

From The Superintendent

October 2014

Emerging Trends and Issues



In the quest to keep you updated about the trends and issues our agency is facing locally, statewide and nationally and how they relate to our strategic direction, I want to provide you with some updates.

A reminder...during our strategic plan process last year we identified key issues that will drive our service delivery over the next five years as we move toward integration in everything we do. (See the strategic plan at www.hamiltondds.org.) Those issues are:

1. **The Olmstead Decision** – The 1999 U.S. Supreme Court declared that people with developmental disabilities have the right to receive services in the most integrated setting appropriate to their needs.
2. **Department of Justice** – Aggressive legal action against state and local agencies is being pursued as a result of Olmstead.
3. **Centers for Medicaid and Medicare Services (CMS)** – the federal agency that oversees Medicaid and Medicare recently issued new regulations defining home and community-based services in response to Olmstead.
4. **Employment First** – Governor John Kasich issued this executive order in 2012 setting community employment as the preferred option for people with disabilities.

Just before the July 4 holiday, the Department of Justice (DOJ) in partnership with Disability Rights Ohio (DRO) sent a letter to John Martin, Director of the Ohio Department of DD. The letter stated DRO's displeasure with what they consider to be excessive segregated services for people with disabilities in Ohio. The letter precedes their intent to sue as they have done in other states.

Director Martin responded with a letter asking to meet with DOJ and DRO representatives to share Ohio's plans and challenges for desegregation and to talk through solutions. That letter has not yet been responded to by DOJ and DRO. Meanwhile, Department of Justice and DRO representatives have been visiting places around the state that provide services to people with disabilities to gather information for their case.

Another emerging issue on the federal and state level is related to changes in the laws and rules for Medicaid in response to the Olmstead and DOJ enforcements. The changes are coming our way through the Center for Medicaid and Medicare Services (CMS), which is the federal agency that oversees these programs.

The changes from CMS impact us because we receive federal Medicaid waivers to fund services. We are still learning about how these changes will impact our services. But we are gathering all of the information possible along with our county board staff around the state, so that we can all plan accordingly. What these changes likely mean is that we may not be providing services in the same places or in the same ways as we have in the past, nor will funding be allocated in the same way.

What these changes and challenges continue to do is focus us on building the capacities of people served, providers, staff, and key organizations to support community integration in every possible way for people with disabilities. I am confident that we will meet the challenges in our usual creative and caring ways.