomery County Office of Intergovernmental Relations has included the following in their priorities for the State's 2019 Session:

- ***Medicaid Match for County Funds Used to Supplement Wages Paid to Developmental Disability Providers Serving County Clients.*** The Montgomery County Department of Health and Human Services (DHHS) received permission from the Maryland Department of Health's Developmental Disabilities Administration (DDA) in 2016 to apply for Medicaid matching funds, contingent on DDA completing a rate-setting study and releasing new DDA provider rate information. The release of the new rates has not yet occurred. This delay has prevented DHHS from applying for Medicaid matching funds for the past three years, which leaves potential federal dollars unclaimed. As the State Delegation budget committee members review the DDA budget, the County asks for assistance to ensure that the State remains supportive of the County's efforts to secure federal matching funds and the application can proceed within the current rate structure. Adjustments can be made in the future when the updated provider rates are released.

Betsy added that this is the first time the Office of Intergovernmental Relations (OIR) has included an issue of the Commission on People with Disabilities in their General Assembly priority list. The Maryland General Assembly was briefed by OIR on January 11th and elected officials were identified that will be working with DDA. The report recommends that the County Executive and County Council partner with the General Assembly Delegation

to receive regular progress reports on the Transformation Plan The progress reports should focus on real impacts to individuals, families and providers. Will the Transformation Plan result in increases or decreases to the time individuals remain on waiting lists? It is changing the quality of services
The priority of the County is to have the rate setting study move forward and try and leverage more Medical Assistance dollars to work with our local providers.

Beyond the issues of funding, the restructuring of the Community Pathways Waiver may have a huge impact on whether providers will be able to deliver services under the new waiver. The Maryland General Assembly may be able to address this in terms of oversight. In terms of Person-Centered Planning (PCP), if a provider has a group of five and one individual does not want to participate in the group activity, the provider is responsible for providing staff to accommodate that one individual. The provider may not have the staffing or funding available to provide the accommodation. It was suggested that the Council and Executive recommend that providers and their current clients would be grandfathered in with their current employment or meaningful day program if that is what the client chooses. Supported employment is only for an individual who has a job and does not assist the person in obtaining a job. With the new waiver, the definition of competitive integrated employment means jobs that do not have upward mobility opportunities will not be considered. It was suggested telling the Council that this could eliminate job opportunities for many people. Employment means contributing to your community and it doesn't have to be a paid job. The definition should be redefined and the County can request that.

Whitney Ellenby sent the Work Group report to Senator Van Hollen and Senator Raskin. Senator Van Hollen responded with a letter and asked what his staff should look at specifically in regard to these issues. Individuals are welcome to send the report to their delegates and advocate.

It was asked how the group can address the issue of the DDA transformation. Programs are different statewide, and the rate study may not accurately reflect costs for providers.

Whitney Ellenby said that she will be drafting legislation. Betsy noted that individuals can do what they want as private citizens. County government will be putting together a plan.

Data for Transitioning Youth (TY) shows the numbers of students receiving services after leaving the school system are lower this year. Providers may not take on more clients when they do not know what the reimbursement rate. Data is needed from DDA. Given the new waiver, it was asked how it will affect services that clients are currently receiving. Karen Morgret, Treatment and Learning Centers (TLC), said it will impact providers. For example, some TLC clients receive assistance for issues other than employment, such as housing, but under the new waiver they will not be able to provide those supports unless TLC applies to be under a new waiver. If people are to receive personal care they must need it 10 hours a month. Some need it maybe only 5 hours a year.

DDA needs to explain how the waiver and rate changes will impact services and providers. The Maryland Delegation needs to understand that piece. DDA had a surplus of \$38,000,000
<http://marylandreporter.com/2011/11/09/agency-left-38-million-unsent-on-disabled-people-needing-care/> that went back into the general fund. Someone in the legislative branch that oversees the budget needs to hold DDA accountable for why this money was not used for the waiting lists across the State. DDA created two new waivers to provide supports and address the waiting list, but DDA changed the definition and application several times and providers had to keep re-applying.

Betsy added that OIR has said they will be dividing the document into standing committees so that each delegation member can see what is being requested of them based on their assigned committee, particularly the DDA rate setting issues and the need to leverage leverage. The focus will be the budget bill language and the two committees. OIR will be engaging the Senate Finance Committees as well as Health and Government Operations. Delegate Kirill Reznik is Chairman of the Health and Social Services Subcommittee on Appropriations and

Delegate Craig Zucker serves on the Senate Education, Health, and Environmental Affairs Committee, where he serves as the Co-Chair of the Health Subcommittee and member of the Education Subcommittee. DDA has to respond to these Committees. This is new territory and Linda will help to put a plan together.

The two system-wide recommendations that will have the biggest impact are:

1. The Montgomery County Executive and Council must partner with the General Assembly Delegation to receive regular process reports on the DDA Transformation Plan. The progress reports should focus on real impacts to individuals, families and providers. Is the Transformation Plan resulting in increases or decreases to the time individuals remain on waiting lists? Is it changing the quality of services provided?
2. The County Executive and Council must carefully monitor the ongoing rate setting study and advocate strongly for rates that reflect the cost of doing business in Montgomery County. Services must be funded in a manner that allows providers to afford to continue to provide services.

The Maryland Association of Community Services (MACS) and several other providers have issued position statements regarding waiver changes. There was also a position paper developed on the implementation of the waiver changes. Susan will locate these to share with the group. She stated that providers are worried about retaliation from DDA.

It is important that if individuals are sending letters to their Delegates that they send the same message. Susan noted that DDA has said that there will be winners and losers in the DDA transformation. Of the system-wide recommendations made in our report, Sue feels is that there are two immediate priorities:

1. The rate study. Without any rate adjustments in the immediate future, DDA continues to implement new initiatives on a variety of fronts, requiring administrative time and energy to comply with changes and train staff accordingly. These changes include: conversion to Long Term Services and Supports (LTSS) from Provider Consumer Information System (PCIS), (service providers can't view and confirm what services each individual can receive), conversion to the Mandt System, a new system for managing challenging behavior, the new evaluation tool Support Intensity Scale (SIS) and Health Risk Screening Tool (HRST) which determine intensity of need, and more.
2. The proposed new definitions and operational procedures under the renewed Community Pathways Waiver. DDA is holding 2 webinars on the Community Pathways Waiver Amendment in early February, but the proposed changes to the Amendment won't be released until a day or two before, and no call/write in questions during the webinar will be allowed. They will take follow-up questions in writing. How this Waiver is redefined will impact everyone who receives DDA services, and so is critically important. In one meeting, DDA staff indicated there would be winners and losers under the proposed changes and this is not acceptable. It would be greatly beneficial to have the material to read in advance and have the webinar open for clarifying questions.

There are, of course, other concerns with the Transformation and we sincerely hope the County, and State, monitor these changes to judge the impact they will actually have on people with Developmental Disabilities, but these two items, in my opinion, seem to be the most critical at this time.

Rosemary DiPietro, Community Support Network, said DDA has a very clear transformation plan on their website that includes a timeline. Part of the plan was for a renewed waiver (completed), the creation of two new waivers (completed), and service definitions of those waivers. Provider agencies are unable to implement services for those who self-direct as the definitions have changed. The biggest issue for providers is the fear and limitations that the amendment and rate setting study will cause. From the Coordination of Community Supports (CCS) point of view,

DDA has begun to provide outreach to families so they can learn about the concepts of PCP. As of July 1st, 2018, PCP and the new Long-Term Services and Supports (LTSS) payment database system changed how plans are developed. For five months plans were not approved by DDA because they had no system in place to approve them. This needs to be included as part of the progress report received by the County and General Assembly Delegation and to ask what is DDA's infrastructure, how are they going to implement the transformation, and what is the data that shows that the policies and procedures are in place for all parties and stakeholders.

Rosemary hears complaints from families that CCS staff do not know the rules, or they do not know the system, yet CCS staff have not been educated on the process. It can take multiple times for DDA to work with staff and approve a plan. For CCS staff that have a case load of 40 to 50 people that can take a lot of time.

It was suggested that Kim, Linda and Claire meet with OIR to discuss the explain the impact of the transformation plan because people's needs are not being met and DDA is not implementing policies and procedures and people are leaving the public school system with no one to provide supports.

There are concerns that people currently receiving services may have their services reduced or end up back on the waiting list. There are also concerns that with the new rate setting study, DDA providers may not be able to provide services. It was noted that some providers are looking very carefully at who they are able to accept. It will have a direct economic impact on the County.

In addition to PCP there is a Health Risk Screening Tool (HRST) and Support Intensity Scale (SIS) that determine acuity and how much funding the individual receives. If there is no money or justification to implement plan, it is worthless.

Betsy asked everyone to view this report as a positive opportunity for the County Council and County Executive to put influence on the state. Historically, funding across the country has been the responsibility of the State.

Governor Hogan has approved a 3.5% rate increase for DDA service providers.

Maryland General Delegation needs to hear the transformation plan presentation from DDA

It was noted that the DDA Southern Maryland Regional Office and Headquarters both retained staff and have expanded their staffing budget, which is a change from several years ago.

Susan would like to have CCS case load to staff ratio reduced, and that would be the decision of the County as the State only recommends caseload size but does not mandate it.

In regard to health and wellness, Commissioners Larry Bram and Avner Shapiro have been working on a diagnostic tool offered to pediatricians to help early diagnosis of children with all developmental and intellectual disabilities.

The County has two great programs for law enforcement and public safety with the Autism Ambassador and Autism, Intellectual, Developmental Disabilities (IDD) and Alzheimer's Outreach Program / Project Lifesaver.

Affordable Housing Resources - Susan Smith, Housing Opportunities Commission

Affordable housing resources have expanded in the County over the last five years. HOC was recently awarded 99 housing vouchers for non-elderly persons with disabilities ages 18 – 61 who are transitioning out of institutional or other separated settings; at serious risk of institutionalization; homeless; or at risk of becoming homeless.

Individuals who have already registered on HOC's waitlist need to update their profile to meet specific eligibility criteria: <http://www.hocmc.org/rental-programs/housing-path.html>. HOC will be pulling people off of the wait

list in mid-January. HOC has notified HUD it will likely be a six-month process to have all 99 vouchers leased. HUD will be making more vouchers available at the end of January and HOC will be applying again for more vouchers when they become available. It was suggested that individuals should add themselves to all HOC waitlists.

Vouchers determine how much an individual can spend on an apartment and that amount depends on the area of the County. There are 71 zip codes in this County and almost 71 different payment standards. Individuals with a voucher find a place to rent, the landlord signs off on the voucher and submits it to HOC. An inspection is scheduled, and it is determined whether the apartment passes HOC's rent reasonableness program. If all works out, the landlord and HOC agree on a move-in date. There are subsidies to assist individuals with moving as well as security deposits. The individual is responsible for paying 30% to 40% of their gross income towards rent. HUD provides various programs for individuals whose disability requires assistance.

Moderately-Priced Dwelling Units (MPDUs) are maintained by the Department of Housing and Community Affairs (DHCA) although HOC can assist with financing. MPDUs are available for rent or purchase, but MPDU sales are only available a few times a year. MPDUs can be purchased by providers.

Other programs are the Section 811 program which allows persons with disabilities to live as independently as possible in the community by subsidizing rental housing opportunities which provide access to appropriate supportive services. The priority is to get people out of institutions and facilities like nursing homes. Independence Now keeps a waitlist for Section 811 and the Bridge Subsidy Program (BSP), which is a 3-year tenant-based rental assistance program for eligible participants who are transitioning out of qualified institutions into independent renting through the Money Follows the Person demonstration. Currently, two units in the Alexander House in downtown Silver Spring are being renovated for BSP.

Typically, case managers work with their clients to get them on waiting lists.

Announcements:

DDA will be hosting an online webinar on waiver amendments for the Community Pathways Waiver, Family Supports Waiver, and Community Supports Waiver on February 2nd and February 4th. Information regarding the amendments and webinar will be posted on the DDA on or before February 1, 2019.

Developmental Disabilities Day at the Legislature is scheduled for February 13th.

Susan is aware of a parent group that has started a Facebook page regarding DDA issues and developmental disabilities. Please contact her for more information.

A new non-profit – the National Council on Severe Autism – started this month. The group will address the services, housing and policy concerns of people most significantly affected by the developmental disorder and their families. It was noted that there has been an increase in the number of children diagnosed with Autism. Concerns that there will be an increased need for services as well as budget.

Respectfully Submitted,

Carly Clem, Administrative Specialist

Betsy Luecking, Community Outreach Manager