



Virginia Department of
Behavioral Health &
Developmental Services

Update on the DOJ Settlement Agreement
and
Intellectual & Developmental Disability Waiver Redesign
Senate Finance Committee HHR Subcommittee

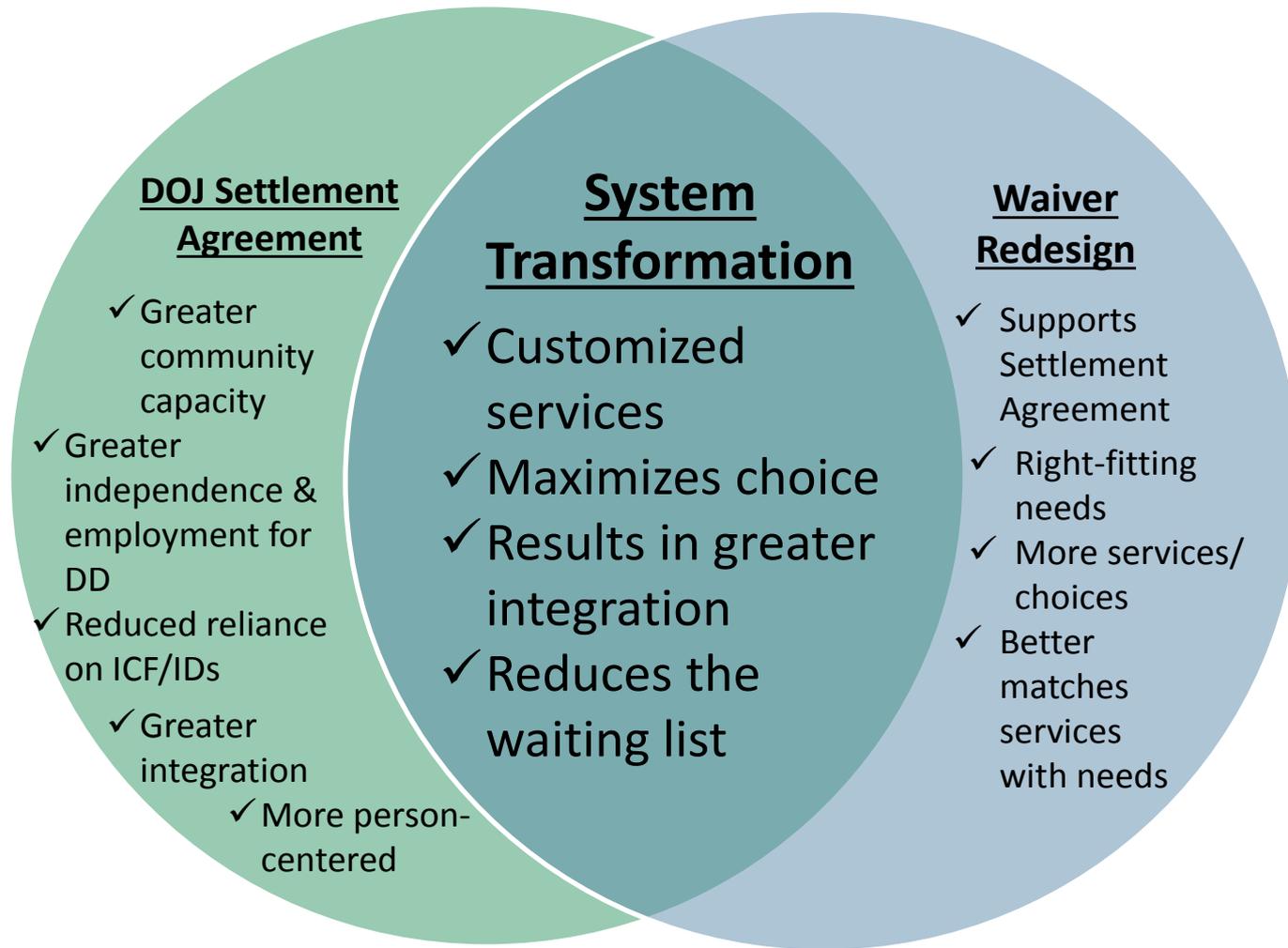
January 19, 2015

Debra Ferguson, Ph.D.
Commissioner
Virginia Department of Behavioral
Health and Developmental Services

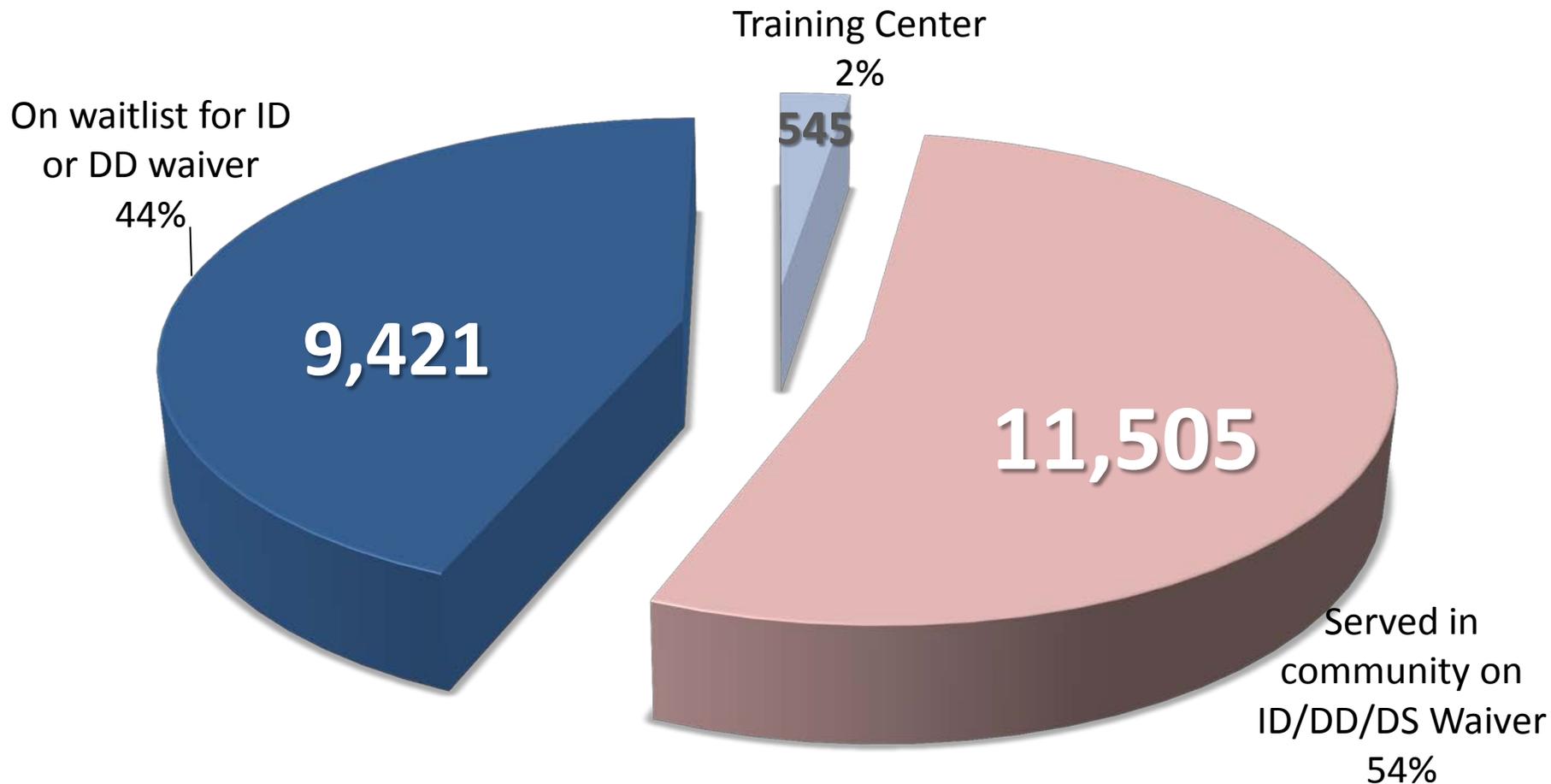
Key Features of the Current Landscape

- Training Center closures.
- Waiting list for community waiver services.
- Increasing community capacity.
- Economically inefficient system.

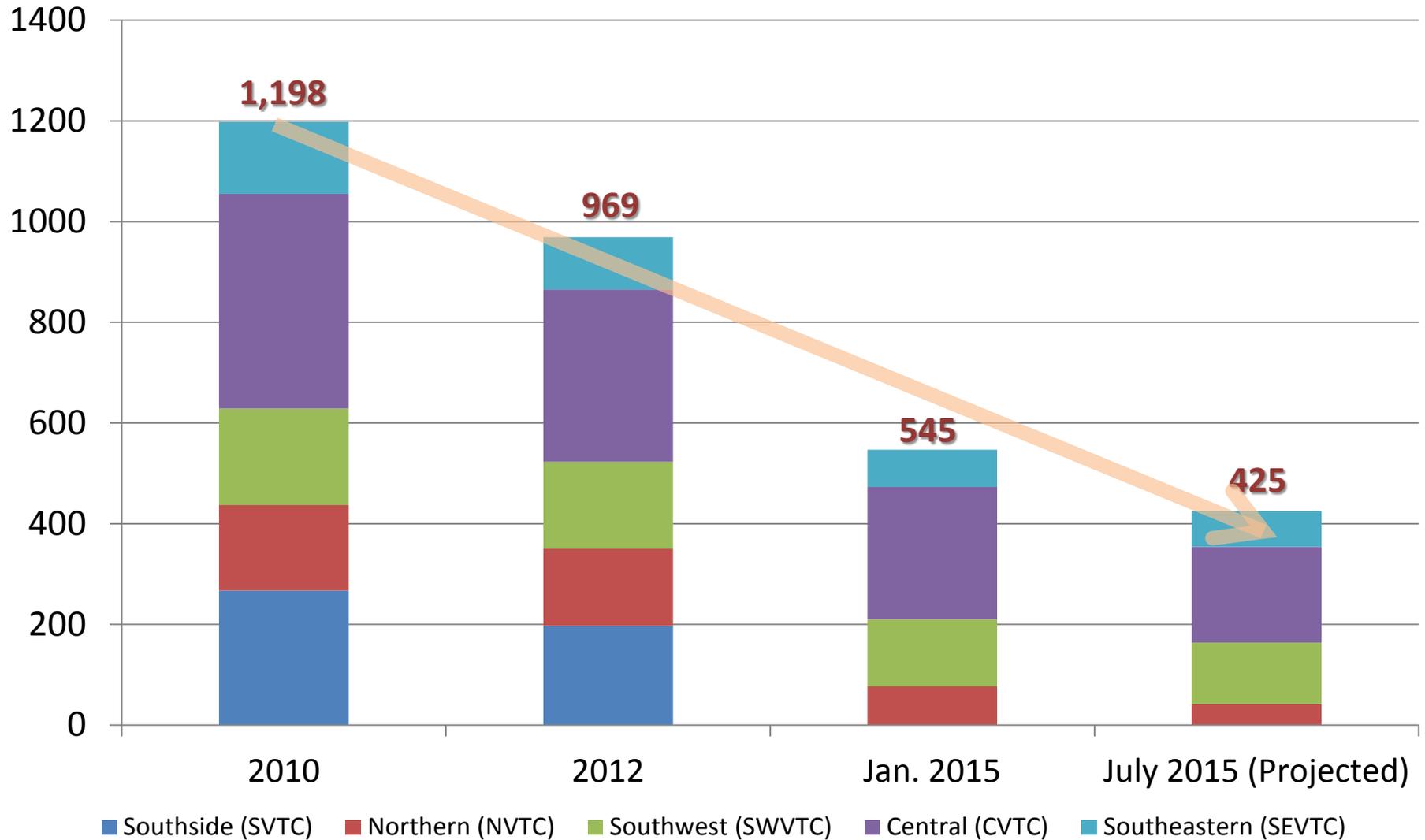
Improving the System



Virginia's Developmental Disability System



Virginia's Training Center Census



Virginia's Training Centers

Name	2000	2010	2012	Jan 2015	% Decrease 2000 – Present	July 2015 Projected
Southside (SVTC) Closed June 2014	679	267	197	0	100%	N/A
Northern (NVTC) Closure date: 2016	189	170	153	77	59%	42
Southwestern (SWVTC) Closure date: 2018	194	192	173	133	30%	122
Central (CVTC) Closure date: 2020	465	426	342	261	44%	190
Southeastern (SEVTC) Remains open	218	143	104	74	66%	71
TOTAL	1,745	1,198	969	545	69%	425

Four Main Areas of the DOJ Settlement Agreement

1. Serving individuals with ID/DD in the most integrated setting and building quality community-based alternatives for individuals, particularly individuals with complex needs.
2. Quality and risk management system, including monitoring and evaluating services, and implementing quality improvement processes at an individual, provider, and state-wide level.
3. Supporting independent housing and employment options for individuals with ID/DD.
4. Transitions from training centers.

DOJ Settlement Agreement Update

Independent Reviewer's 5th Report to the Court was released on December 8, 2014:

- Recognition that the Commonwealth continues to demonstrate good faith in its efforts to implement the terms of the Agreement, and was in compliance with the following:
 - Creation of comprehensive waiver slots;
 - Increased case management and licensing oversight;
 - Discharge planning and transition services with a post-move monitoring process for individuals in Training Centers; and
 - Regional crisis services for adults with ID/DD.

DOJ Settlement Agreement Update

- The 5th Report to the Court also noted additional work is required with respect to:
 - Crisis services for children;
 - Integrated day opportunities;
 - Community living options;
 - Transitioning children from nursing homes and large intermediate care facilities to more integrated settings; and
 - Implementation of a state of the art quality and risk management system.
- An implementation schedule requested by the judge is due by March 15th to address completion dates for items in Agreement that do not currently have target dates—to assist all the parties in gauging progress.

DOJ Settlement Agreement – 10 Year Summary

	Base Projections	Current Projections
Total Cost ¹	\$2.4 Billion	\$2.5 Billion
GF Share of the Cost	\$1.2 Billion	\$1.2 Billion
GF savings and offsets ²	\$826.9 Million	\$775.5 Million
<u>New</u> GF required ³	\$380.7 Million	\$465.3 Million

¹ Includes total state and federal costs to implement the DOJ settlement include ID/DD waivers, crisis management, family support, facility transition waivers, administration, monitoring, quality management systems, and facility closure costs.

² Includes facility savings, appropriations that were in place in FY 2012 before the Trust Fund was established (base funding) and \$60 million in Trust Funds that were provided in fiscal years 2012 and 2013.

³Base projections reflect actions by 2013 session of the General Assembly which added \$30.4 million in adult crisis funds and \$10 million in children's crisis funding over nine years.

Note: The current projections account for the additional costs needed to support the previously announced NVTC delay.

Settlement Agreement and Waiver Redesign

S.A Section	Waiver Meets Requirement:
III.C.1.b.i-iii	Increases number of individuals served by waivers.
III.C.6.	Embeds crisis services into the waivers.
III.C.7.a-b	Includes an array of employment and integrated community engagement services.
III.C.8	Enhances service access and availability, individual/care-giver training, service facilitation.
IV.A-D	Inclusion of transition and other services to support people with intense behavioral and medical needs and facilitate movement from institutional settings.

The Goals of Waiver Redesign

WAIVER REDESIGN THE RIGHT WAY:

- **RIGHT TIME** – The ID Waiver was developed in 1989. It hasn't changed significantly nor has it kept up with best practice.
- **RIGHT KIND** – Neither waiver addresses future trends for a decreased workforce amid an aging ID population and increasing DD population.
- **RIGHT COST** – Paying only for the services and supports the individual actually needs.
- **RIGHT SERVICES** – The current ID/DD waivers are **menu driven models**, meaning the services and the choices are limited by what is available in the particular waiver.
- **The RIGHT PERSON** – New waivers will be comprised of **customized services**, allowing people to receive exactly what they need, in the right amounts, ideally suited to the individual.

Ensuring the Right Services and Supports

Tier 4

Extraordinary Behavioral Support Needs

1.5% = 173 individuals

Extraordinary Medical Support Needs

6.9% = 794 individuals

Severe Support Needs

5.3% = 610 individuals

Tier 3

High Support Needs

38.7% = 4452 individuals

Mild/Moderate Support Needs + Some Behavioral Support Needs

2.4% = 276 individuals

Tier 2

Moderate Support Needs

37.9% = 4360 individuals

Tier 1

Mild Support Needs

7.3% = 840 individuals

Waiver Amendments

Amend Day Support Waiver to



Building Independence Waiver

For adults (18+) able to live independently in the community. Individuals own, lease, or control their own living arrangements and supports are complemented by non-waiver-funded rent subsidies. Supports are episodic/periodic in nature.

Supports Budget is Based on:

Where You Live

Independent Living Residential (AD or CD)
Shared Living Residential

How You Spend Your Day

Individual Supported Employment (AD or CD)
Community Engagement /Access
**Group Day

Amend DD Waiver to



Family & Individual Supports Waiver

For individuals living with their families, friends, or in their own homes, including supports for those with some medical or behavioral needs. Designed to meet individual support needs and preferences. Available to both children and adults.

Supports Budget is Based on:

Where You Live

Supported Living Residential
*In Home Residential (AD or CD)
Shared Living Residential

How You Spend Your Day

Individual Supported Employment (AD/CD)
Supported Employment Wrap Around
Community Engagement/Access
**Group Day

Amend ID Waiver to



Community Living Waiver

24/7 services and supports for individuals with complex medical and/or behavioral support needs through licensed services. Includes residential supports and a full array of medical, behavioral, and non-medical supports. Available to adults and some children.

Supports Budget is Based on:

Where You Live

*In Home Residential (AD or CD)
Sponsored Residential /Group Home Residential
Shared Living Residential

How You Spend Your Day

Individual/Group Supported Employment (AD/CD)
Supported Employment Wrap Around
Community Engagement/Access
**Group Day

AD=agency directed service; CD=consumer directed service.

*In Home Residential and Respite services will remain available in both the Community Living and the Family & Individual Supports waivers and over time will be provided primarily in the Family and Individual Supports Waiver.

**Group Day services will remain in the Building Independence and Family and Individual Supports Waivers during the transition period.

The Benefits of Individuals Accessing the Most Appropriate Waiver

Offering Independent Living services in the Building Independence Waiver to 500 individuals* with mild/moderate support needs who currently reside in Group Homes or Sponsored Homes

Individuals on the ID Waiver receive a more appropriate service package waiver at lower cost,

The savings to the Commonwealth would be approximately \$4,585,000 for those individuals' services and would result in freeing up capacity in current group homes to serve those with more complex needs who are more appropriate for such settings.

* The DS waiver is currently funded for 300 slots. 200 new slots are being requested of the GA this year.

Redesigned Waivers Implementation Timeline

**January
2016**

- State proposes to phase in the **Building Independence Waiver**

March 2016

- State proposes to phase in the **Family and Individual Supports Waiver and Community Living Waiver**

July 2016

- New Group Home Rate structure transition (daily billing vs. current hourly billing) will become effective
- Residential rates will take effect at transition
- Other services take effect by individual plan year.

**October
2016**

Transition of non-residential individuals (i.e., living with family) take effect

**January
2017**

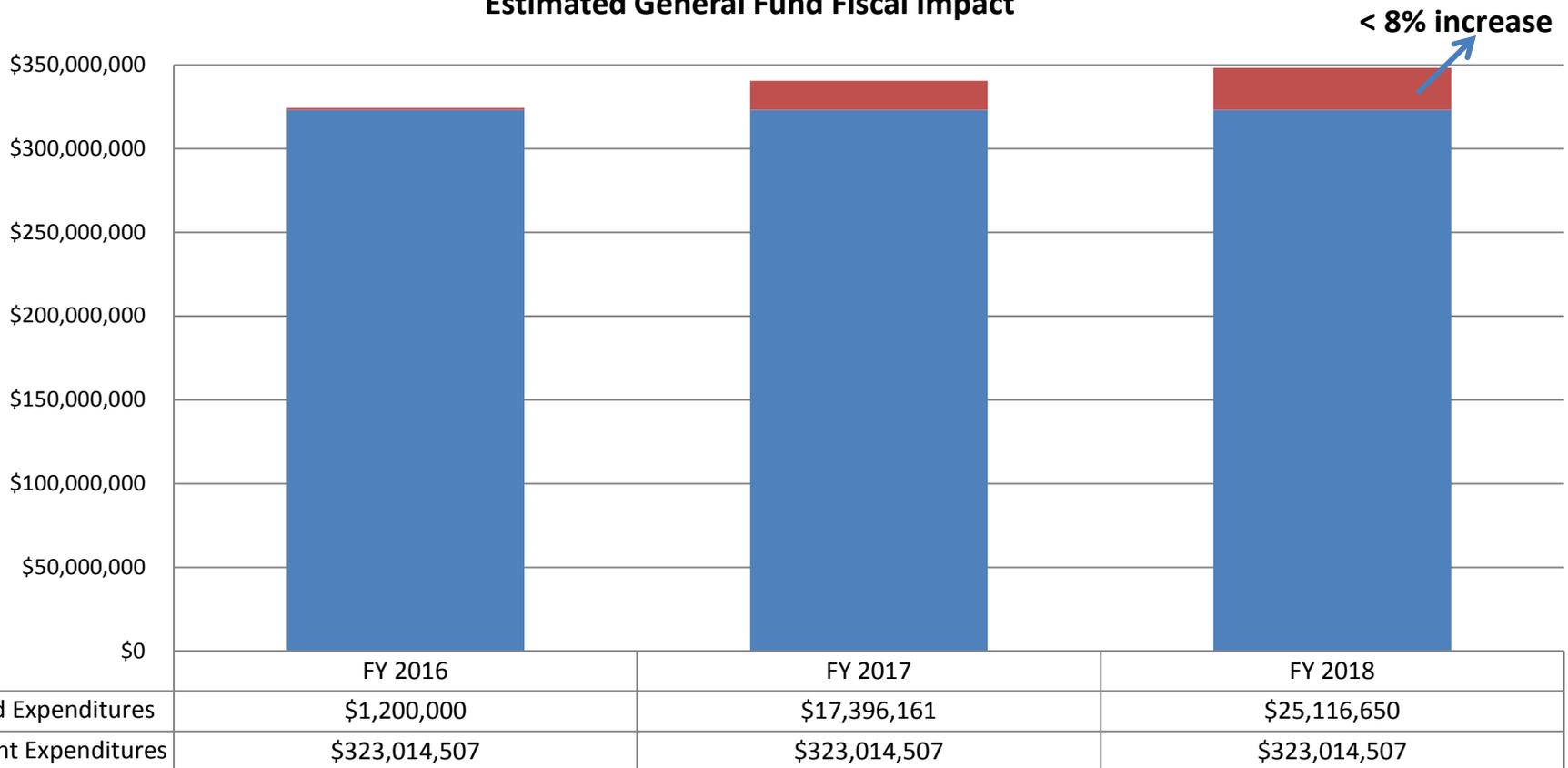
New Sponsored Residential rate structure transition will take effect

Residential rates take effect at transition

Other services take effect by individual plan year

General Fund Impact for Waiver Redesign

Estimated General Fund Fiscal Impact



- Current expenditures reflect FY 2013 actuals.
- FY 2016 added expenditures include funding for the onboarding of the Building Independence Waiver.
- When fully implemented, added expenses represent a 7.8% increase over FY 2013. Without skilled nursing, this percentage decreases to 5.7% (\$7M).
- FY 2017 and FY 2018 current expenditures do not account for normal utilization and inflation adjustments calculated at DMAS.

Governor's Budget Amendments

Budget Amendments	GF FY 2015	GF FY 2016
DOJ Settlement Agreement (DBHDS & DMAS)	\$166,819	\$7.2 million
Comprehensive I/DD Waiver Redesign	-	\$2.3 million
Total	\$166,819	\$9.5 million

DOJ Settlement Agreement

- Update the DOJ model for discharge adjustments and training center closure costs (DMAS & DBHDS) (\$535,369 in FY 2015 and \$6.5 million in FY 2016).
- Support the transition of individuals from training centers to the community not covered by Medicaid (\$31,450 in FY 2015, \$125,801 in FY 2016).
- Address DOJ monitoring requirements to include the independent reviewer and the quality service reviews (\$140,000 in FY 2016).
- Provide on-going support for Rental Choice VA program (-\$400,000 in FY 2015, \$400,000 in FY 2016).

Governor's Budget Amendments (continued)

Comprehensive Waiver Redesign

- Create a new independence waiver to replace the current day support waiver, starting March 2016 (\$1.2 million in FY 2016).
- Provide rent subsidies to support the independence waiver as part of the comprehensive redesign (\$675,000 in FY 2016).
- Replace the consolidated waiver IT system to accommodate the new requirements associated with the redesign (\$453,888 in FY 2016).

Commonwealth's Commitment to System Transformation

Signing of the Settlement Agreement resolved DOJ's investigation of the Commonwealth's compliance with the Americans with Disabilities Act and the U.S. Supreme Court Olmstead ruling **AND** committed the Commonwealth to address the following areas:

Serving individuals with I/DD in the most integrated setting

Building quality community-based alternatives

Creating a crisis system

Transitioning from training centers

Enhancing quality and risk management systems

Supporting independent housing and employment options

Appendix

DOJ Expenses – 10 Year Detail

DOJ Expenses	FY 2012 Actuals	FY 2013 Actuals	FY 2014 Actuals	FY 2015 Proposed	FY 2016 Proposed	FY 2017 Projected	FY 2018 Projected	FY 2019 Projected	FY 2020 Projected	FY 2021 Projected
Facility Transition ID Waivers	\$0.0	\$8.0	\$17.5	\$27.8	\$36.0	\$37.7	\$42.7	\$45.8	\$48.0	\$48.4
Community ID & DD Waivers	\$0.1	\$17.4	\$25.1	\$28.8	\$48.4	\$57.2	\$68.7	\$80.2	\$93.1	\$106.6
Individual Family & Support	\$0.0	\$1.7	\$3.6	\$3.4	\$3.2	\$3.2	\$3.2	\$3.2	\$3.2	\$3.2
Housing	\$0.0	\$0.0	\$0.1	\$4.8	\$1.1	\$1.9	\$1.9	\$1.9	\$1.9	\$1.9
Crisis Stabilization	\$0.0	\$7.8	\$12.1	\$12.2	\$16.3	\$16.3	\$16.3	\$16.3	\$16.3	\$16.3
Individuals not covered by Medicaid	\$0.0	\$0.0	\$0.0	\$0.0	\$0.1	\$0.1	\$0.1	\$0.1	\$0.1	\$0.1
Facility Closure Costs	\$0.0	\$2.7	\$7.7	\$28.0	\$22.6	\$16.2	\$16.8	\$17.5	\$18.2	\$19.5
Independent Review	\$0.1	\$0.3	\$0.3	\$0.4	\$0.4	\$0.4	\$0.4	\$0.4	\$0.4	\$0.4
DBHDS Administration	\$0.2	\$1.3	\$1.5	\$2.1	\$1.9	\$2.6	\$2.6	\$2.6	\$2.6	\$2.6
DMAS Administration	\$0.0	\$0.0	\$0.2	\$0.7	\$0.8	\$0.8	\$0.8	\$0.8	\$0.8	\$0.8
Quality Management	\$0.0	\$0.2	\$0.2	\$0.6	\$0.6	\$0.6	\$0.6	\$0.6	\$0.6	\$0.6
Database Warehouse/Licensing	\$0.0	\$0.0	\$0.7	\$2.0	\$0.9	\$0.4	\$0.4	\$0.4	\$0.4	\$0.4
Discharge Monitoring	\$0.0	\$0.0	\$0.1	\$0.4	\$0.1	\$0.1	\$0.1	\$0.1	\$0.1	\$0.1
DMAS MMIS	\$0.0	\$0.0	\$0.3	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0
Community Provider Training	\$0.0	\$0.0	\$0.0	\$0.1	\$0.1	\$0.1	\$0.1	\$0.1	\$0.1	\$0.1
Supportive Intensity Scale	\$0.0	\$0.0	\$0.8	\$1.6	\$1.8	\$1.8	\$1.8	\$1.8	\$1.8	\$1.8
DD Health Supports Network	\$0.0	\$0.0	\$0.0	\$2.0	\$2.6	\$3.9	\$3.9	\$3.9	\$3.9	\$3.9
Bridge Funding	\$0.0	\$0.0	\$0.0	\$2.8	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0
Facility Savings	\$0.0	(\$5.6)	(\$16.3)	(\$41.4)	(\$54.7)	(\$65.1)	(\$74.2)	(\$82.1)	(\$87.5)	(\$91.0)
DBHDS Offset	\$0.0	\$0.0	\$0.0	(\$1.0)	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0
Total (including base funding)	\$0.4	\$33.9	\$53.9	\$75.2	\$82.2	\$78.2	\$86.2	\$93.6	\$103.9	\$115.5

DOJ Settlement Agreement Update

- **Prospectively Monitoring Quality & Risks:** Developed a 3-part process to review & quantify numbers & types of Case Management (CM) visits to date:
 - Selected sample of individuals will have a review of total service package by DBHDS Office of Licensing
 - Providers who are at the greatest risk for non-compliance around health and safety issues will receive additional visits and technical assistance.
 - All of these activities and reports will be analyzed by the Quality Management Team that will make recommendations for improvements. Information will be reviewed by the Quality Improvement Committee for further discussion and recommendations.
- **Integrated Day referenced as Community Engagement:**
 - Community Engagement Advisory Group formed and meeting to develop actionable steps to implement plan.
 - DBHDS and DARS initiated cross agency meeting to lead to greater collaboration of priorities and policies.

DOJ Settlement Agreement Update

- **Independent Housing**

- A Housing and Supportive Services Consortium has been jointly convened by DBHDS, DMAS, DHCD and VDHA to assist local communities to increase independent living options in their areas.
- The Governor has included \$400,000 for the Rental Choice VA program in his base budget for FY 15-16. 15 applications have been received for 32 slots with 4 individuals living in rental units and another 3 looking for housing.
- On October 1, 2014, VHDA received HUD approval to establish a tenant selection preference for 32 persons with I/DD. As of 1/9/15, 31 referrals have been made to VDHA for use of those slots.

- **Crisis Services:** Crisis services for all adults with I/DD are available statewide.

- Crisis services for children continue to be developed: Children's Crisis Standards are completed.
- Training curriculum drafted.
- Meeting with behavioral health and developmental disability children's crisis teams occurred in December to look at opportunities for collaboration and a single system of care.

Where Individuals Live

Where People on the ID Waiver Live	
ID Waiver Population	Percentage
Adults in Group Homes	28%
Adults in Sponsored Residential Placements	24%
Adults Living with Parent(s)/Relative(s)	25%
Adults Living Independently	12%
Adults in Supported Living	11%