
Subject: Action Alert: Proposed Plan Will Significantly Impact DDD Programs

Dear Families,

We want to bring to your attention a proposed plan that will fundamentally shift the way services are provided to people with intellectual and developmental disabilities in New Jersey. The State is recommending a series of changes that may have a serious impact on your loved one. Families and stakeholders have until Feb. 26, 2015 to provide feedback.

Background:

- The Centers for Medicare and Medicaid Services (CMS), the federal agency responsible for parts of Medicaid, recently released a final rule to ensure that Medicaid's Home and Community-Based Services (HCBS) programs provide full access to the benefits of community living and offer services in the most integrated settings. (Plan is attached)
- Each state must now submit a Transition Plan to CMS that explains how it will come into compliance with this final rule.
- States will have five years to come into compliance with the CMS requirements.

Within New Jersey's compliance plan the Department of Human Services has included a number of provisions of concern to us that may concern you too. They are as follows:

Proposed Plan:

- Individuals who attend a day program will be required to spend at least 75 percent of their time in activities in the community, not at the day program site.

Issue:

- The requirement fails to take into a consideration the range of developmental disabilities and the capabilities of each served individual.
- The 75 percent benchmark may be very challenging for community providers to implement and should difficulties arise, steps to modify the plan in the future may be challenging.
- This proposed standard is not a CMS standard but rather an arbitrary requirement being set by New Jersey's Department of Human Services.

Proposed Plan:

- The Transition Plan recognizes that requirements may need to be modified for individuals with significant medical and/or behavioral challenges in residential settings if the need is assessed, justified and documented in a person's service plan.

Issue:

- However, the plan makes NO mention of modifications for individuals with the same challenges when it comes to day programs. As currently written, the Transition Plan would require all day program attendees, regardless of medical or behavioral challenge, to participate in the community for at least 75 percent of the day.

Proposed Plan:

- There will be NO overall group schedule for participants. Each participant could choose his or her own activities and schedule.

Issue:

- The Arc of New Jersey is a strong supporter of community involvement and choice but this requirement is a concern because current levels of staffing won't support it.
- Although community integration requires additional staffing to ensure health and safety is maintained for all participants at all times, NO additional funding is being allocated for community providers to ensure this safety standard is continued, under this new rule.

Proposed Plan:

- DDD will modify its regulatory policies to ensure that in apartment settings no more than 25 percent of units are specifically set aside for individuals with disabilities.

Issue:

- The language does not explicitly address existing supervised apartment programs where people with I/DD reside in more than 25 percent of the units.
- The Arc of New Jersey believes that a grandfather clause should be inserted into the language to protect people's current apartment programs.

Proposed Plan:

- The existing portfolio of licensed group home beds will remain available to serve individuals who need and select that choice.

Issue:

- This language implies a moratorium on development of any additional group homes.
- If no additional capacity is developed, this could impact individuals who want a group home in the future or families who want that option for their loved one.
- This implied freeze on new group homes is also concerning to individuals with the greatest challenges for whom supervised apartments will not meet their needs.

Taking Action:

- If you believe these proposed changes will negatively impact individuals with I/DD who need services, it is critical that you weigh in with CMS.
- Your personal stories are what matter most! CMS takes the concerns of families and their stories very seriously. It is important that you explain, in your own words, why these changes concern you. Include in your feedback how these proposals will have an effect on your loved one's life. Don't worry about the format or length of your comments; just concentrate on your experiences.

Steps for Providing Input:

- Send by mail to:
 - HCBS Rules c/o Lowell Arye, Deputy Commissioner
NJ Department of Human Services
P.O. Box 700
Trenton, NJ 08625-0700
- Email to: mahs.hcbs@dhs.state.nj.us

Testimony:

- As part of the public comment process, CMS will read, review and consider all submitted comments.
- Oral and written comments can be delivered at two public input sessions. The sessions are scheduled for:
- Wednesday, February 4, 2015 from 10:00 a.m. to noon at the NJ Department of Human Services, located at 222 South Warren Street Trenton, NJ.
- Thursday, February 19, 2015 from 10:00 am to noon at the Department of Children and Families (DCF) Training Facility, located at 30 Van Dyke Avenue, New Brunswick, NJ.