

MEMO

To: Office of Management & Budget
From: Brian J. Hartman, on behalf of the following organizations:

Disabilities Law Program
Developmental Disabilities Council
Governor's Advisory Council for Exceptional Citizens
State Council for Persons with Disabilities

Subject: Division of Services for Aging & Adults with Physical Disabilities FY 12 Budget
Date: November 16, 2010

Please consider this memo a summary of the oral presentation of Brian J. Hartman Esq. on behalf of the Disabilities Law Program ("DLP"), Developmental Disabilities Council ("DDC"), Governor's Advisory Council for Exceptional Citizens ("GACEC"), and the State Council for Persons with Disabilities ("SCPD"). Although input could be provided on several aspects of the DSAAPD budget, we are addressing one (1) component today, i.e., attendant services.

ATTENDANT SERVICES

As you may know, the Division administers an attendant services program in collaboration with two non-profit contractors, Easter Seals and JEVS Human Services.¹ Attendant services are subsidized to permit participants to engage in employment, attend school, or avoid institutionalization. This is a true "statewide" program. According to the latest RFP, 46% of participants live in New Castle County, 26% live in Kent County, and 28% live in Sussex County. Historically, the most prevalent disability diagnoses of participants have been Quadriplegia; Multiple Sclerosis (MS); and Cerebral Palsy.

Qualitatively, this program enjoys a terrific "track record". As reflected in the latest (2010) consumer satisfaction ratings, participants are overwhelmingly positive in their assessment of the program.²

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¹ DSAAPD, Easter Seals, and JEVS summaries of the program are included as Attachment "A".

²The positive statistics for Easter Seals are consistent with a highly-favorable 2010 CARF report which concluded that "(p)ersons served, funders, and other stakeholders express a high degree of satisfaction with services". [Attachment "B"]

INQUIRY	EASTER SEALS	JEVS
	PERCENTAGE OF FAVORABLE (AGREE OR STRONGLY AGREE) SURVEY RESPONSES	PERCENTAGE OF FAVORABLE (AGREE OR STRONGLY AGREE) SURVEY RESPONSES
STAFF ACCESSIBLE	95%	100%
STAFF COURTEOUS	100%	100%
STAFF RESPONSIVE TO CONCERNS	90%	94%
FINANCIAL ACCOUNTING ACCURATE	100%	94%
STAFF NOTIFIES OF ACTIVITIES	95%	94%
STAFF HELPFUL IDENTIFYING ATTENDANTS	84%	92%
NEW ATTENDANTS ON PAYROLL PROMPTLY	100%	100%
CLIENTS SATISFIED OVERALL OR WOULD RECOMMEND PROVIDER	100%	88%
AVERAGE % OF FAVORABLE RESPONSES	96%	95%

Individual comments are also compelling:

- Staff is wonderful!
- Staff is very friendly!
- The professional and caring interaction with staff makes my association with Easter Seals rewarding. I feel confident that any issues that befall me will be addressed quickly, professionally, with my interests at heart.
- The key for me is independence - this program is my lifeline to enhance my self-

esteem.

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- Program is a lot of help - simply wonderful.
- I can get out more and feel a sense of freedom. I don't feel unsafe or worry about being alone.
- I am able to go to work, and have someone put me to bed.
- This program provides the greatest single thing often lacking in the life of a person with disabilities - independence.

Quantitatively, the State allocates approximately \$760,000 in Tobacco funds and \$504,000 in General Funds to attendant services. With this level of funding, the Division is currently serving 77 individuals. Last week, the Health Fund Advisory Committee recommended level Tobacco funding for the program. The Division plans to leverage these funds by enrolling approximately 50 of the 77 participants in the revised E&D Medicaid Waiver to obtain a 50% federal match. With the benefit of the match, the Division will be able to reduce the current waiting list of 70 individuals. [Attachment "C"]

Parenthetically, this is a very "lean" program. Provider compensation rates were actually decreased in FY 09. Participants are subject to co-pays based on a sliding scale linked to gross income. Participants average 20 hours of services weekly and are subject to a maximum cap of approximately 30 hours of services per week. Unit costs for attendant services are well below costs for comparable services provided by home health agencies.³ Finally, participant costs are approximately 1/5th the cost of nursing home residency.⁴

Recommendation

Given this program's excellent "track record", cost-effectiveness, and current waiting list of 70 qualified applicants, we request continuation of Tobacco and General Funds at their current level. This would obviate the undesirable prospect for a continuing increase in the waiting list and deflection of individuals to disfavored and onerously expensive nursing home options.

Thank you for your consideration.

³The final E&D Waiver regulation concludes that "(u)nit costs for personal care attendants and PASA agencies are projected to be lower than costs for home health agencies, currently the sole provider type for personal care services." [14 DE Reg. 461, 462-463 (November 1, 2010)]

⁴Serving 77 individuals with an aggregate of \$1,264,000 in State funds equates to \$16,416 per individual. In contrast, residency in a Delaware nursing home costs approximately \$80,000 annually. Delaware Medicaid is the primary payor for 57% of nursing home residents. [Attachment "D"]

Attachments

F:pub/bjh/legis/agebud12