

May 14, 2015

Senate Medicaid Committee
1 Capitol Square
Columbus, Ohio 43215

Re: Proposed Ohio Budget

Dear Chairman Burke, Ranking Member Cafaro, and Members of the Medicaid Committee:

The Ability Center of Greater Toledo is a Center for Independent Living covering seven counties in northwest Ohio. With our programs, we serve people with disabilities and assist to help them achieve their vision of independent living. As a center for independent living, our members include many people who will be intimately affected by the proposed changes to the Ohio Medicaid and Developmental Disabilities budget. Many of the proposed changes will go far to ensure that the members of our center receive the services they need to live independently as part of our Ohio community. However, we would like to address a few areas of concern in the budget this year.

First, we urge you to support the increased funding and changes to the developmental disability system to increase home and community based services in the Executive Budget. The governor's budget proposed to increase the DODD's state funding by nearly \$49 million from FY 2015- FY2016. Much of the funding was dedicated to increasing the number of Medicaid waivers, and services provided in Medicaid waivers, in order to give individuals within our developmental disability system choices in whether to reside in institutional settings. Similarly, the Executive Budget proposed to raise the pay of home and community based direct care workers in the developmental disability system

Ohio lags behind other states in the amount of waivers, and the types of services provided in waivers, provided to those with developmental disabilities. Many of the consumers who use the services at our center are trapped on long waiting lists to receive waivers and have difficulty accessing the services that will allow them to choose to live in the community rather than an institutional setting. The median waiting list time is more than nine years

for the Individual Options waiver and more than five years for the Level 1 waiver.

Thus, we ask that you support the increase in funding for waivers, waiver services, and institutional transition in our developmental disability system from the proposed Executive budget.

Second, we urge you to refrain from making changes to the “DD Bill of Rights” for Ohioans with disabilities. The proposed House budget made changes that potentially narrow the scope and make the Bill of Rights for people with developmental disabilities weaker. Many of the proposed changes simply add additional language to or clarify rights already held by any persons with developmental disabilities.

However, there are several proposed amendments to the “DD Bill of Rights” that would likely raise specific objections from people within the developmental disability system, their communities, advocates, and families. A few of the amendments appear to limit or narrow the list of basic human rights such as the narrowing of the rights to “residential or employment accommodations” and the addition of “by or with the aid of family members or other guardians” into the bill of rights.

Those provisions seem out of place and against the intentions of the drafters. While decision making is a complex issue for many people with developmental disabilities, it is already controlled through other Ohio laws such as our guardianship laws.

Additionally, there are many within our developmental disability system who do not have a cognitive impairment and for whom independence in decision making is not a complex subject. In Ohio, the developmental disability system serves any person whose disability manifested itself before the age of 18. Many people served by that system do not have cognitive impairments but physical disabilities that manifested themselves early in their lives.

The “DD Bill of Rights” is meant to be a list of individual human rights, like the UN Bill of Rights or the US Bill of Rights, for individuals with developmental disabilities. Taken in that context, the changes made in the proposed House budget do not make sense and were not subject to public comment. Thus, we ask that you make no changes to the “DD Bill of Rights” without additional public input and comment.

Finally, we ask that you follow the House’s lead in removing the proposed phase out of independent providers from the proposed budget. Many of those served by our Center testified before the House on their desire to retain their current independent providers and the negative experiences they have had with many agencies. Overwhelmingly, those who testified discussed how they are able to choose and give a higher rate of pay to independent providers, giving them control over who cares for them day-to-day, when that person arrives and consistency with that person long-term. Many testified that dealing with agency providers involves unreliability, high turn- over, and inconsistent service.

In a survey conducted by the Ohio Association of County Boards, 100% of individuals served who responded opposed the phase out of independent providers. When a person relies on their in-home provider for things like taking medication, bathing, and assistance in getting out of bed, trust and reliability are essential and should be incentivized. Thus, we ask that you follow the House's lead in removing the phase out of independent providers from the proposed Executive Budget.

Each of these provisions are essential to giving people with disabilities the dignity of the option to live as independently as possible within the community, a goal established in the Americans with Disabilities Act and reinforced by the U.S. Supreme Court in *Olmstead v. L.C.* Thus, we ask that you support these provisions of the budget in order to best support those that we serve every day.

Sincerely,

Katie Hunt Thomas
Disability Rights Attorney
Ability Center of Greater Toledo