

Public Health Committee JOINT FAVORABLE REPORT

Bill No.: SB-296

AN ACT ESTABLISHING A PILOT PROGRAM TO SERVE PEOPLE SEEKING
RESIDENTIAL SERVICES FROM THE DEPARTMENT OF DEVELOPMENTAL
Title: SERVICES.

Vote Date: 3/23/2018

Vote Action: Joint Favorable

PH Date: 3/16/2018

File No.: 279

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SPONSORS OF BILL:

Public Health Committee

REASONS FOR BILL:

SB-296 requires the Department of Developmental Services (DDS) to establish, within available appropriations, a pilot program to serve persons who are eligible and waiting for DDS residential services. The program must evaluate and establish alternative service models in which certain people currently receiving residential services may be moved, with the consent of the person or the person's legal guardian, into more independent, less restrictive and cost effective settings in order to provide residential placements to others in critical need. DDS must work with specified stakeholder organizations to establish the program. Starting in 2019, the DDS commissioner is required to report twice a year to the Public Health Committee on the program regarding funds spent implementing it and the program's outcomes.

RESPONSE FROM ADMINISTRATION/AGENCY:

Jordan Scheff, Commissioner, Department of Developmental Services:

The Department of Developmental Services (DDS) support SB-296, with a number of reservations. DDS appreciates the effort to identify a cost neutral concept that has the potential to provide more services to more people. It already uses flexibility to create a continuum of supports through which individuals may move, based on needs, desires and availability. While DDS is more than willing to focus efforts on systems changes that allow for a more sustainable and predictable future, they suggest they can achieve these changes

more efficiently through internal policy, rather than through legislative action. DDS is engaged in some of this work, in partnership with private community providers, and focused on growing the most integrated and cost effective residential models. Funding freed up through these efficiencies could potentially be used to address a variety of needs that have been highlighted through the years. Specific to the language offered in this bill, this could include meeting the needs of individuals on the waiting list; however, this type of systems-change could be achieved without legislative action. DDS proposes changes to the reporting requirements delineated in this bill. Tracking funding in a very fluid system is not possible, particularly without dedicated funding streams.

NATURE AND SOURCES OF SUPPORT:

Julia Wilcox, Manager of Advocacy and Public Policy, Connecticut Community Nonprofit Alliance:

The Connecticut Community Nonprofit Alliance supports the bill and commends the committee for bringing forth this legislation. The Alliance, the Arc of Connecticut, and the Council on Developmental Disabilities will partner with the state to establish the proposed pilot program of SB-296. There are more than 2,000 individuals with intellectual and developmental disabilities (I/DD) that are on the residential Waiting List. This has negatively affected the health and wellbeing of not only I/DD individuals, but their families as well. SB-296 attempts to achieve an innovative, long term and cost effective solution which will improve the state of individuals on the waiting list, and other I/DD individuals who seek less restrictive, more independent living, by helping them achieve their full potential and maximum quality of life.

The approach of the pilot program reflects national trends, and it is encouraging that the pilot will focus on evaluation and establishment of alternative service models. These models will include shared living arrangements, housing clusters, community companion homes, habilitation services, and the use of assistive technology. In 2012, the Program Review and Investigations Committee looked at the experience of 17 group homes for individuals with I/DD and found that nonprofit run homes received nearly 40 percent fewer deficiencies when inspected than homes run by state government, and only 13 percent of private home were cited for deficiencies, while 38 percent of state run homes were cited.

Most importantly, this approach reflects the evolving requirements and expectations of the Center for Medicare and Medicaid Services (CMS). Maintaining a system of services that meet CMS requirements is essential for quality of life for individuals with I/DD, but also for the very critical matching of federal funding.

Shelagh McClure, Chair, Connecticut Council on Developmental Disabilities:

The Connecticut Council on Developmental Disabilities supports the bill wholeheartedly. SB-296 does three very important things: it gives the opportunity to individuals with I/DD who live in group homes to seek a more independent living model, it opens new possibilities to individuals with I/DD who are on the residential waiting list, and it promotes demonstration of living models that, while not common in Connecticut, are popular in other states. Independence is a fundamental principle of the disability rights movement. In addition to

gaining independence, those who move into these new model homes open up places for those on the residential waiting list classified as “emergency” or “in urgent need” of services. SB-296 will expand community based residential options in Connecticut, as has been done in other states.

Tom Fiorentino, President, Arc of Connecticut Board of Directors:

Mr. Fiorentino and the Arc of Connecticut support SB-296. This bill is a response to the voices of advocates, families, and state agencies who have said that the current support system in Connecticut for individuals with intellectual and developmental disabilities is not sustainable and newer models need to be developed. It is the Arc’s hope that this bill will help serve those individuals with I/DD more efficiently.

Win Evarts, Executive Director, Arc of Connecticut:

Mr. Evarts supports the bill. The residential support services in their current form for individuals with intellectual and developmental disabilities are unsustainable. The SB-296 pilot is voluntary for I/DD individuals, families, guardians, providers and DDS. Since the pilot program will operate within available appropriations, it will open up funds to potentially fund new placements for individuals waiting to experience independent living. He acknowledges the challenges a process this complex may bring, and believes private providers may require an incentive in order to make an investment. Connecticut has not been able to retain earnings generated through innovation, but if it uses the Cost Settlement mechanism allowing providers to retain realized savings, this may change that course.

Benjamin Davies, Manager of Advocacy and Outreach, MARC Community Resources:

MARC supports SB-296. This bill encourages providers to offer less restrictive and more independent living options to individuals with I/DD. The living options include shared living arrangements, housing clusters, community companion homes, and the use of assistive technology. Funds saved through this new approach could potentially assist other individuals with I/DD who are on the residential waiting list before they are in a crisis.

Melissa Marshall, Coordinator, Connecticut Cross Disability Lifespan Alliance:

The Connecticut Cross Disability Lifespan Alliance (CCDLA) supports the bill. The need for housing for individuals with intellectual and developmental disabilities is urgent. There are currently over 10,000 people over the age of 60 who are primary care givers for adult family members with I/DD. SB-296 represents an important beginning towards the process of creating independent, viable housing options for people with I/DD.

Marina Derman:

Ms. Derman supports SB-296. DDS is barely able to fund emergency cases, and this bill tests new and varied residential models which could allow them to use funds more efficiently. Ms. Derman has two sons who have autism and intellectual disabilities, with one of them being considered “Urgent” on the DDS Residential Waiting List (RWL). Despite this classification of urgency, she has no hope that her son will receive residential placement. The testing of new living models such as shared living or housing clusters will free resources for

those who need independent living. Connecticut taxpayers, who invest in their children's education from age 3 to 21, deserve innovative approaches to allow for independent living for their children with I/DD.

Lauralyn Lewis:

Ms. Lewis supports the bill. She advocated for SB-246 which unanimously passed the Senate and House chambers in the 2017 legislative session. SB-246 required a census of the Residential Waiting List which is to be completed and reported to the Appropriations Committee by November 2018. Ms. Lewis recommends that the pilot program in SB-296 not be implemented until this census report is complete. Ms. Lewis has additional concerns. She questions that if an individual who has voluntarily entered the pilot program decides they would like to return to their former residence, would there be a mechanism in place to address this request. Ms. Lewis also points out those private providers potentially stand to lose money once individuals leave a group home if these individuals are not replaced with other paying clients in a timely manner.

Lauren Traceski:

Ms. Traceski supports the bill and gives a personal narrative of the living experiences of a person with intellectual disabilities. Ms. Traceski looks forward to the day she can make a difference in other people's lives by working hard and being an active part of her community. SB-296 will allow the state to create new and more affordable places for individuals with I/DD to live, and it will allow them to use technology to create different ways to meet individual living needs. It will allow the opportunity for Ms. Traceski to achieve her personal best.

There are an additional 15 organizations and individuals that provided testimony in support SB-296.

NATURE AND SOURCES OF OPPOSITION:

None provided.

Reported by: Valentina Mehmeti

Date: 4/6/2018