



LEADER

Ohio Association of Adult Services

November 2004

INSIDE THIS EDITION

Presidential Address	1
Current OAAS Map	1
New Adult Services Directors	3
Problems With CAFS Identified	4
OAAS Member Request Summary	5
State Use Update	6

Presidential Address

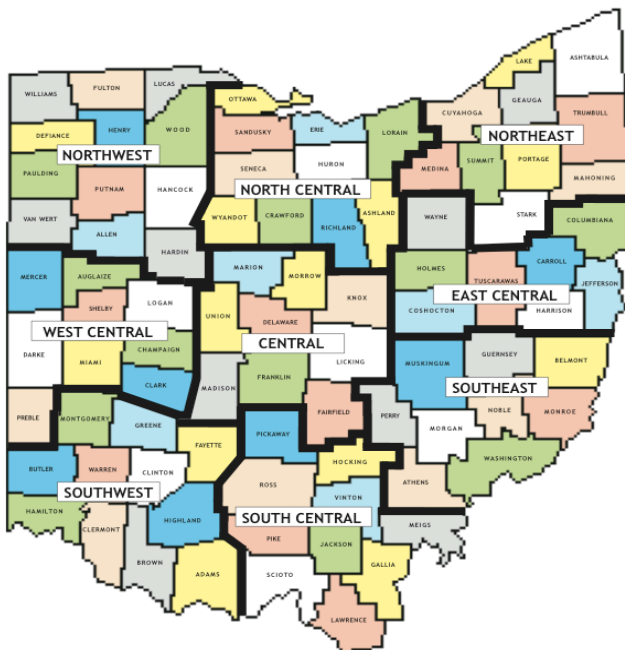
By Elizabeth Prather, OAAS President

I must admit that coming up with this Presidential Address has been daunting. First of all, I don't feel very Presidential. And secondly, how do I sum up the past year in Adult Services? Luckily I got a few ideas from Dana Charlton this month who used some excellent words to describe the last year in the field of MR/DD in Ohio. Chaos, Crisis, Critical and Challenging headed up

the list. This alliteration inspired me to add to the list: CMS, CAFS, Conflict, Compliance, Control, Confusion and Clueless. I'm sure all of us can come up with other "C" words. However, I do not want to focus on the negative, so here are positive words such as Choice, Commitment, Create, Culture, Community, Collaboration, Consensus, Change, Coordination and Customer Service that are equally relevant when thinking about the past year, and more importantly, about the year to come. When we think about the year to come, I think we as Adult Service Directors should focus on building capacity. The capacity to be the best. Will privatization be required in your county? I haven't found a crystal ball that will give you the answer. How many times has privatization seemed to be the way to go and then suddenly get placed on the back burner? Hopefully some of the information presented today will help to make sure you have the capacity within your non-profit to become independent from the County Board, if necessary. These practices can only enhance your business operations, whether or not you ever privatize.

(Continued on p.2)

• OAAS Regional Map •



(Continued from p. 1)

You probably know that changes in the way the State Use program will be implemented have been drafted into statute and plans are to present to legislature next year. The move from MR/DD to Department of Administrative Services has been widely supported by CRPs. Controversy (another of those “C” words) has stemmed from the proposed change in definition to expand the State Use program to benefit people without disabilities. OAAS has strongly opposed that expansion and has received support from the Alliance of Work Centers to keep the definition limited to persons with disabilities.

And you might ask, what is going on with Self-determination? Superintendents and state departments have had to focus on funding issues that threaten the future of local services and supports. Participation in the Independence Plus Waiver was limited to less than 25% of the counties to start with and now has even fewer. Concerns with funding and implementation requirements seem to have prompted the withdrawals. The good news is, Adult Services provided more training in Self-determination through regional trainings than any other group this past year. In addition, the recent self-determination immersion training co-sponsored by OAAS was something for which we can be very proud. Over 200 individuals, family members and staff attended and walked away with an energy we can't let subside. We can't afford to wait to be told what to do. We need to continue to lead the way in self-determination. Individuals, staff and managers in Adult Services have the expertise to move the system.

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The Association will continue to provide training and information to the membership that will assist you to provide quality services that are responsive to the needs and choices of individuals you serve. The workgroups that have been working on Business Practices, Service and Support Administration/Adult Services and Self-Determination will continue. The OAAS Member Requests sent by email to the membership have been very popular and will continue. It has been an excellent way to connect with the membership and find solutions to common issues. The regional meetings continue to be the most immediate way to connect membership and address local issues. I encourage all of you to continue your participation in those meetings. And thank you for your participation at our Annual meeting. It has been a good time to share information and gather feedback on how the Association is meeting your needs. And hopefully the rest of the evening will be a good time. As we say in Louisiana, “Laissez les bons temps rouler!” Let the good times roll!

Visit the OAAS website at

www.oaas.org

OAAS Welcomes Three New Adult Services Directors

Peggy Kurz – Hamilton County Board of MRDD

Peggy Kurz has worked for the Hamilton County Board of MRDD for 19 years.

She began as a preschool teacher, moved into supervision, was a building principal and curriculum coordinator prior to moving to adult services.

Peggy is also a supervisor of the Behavior Support staff. She has a Masters in Special Education from the University of Cincinnati and post-masters work in supervision and administration from Xavier University in Cincinnati. She began as the Adult Services Director on August 2, 2004.

Jeff Miller – Darke County Board of MRDD

Jeff Miller was recently hired as the Adult Services Director in Darke County. Jeff is replacing Mary Brennan who retired after a long and successful career in Darke County. Jeff has a Bachelor's Degree from Ball State University and a Master's in Education from Wright State University. He worked for 14 years as a Habilitation Manager for Darke County Board of MRDD before being appointed to the adult services director position.

Jeff also worked in case management and residential services.

Tim Coverdale – Stark County Board of MRDD

In February, 2003, Tim Coverdale was appointed as the Director of Adult Services for the Stark County Board of Mental Retardation and Developmental Disabilities. This appointment was in addition to his already being the Director of The Workshops, Inc., the non-profit corporation of the Stark County Board of MR/DD. TWI, Inc. is the primary employer of adults enrolled in the county program. Stark County Board of MR/DD has more than 1,200 adults enrolled.

Tim began his career in the field of mental retardation in 1977 at Applecreek State Institute. It was followed by his being hired by Stark County MR/DD in 1978. During his tenure with Stark County, Tim was a Workshop Specialist II; Workshop Manager; Contract Procurement Specialist; Manager of Sales; General Manager of Finance, Production and Retail Sales; Director of Workshops and now Director of Adult Services and The Workshops, Inc.

He is a graduate of Malone College where he obtained a Bachelors of Arts degree in Management. He possesses a Masters of Business Administration from Tiffin University and completed the Superintendent Development Program sponsored by the Leadership First Academy.

His vast habilitation and business experience has served him well in the position he now holds.

Problems with CAFS Identified

By Todd Boyer, OACBMRDD

The administration has committed to a long-term solution with CMS that follows existing state law as closely as possible, while acknowledging that there are conflicts between the statute and the state Medicaid plan.

On August 26, the Ohio Dept. of MRDD (ODMRDD) announced that due to “serious concerns” expressed by the federal Centers for Medicare and Medicaid Services (CMS) regarding proposed rule changes affecting the Community Alternative Funding System (CAFS), it was withdrawing all CAFS-related rules from the August 30 agenda of JCARR, the legislative body that evaluates rules implementing state legislation. CAFS is a federal program that reimburses county boards and private providers for medical and support services provided to people with MR/DD.

According to the ODMRDD, had the state adopted the proposed rules, Ohio would likely have lost federal funding for CAFS-related services such as physical therapy, nursing, counseling, and transportation. A copy of the communication sent by CMS to ODMRDD is posted on the ODMRDD website at <http://odmrdd.state.oh.us/>.

The state continued to operate under current emergency rules through the month of September, then implemented federally-compliant rules that will be in effect through the end of the year.

ODMRDD, ODJFS, and Governor Taft’s office have begun immediate efforts to replace the current CAFS structure with alternative funding mechanisms and to devise a long-term solution. Negotiations with CMS have been ongoing.

Representatives of the County Boards’ Association and the Children Services’ Association have been meeting on a regular basis with officials from ODJFS and ODMRDD since August in efforts to transition

CAFS services to other Medicaid funding models.

The administration committed to continuous communication with county boards through the OACBMRDD as this situation with CMS continues to unfold. In addition, the administration has committed to a long-term solution with CMS that follows existing state law as closely as possible, while acknowledging that there are conflicts between the statute and the state Medicaid plan.

The County Boards’ Association remains cautiously optimistic about the outcome of the CAFS situation. Boards should continue to provide services and supports as they have been. While county boards are not required to enter into service contracts with private providers for CAFS services, in no case should a board terminate services to an individual receiving them based on this information.

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UPCOMING CONFERENCE OF INTEREST

**OACBMRDD
Spring Conference
March 1-3, 2005**

Adult Services Track Included

*Please visit the OACBMRDD
website for more details at:*

www.oacbmrdd.org

OAAS Member Request Summary – Release of Information Requirements

Summarized by: **Jamie Garnes, Lawrence County Board of MRDD**

Question:

If an outside source (i.e. Social Security) has sent a release of information to the County Board requesting information from our files (for example: Psychological Evaluations, Medical Evaluations, etc) are we able to send information to the requesting agency that may be in our files but did not originate from the County Board? (example: can we send a psychological report that may be in our files, but was written by another agency, or do we have to refer the requesting agency to the original source?)

Responses:

1. Yes, you can send third-party information to other agencies that you have housed in your files BUT the release must state that ALL or ANY information contained in your files can be released. Then we have our individuals sign releases here to release information, we make sure that they understand that we also may be sending reports that were not generated by this agency. We also are very careful not to send psychiatric reports that may fall into the hands of the individual and be detrimental to them.
 2. We do not send any information that was not generated by our agency. We would have to have the consumer/guardian sign a release form. I would refer them to the agency the created the document.
 3. I am not aware of any ODMR/DD or other rule that says a County Board may not release information that did not originate from the county board. I think it's up to the county board to decide what their policy is on that matter.
 4. Just from my experience - I have always understood you can only release info generated by your agency. Information in your files from other sources cannot be released.
 5. We have been sending both as long as the release is signed by the individual/guardian.
 6. It has always been my understanding that a county board can only release information that it has produced, or has caused to produce. For example, if you contracted with a private agency to conduct an assessment I believe that assessment report would be yours and you could release it with the written permission of the consumer or guardian. However, if a consumer moves from ABC County to CBS County and I send you one of our assessments as collateral, that assessment would not be yours and you could not release.
 7. Of course you can send anything in your files. What you have obtained by release is being requested by release, doesn't matter where you got it, it is yours now.
 8. That depends on what your HIPAA policy says. In our situation we would refer the requesting agency to the originator of the report if at all possible.
 9. I would recommend that the "requesting agent" contact the agency/person who completed the evaluation for a direct copy of what is needed. It relieves you of liability if the information is subsequently used improperly.
 10. My understanding is that you can release information written by another agency IF you have authorization from the consumer AND the information "belongs" to your agency. Example: You paid an outside psychologist for a psych eval. This could be released. Example: You have a report from a school the individual attended. You cannot release this information. Social Security would have to contact the school directly.
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State Use Update

By: Mike Mehalik
Alliance of Ohio Workcenters

The State Use committee, in conjunction with the Ohio Department of MR/DD (ODMRDD) and with input from the Alliance of Ohio Workcenters (Alliance), has prepared a bill that will revamp and significantly change the State Use Program. Meetings have been held with workcenters to explain the bill, solicit input, and try to reach consensus on the various issues. Following is an overview of the major changes contained in the legislation.

Elimination of State Use Committee and Central Non-Profit Agency

As written, the bill would eliminate the State Use Committee and the need for a Central Non-Profit Agency, OIH. Both the State Use Committee and OIH would be phased out during a transition period that would end by June 30, 2007.

Under the proposed legislation, Workcenters would have the ability to directly market their products and services to government ordering offices or they could contract with a company such as OIH for marketing, sales, or even administrative services. It is the hope of members of the Alliance that flexibility under the proposed legislation would allow for a number of options for providing or attaining such services.

Transfer of Program from ODMRDD to Ohio Department of Administrative Services

The State Use Program would be transferred from the Ohio Department of Mental Retardation and Developmental Disabilities (ODMR/DD) to the Ohio Department of Administrative Services (ODAS). ODMR/DD, ODAS, and the State Use Committee cooperated in a lengthy and thorough examination of the State Use Program to determine if the change was feasible and whether the change would benefit individuals with disabilities. The conclusion was that ODAS would be a better location for the State Use Program.

A number of factors lead to that decision as noted in The Discussion Document: Should the State Use Program Be Relocated to ODAS. This document states, "among the states with known programs, administrative (ODAS type) agencies were the predominate program administrators, by a two to one margin over social service agencies. Department of Administrative type state agencies were also more than twice as effective as social service agencies in generating employment opportunities for people with disabilities, as expressed in sales per capita." The bottom line, from information gathered in the discussion document, is that it appears states with a program operated by an agency such as ODAS have been more successful providing work opportunities for people with disabilities than programs operated by social service agencies.

The same document also indicates that there are two areas of significant advantage for moving the program to ODAS. It is believed that the bureaucracy will definitely be streamlined and reduced with the elimination of the State Use Committee and OIH. ODAS also has a great deal of expertise in contract administration and much more knowledge about what is purchased by government entities.

It is also evident that ODAS has technology that would greatly benefit the program. ODAS currently has the technology to enable the State Use Program to do vendor registration, notification of business opportunities, full integration into web site, and online filing of complaints or other communications. The State of Ohio is also in the process of upgrading their system with a package known as the Ohio Administrative Knowledge System (OAKS) that will add even more technological advantages in the future.

There are also other areas where it is felt that some advantage will result from moving the program to ODAS. ODAS is better position to diversify the customer base through their web site, periodic training of purchasing offices (The State Use Program can be pushed by ODAS personnel), and through a variety of cooperative purchasing programs currently offered to governmental entities across the State of Ohio.

(Continued on p. 7)

It is also felt that ODAS may be able to get more Workcenters involved in the program through streamlining the system, electronic notification of business opportunities, and automated vendor registration. Quality control and consistency of service delivery should result from ODAS contract administration and Standardization. Workcenters will have to meet commercial quality standards and will be held accountable for the timely completion of orders.

Creation of the Office of Procurement from Community Rehabilitation Programs

The Office of Procurement from Community Rehabilitation Programs will be established at ODAS. This office will replace the State Use Committee and also assume some of the duties currently performed by the current Central Non-Profit, OIH. The office will have a greater scope of responsibility than the State Use Committee has under current law. The Office of Procurement from Community Rehabilitation Programs will certify eligible Workcenters, develop a list of Workcenter products and services, educate government ordering offices and Workcenters, establish participation goals for government ordering offices, monitor procurement practices of government ordering offices, assure fair market price, assure quality standards and timely completion of orders, and finally submit an annual report to the governor, general assembly, all county commissioners, and the qualified Workcenters.

Community Rehabilitation Program Fund

The current 6% commission rate paid on each contract will be replaced by what is being called an enterprise-funding fee. The Office of Procurement from Community Rehabilitation Program will establish the amount of this fee and the method for setting it with input from ordering offices and Workcenters. The enterprise-funding fee will be paid into the Community Rehabilitation Program fund and will be collected by either ODAS or the Workcenter. The collected fees will be used to fund necessary activities and duties of the Office of Procurement from Community Rehabilitation Programs. The fund may also be used to purchase centralized services that

Workcenters may collectively need or desire. An advisory board of Workcenter and government ordering offices is planned to provide input into the collection and expenditure of the fee. The fee can be adjusted as needed to meet the needs of the program.

Enforcement of the State Use Law

The current draft of the bill addresses enforcement in two ways. The first is a monetary penalty for those ordering offices that ignore or try to evade the requirements of the law. The law states that a schedule of penalties will be established with input from ordering offices and Workcenters and that fees collected will be paid into the Community Rehabilitation Program Fund.

There is considerable doubt being expressed by a number of people as to the chances of this part of the bill being accepted by members of the legislature. Time will tell.

The second attempt at enforcement in the proposed legislation is requiring each state agency to designate an employee to ensure compliance with the law. It would be this person's responsibility to understand the procurement requirements of the State Use Law and to assure agency compliance. Again, the point has been raised that asking any agency to monitor itself is at best problematic. The amount of compliance resulting from the requirement may depend on the commitment of each agency, but at the very least it should raise the awareness of the State Use Law. Hopefully, the self-monitoring would result in the desired intent of more work opportunities for individuals with disabilities.

It should also be noted that the current draft excludes county government from mandatory participation with the exception of MR/DD, Mental Health Boards, and current county business.

(Continued on p. 8)

(Continued from p. 7)

Other State Use Related Information

Controversy over Definition Expansion

Under the current proposed draft of the law there is an expansion of who is eligible to participate in the State Use Program. The proposed law refers to a person with an obstacle to employment. A person with an obstacle to employment, as defined by the proposed law, is an individual who is a person with a disability as defined in the American with Disabilities Act or an individual with a chronic condition who:

- 1) Because of the disability or condition is substantially limited in the type or quantity of work that can be performed or is prevented from working regularly;
- 2) Meets criteria established by the office of procurement from community rehabilitation programs.

The OAAS Board has taken the position that the definition should not be expanded. Only those with a disability as defined in the American with Disabilities Act should be eligible for the program. The argument is two-fold in nature. First, the State Use Program was originally developed for those with disabilities, not others. The second concern is the potential of other non-disability groups to take work away from people with disabilities. An example would be work programs currently being offered by local Jobs and Family Services Department. Many concur with this position.

Others disagree (especially some Goodwills and even some disability programs working cooperatively with their local Jobs and Family Services Department) and believe that in order for the program to grow, it is necessary to expand the definition. Their argument rests with the point that much of the work government entities need done today requires at least some people with higher level skills that may not be available in the disability groups. Examples would be reading skills or possibly math skills. A second argument is that some programs are having a difficult time meeting the requirement that 75% of the contract work performed by a Workcenter must be performed by people with disabilities.

Both groups have valid arguments for their position. Reaching an understanding or agreement on this issue is crucial if the legislation is to move forward. Meetings with key "players" are being scheduled to try to resolve the issue.

Interim Operating Agreement with OIH

The State Use Committee has appointed a committee to negotiate an interim operating agreement with OIH. The committee is comprised of David Barba, Athens County Board of MR/DD, Jeff Westhoven, ODAS, Jim Brown, Windfall Industries, Joe Leonard, ODMRDD, Mike Mehalik, Jefferson County Board of MR/DD, and Robert Jennings. ODMRDD. A tentative agreement has been reached with OIH on the operating agreement. The State Use Committee's legal representative and OIH's legal representative must review the agreement before each entity can give final approval. It is expected that the agreement should be finalized by December 1, 2004.

The interim agreement will be in effect until the proposed Office of Procurement from Community Rehabilitation Programs is created after passage of the new legislation. OIH will essentially perform the same functions they do currently for the State Use Program during the interim period. It is also expected, that during this time, OIH will also begin to develop a new business model to assure the long-term future of the company.

