

To: Director Groff and Deputy Director Zimmerman

From: Developmental Disabilities Council

Date: August 24, 2015

Re: HCBS Medicaid Waiver Transition Plan

My name is Jamie Wolfe and today I am representing the Delaware Developmental Disabilities Council to talk about the statewide transition plan for Home and Community-Based Services. Thank you for your consideration of our comments.

The Community Rule is a product of the Affordable Care Act – The Federal health care reform law passed by Congress in March 2010 – and is intended to support home and community-based (HCB) settings as an alternative to institutional care for participants in Medicaid home and community-based services (HCBS) programs.

As you begin Phase 2 of this Transition Plan, it is very exciting that DMMA has taken a cross-disability approach in developing this plan. Any group that receives services is going to be positively affected with the outcome of this plan. That has been stressed by both Federal and state officials. This includes individuals receiving support from the AIDS waiver and those transitioning from nursing homes into their own home.

Another positive attribute is that DMMA will be utilizing consumer input throughout the process of evaluation. This is extremely critical in order to receive an objective view of the strengths and weaknesses of supports individuals receive. Using this feedback in combination with provider input will give a better picture of how the supports are working in the community.

Finally, it is very positive that national statistics and surveys are being used to compare state data. Many states have been very successful with transitioning people into their own home. Hopefully, Delaware will be able to utilize positive techniques proven successful from the other states.

One of the largest concerns we have of the Transition Plan is whether or not those individuals that receive services in HCBS with the Division of Developmental Disabilities Services currently will have significant input into the process of the plan and in the outcome for them personally. Assessments, with the exception of the National Core Indicators, are being given by providers and DDDS staff. During the meetings in which survey tools were developed, many providers believed that the individuals they serve who are nonverbal could not provide an accurate account of the living situation, much less any positive or negative feedback. There's been no mention in these meetings in utilizing natural supports or assistive technology or

just taking an extra hour with the resident or consumer in providing feedback to the agency and no discussion or steps in the plan of providing those same individuals with information they may need to be able to compare their current residences and services to something different or better or worse.

If there is no way to identify that all the residents and consumers are satisfied with their supports or a way to educate those same individuals to provide informed feedback and to communicate in their own way their own opinions, Delaware will not be able to move forward with this plan. This is a serious flaw to this Transition Plan.

In addition, apartment complexes and houses that are funded by agencies and typically support individuals with physical disabilities are not mentioned in the review process. These, too, are providing Home and Community - Based supports for individuals who are at risk of institutionalization. These individuals must also be given the opportunity to weigh in on this issue for their own benefit.

Finally, there is no input at all from the mental health community. People with mental health issues typically do not receive Home and community-Based Services because it is not required. However, there is nothing prohibiting the state from providing services for this population. Since there was a recent Department of Justice Consent Decree with DSAMH, this should be a priority for DHSS. It will be advantageous for Delaware to start looking at this population now while CMS is providing various tools and techniques.

Thank you for allowing me to speak today on behalf of the Developmental Disabilities Council. We truly support self-determination and allowing individuals of all disabilities to live where they choose, work where they want and relax in a setting that makes sense to them. These are not only choices every individual makes. These are civil rights granted to all people with disabilities. Please grant us our civil rights.