



# Meaningful Integrated Day

Prepared for the State of Ohio

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# Agenda

- Where did this all start?
- Waves of change
- Q&A
- Meaningful Integrated Day
- OS agency as an example
- Q&A



# Where did this all start?

- Americans with Disabilities Act 1990
- ADA-Title II
  - Covers public entities
  - State or local governments
  - Any departments, agencies, or other instrumentalities
  - All state, federal, tax, public funds spent
  - Covers all programs, services, and activities
  - Extends to all the activities of state and local governments; regardless of federal funding
  - Private entities are covered under Title III

# Title II Requirements

- May Not Refuse A Person With A Disability To Participate In A Service Program Or Activity Simply Because The Person Has A Disability
- Must Provide Programs and Services in an Integrated Setting
- Integration of Individuals with Disabilities Into the Mainstream of Society is Fundamental to the Purposes of the Americans with Disabilities Act

# CMS Established New Guidelines for States as of 2014

- Source- The Federal Register
  - A rule by the Centers for Medicare and Medicaid Services on 1/16/14.
  - Section 1915 of the Act provides that home and community-based setting, Do not include nursing home, institution for mental diseases, intermediate care facility for the mentally retarded.
  - All states must include a definition of home and community-based setting.
  - CMS language defines the qualities and requirements for settings in which 1915 of the Act services and supports could be provided.
    - Defines qualities and requirements for settings in which 1915 could be provided.
    - No single definition from the Federal CMS, each state must define in their plan.

Final regulations establish a more outcome oriented definition of HCB settings, rather than one based solely on setting location, geography or physical conditions (76 FR 21432).

# 441.530 Home and Community-Based Setting

Items to note for Day Services:

- The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree of access and individuals not receiving Medicaid HCBS.
- Ensures an individual's rights to privacy, dignity and respect, and freedom from coercion and restraint.
- Optimizes but does not regiment individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.
- Facilitates individual choice regarding service and supports, and whom provides them.
- Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time.
- Identify a specific and individualized need.
- Include the informed consent of the individual.

# Q&A



# ***The Perfect Storm***





# ***Wave #1***

## DOJ Amicus Brief To Oregon

DOJ Interprets Sheltered Work as Violation of Title II ADA



# *Wave #2*

CMS Bulletin (September 2011)

Time-Limited Sheltered Work





# *Wave #3*

## Sub-Minimum Wage

Federal-Proposed Legislation to Eliminate



# *Wave #4*

## Employment First Initiatives

APSE, ODEP





# Wave #5

Interim Settlement Agreement - DOJ vs Rhode  
Island & Providence School District- June 2013

Entire State Consent Decree April 2014



# *Wave #6*

As of March 2014

Medicaid New Guidelines, Time-Limited Sheltered Work, Integrated Day Services






# Wave #7

## Workforce Innovation & Opportunities Act (WIOA)

July 2014-2020






# Centers for Medicare and Medicaid Services (CMS, Federal)

- January 2014
- CMS Final Rule
- Stated a preference for Medicaid funds be used to support individuals fully-integrated into the community





The Setting is Integrated in and Supports Full Access of Individuals to the Greater Community; Including Opportunities to Seek Employment and Work in Competitive Integrated Settings.

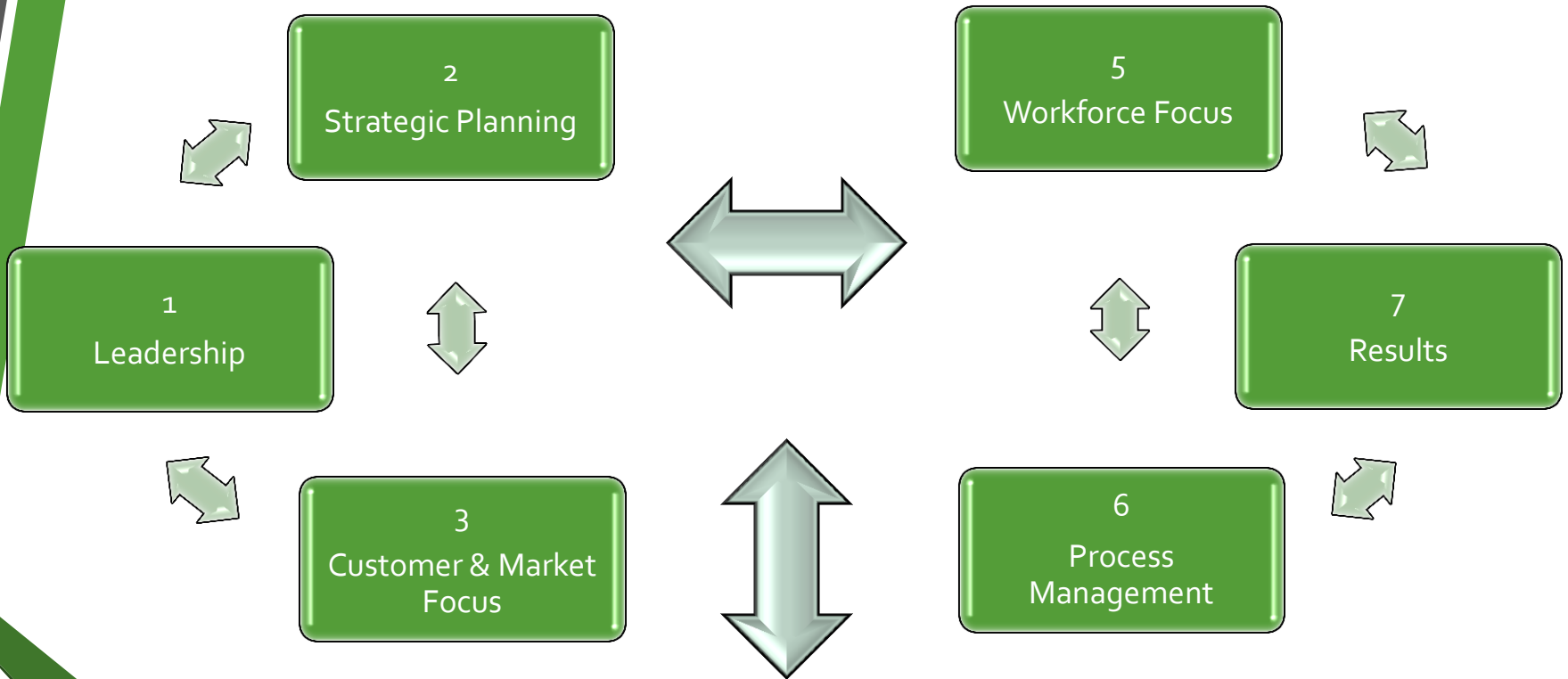
- Engage in community life
- Control personal resources
- Receive services in the community to the same degree of access as individuals **not** receiving Medicaid home and community services

Questions about the changes?



# Everything Changes

Organizational Profiles:  
Environment, Relationship, & Challenges



4  
Measurement, Analysis & Knowledge Management

# Integrated Meaningful Day

What makes an individual's day meaningful?

Everyone is Different.



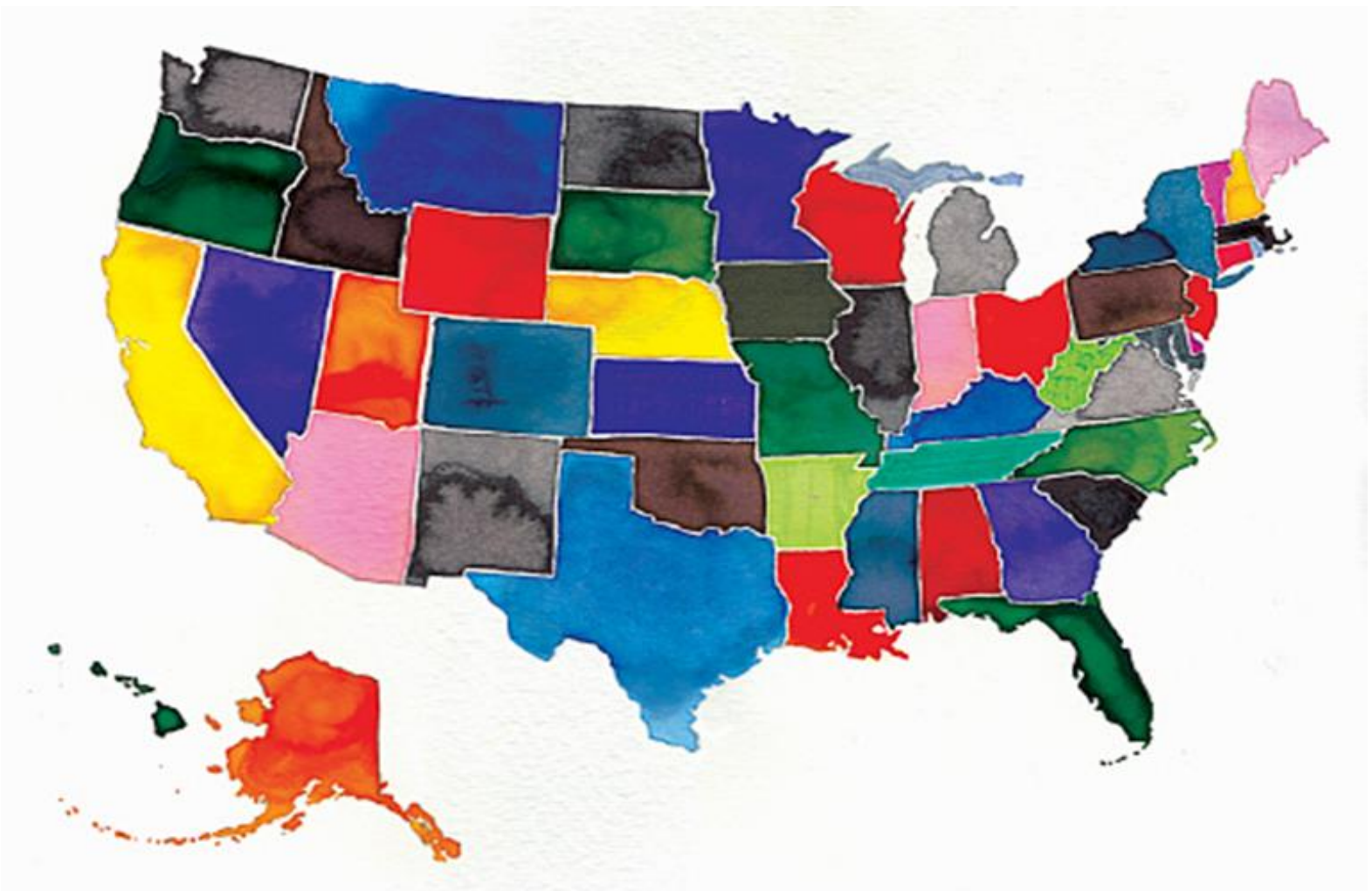


# Meaningful Integrated Day

- Wide-spread change
- Standards
- Court findings
- What about choice?
- What about rates, transportation, ratios?
- What does this mean to you and your organization?

**⚠️ WARNING**





- Each state develops and defines their waiver services.
  - Approval by CMS



Provider in Minnesota, Florida, and Massachusetts

Nancy Gurney- Founder and current CEO

<http://www.oppserv.org>



# OS examples

- MN de-institutionalized state hospitals in the Early 1990's
- OS was requested by two counties to develop services similar to our Community Employment for persons with the following:
  - no work goals
  - medically fragile
  - no cause/effect relationship
- Lead to the creation of our Community Living Programs



# OS Agency Structure – 4 Integrated Service Models



# Start with DISCOVERY for community engagement/activities



- You can't push two wheel chairs at one time...



# Enhanced Services

- Persons with high Behavioral Support needs
- The requests from counties for these is still high
- Skill sets for positive behavioral intervention
- Institute of Applied Behavioral Analysis
  - Dr. Gray La Vigna and Dr. Tom Willis
  - Los Angeles, CA



# Q&A

