

NC Department of Health and Human Services



NC DHHS Olmstead Plan: 2021 Overview and Update

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North Carolina's Olmstead Plan

You've probably heard about it... but

- **Where did Olmstead come from?**
- **Why do we have an Olmstead Plan?**
- **How was the Plan developed?**
- **Who is covered by NC's Plan?**
- **When will the Plan be implemented?**
- **What's in the Plan?**
- **What's next?**

It Starts with the Americans with Disabilities Act (ADA) and its Mandate of Community Integration

- **ADA’s “integration mandate” requires that individuals receive services in the most integrated setting appropriate to their needs.**
- **Preamble to regs for ADA’s title II states that an integrated setting is one that enables individuals with disabilities to interact with people without disabilities “to the fullest extent possible...”**

In 1999, SCOTUS Interpreted the ADA's Integration Mandate in *Olmstead v. L.C.*

- **US Supreme Court (SCOTUS) held that the “unjustified segregation” of people with disabilities in institutional settings was “unlawful discrimination” under the ADA.**
- **Public entities (e.g., DHHS, LME/MCOs, providers) must provide community-based services to people with disabilities when: (1) such services are appropriate; (2) the affected person doesn't oppose treatment that takes place in the community; and (3) community-based services can be reasonably accommodated, taking into account the resources available to the entity and the needs of others who are receiving disability services from the entity.**

Justice Ginsburg Wrote for the Court

- **RBG understood that it would take work and planning for states to comply with the *Olmstead* decision.**
- **The Court said a state could potentially defend itself in an *Olmstead* case if . . .**
 - **the state had a comprehensive, effectively working plan and a waiting list that moved at a reasonable pace.**

NC's Olmstead Plan is the state's response to the Supreme Court case.

An Olmstead Plan is Intended to...

- **Be a public entity's plan for implementing its obligation to provide individuals with disabilities opportunities to live, work, and be served in integrated settings.**
- **Reflect an analysis of the extent to which the public entity is providing services in the most integrated setting and contains commitments to expand integrated opportunities.**
- **Have specific timeframes and measurable goals for which the public entity may be held accountable**

An Olmstead Plan is Intended to...

- **Identify funding to support the plan**
- **Address commitments for each group of people who are in segregated settings**
- **Demonstrate success in moving individuals to integrated settings in accordance with the plan.**

In Sum, *Olmstead v. L.C.* Makes “The Case for Community”

- The *Olmstead* case is often called “*Brown v. The Board of Education* for the disability community” – for a good reason. Like *Brown*, *Olmstead*’s mandate advances integration, opening the doors to community.
- *Olmstead* makes the “case for community,” forging a path to integration, inclusion, productivity, contribution, and self-determined lives for more than 43 million Americans with disabilities across the US.

Who is NC's Olmstead Plan About?

- **People with disabilities who live in facilities, e.g., developmental centers, psychiatric hospitals, skilled nursing facilities, and adult care homes.**
- **People in other segregated settings, e.g., “sheltered workshops” or segregated day programs.**
- **People at serious risk of institutionalization or segregation.**
- **Target population is cross-disability and across the life span – both adults and children.**

Developing the Plan: Inputs 2020 - 2021

- **“The TAC Report”** – an extensive review of data, policies & reports – cross-population, cross-system
 - 15 listening sessions; DHHS staff interviews; online survey – Technical Assistance Collaborative (TAC), July ‘20
 - Assessment of NC DHHS Services & Supports (TAC Report) – April 2021
- **Olmstead Plan Stakeholder Advisory** – July ‘20 – Nov. ‘21
 - Recommendations from OPSA and its eight committees, summer of 2020 – present
- Input from **Public Comment** Period – Oct. 12 – Nov. 8, 2021
- Inset into a **framework** that represents DHHS’s approach to the first two years of work

“The TAC Report” ... is *Not* the Olmstead Plan

- It’s the assessment that underpins the Olmstead Plan.
- It’s an important input into the Plan, but not the only one.
- Report’s full name: *An Assessment of the North Carolina Department of Health and Human Services’ System of Services and Supports for Individuals with Disabilities*
- <https://www.ncdhhs.gov/media/12607/download?attachment> (DHHS Olmstead website)

What's in “The TAC Report”?

System Strengths

DHHS' Community Integration Efforts Include:

- Using Federal resources, e.g., Home and Community-Based Services waivers and Money Follows the Person (MFP), to appropriately divert admissions to and support transitions from institutional settings
- Using Transitions to Community Living (TCL) and Money Follows the Person (MFP) as frameworks for building a service array that supports community integration
- Incorporating services and approaches that support community-integration into the Tailored Plan contracts
- Promoting evidence-based practices, e.g., behavioral health services for youth with Autism Spectrum Disorder; Permanent Supportive Housing for adults with Serious Mental Illness (SMI); and Medication Assisted Treatment for individuals with substance use disorders.

What is in “The TAC Report”?

System Weaknesses

- **Over-reliance on institutional settings**
- **Disproportionate amount of its state funds spent on institutional services -- as opposed to community-based services.**
- **The cost of State-Operated Healthcare Facilities (SOHF; e.g., psych hospitals, developmental centers) increases each year while the number served is declining**
- **SOHFs as the “default” service provider for people that lack healthcare coverage and those that the community-based system is not sufficiently resourced to serve (e.g., adults with autism; individuals with mental illness and/or and individuals with serious mental illness who are justice system-involved**
- **Institutional settings are viewed by some stakeholders as an acceptable choice of a place for people with IDD, TBI and physical disabilities to live**

What is the **Olmstead Plan Stakeholder Advisory (OPSA)**?

- **A partnership - diverse organizations, agencies and individuals, including people with lived experience, appointed by the Secretary, NC DHHS**
- **Brought together by Office of the Sr. Advisor for the ADA, Office of the Secretary, NC DHHS; meets quarterly**
- **To advise NC DHHS in development (and soon, implementation) of a plan and actions that propel the on-going alignment of our service delivery system with a contemporary vision, values and practices**

What is the **Olmstead Plan Stakeholder Advisory (OPSA)**?

- **OPSA I has eight committees:**
 - **Housing; Employment; Community Capacity Building; Transition to Community; Children, Youth & Families; Workforce Development; Older Adults; and Quality Assurance & Quality of Life**
- **OPSA II will be appointed for 2022 – 2023, the time period for which implementation activities under the Olmstead Plan will begin.**

Public Comment on the Draft Plan

- **Public comments were received from 91 individuals or organizations.**
- **Considerable variation in comments, but also several consistent themes**
- **To clarify –**
 - **The Olmstead Plan is a Strategic Plan, that provides a direction for the system and identifies actions and allocation of resources to move in that direction**
 - **Work Plans will be developed as needed in response to strategies within Goal Areas**

Additional Clarifications

- **DHHS' direction for this *initial* plan is the development of a **framework** to strengthen community-based services and supports**
- **The Plan cannot address all issues at once:**
 - **Puts forth strategies to further systems transformation**
 - **Regular assessment of progress and impact will be reflected in future plan iterations**
 - **In some cases, data to support measures and targets isn't available and will be gathered over the next two years**

The 11 Olmstead Plan Priorities and Target Measures: Examples

1. Increase access to Home and Community Based Services

- ❖ DHHS will provide more than 2,300 additional participants with access to HCBS waivers by December 31, 2023.

2. Address Direct Support Professional Crisis

- ❖ Effective on the date approved by the Centers for Medicare and Medicaid Services (CMS), “direct care workers” will be eligible to receive a wage increase to \$15.00/hour.

The 11 Olmstead Plan Priorities and Target Measures: Examples

3. Help people with disabilities leave institutions and other segregated settings. Also, help others avoid these settings.

❖ **By December 31, 2023, 400 individuals will receive bridge funding to transition from institutional and congregate care settings to independent living.**

4. Increase Competitive Integrated Employment, Supported Education, and Pre-Employment Transition Services.

❖ **By December 31, 2023, the DVRS is committed to increasing by ten percent the number of students with disabilities who are provided pre-employment transition services.**

The 11 Olmstead Plan Priorities and Target Measures: Examples

5. Increase Access to Safe, Decent, and Affordable Housing

- ❖ By December 31, 2023, attain a 12% increase in the number of Innovations beneficiaries with I/DD utilizing Supported Living 2/3 to assist with living in their own home or apartment in the community
- ❖ By December 31, 2023, increase by 5% the number of individuals with traumatic brain injury (TBI) receiving Supported Living services to support greater independence in the community.

6. Address Gaps in Services

- ❖ By December 31, 2023, the DHHS will conduct an analysis and engage with peer-run organizations to develop baseline data and meaningful targets to increase DHHS support for peer specialist/peer-run services.

The 11 Olmstead Plan Priorities and Target Measures: Examples

7. Explore Alternatives to Restrictive Uses of Guardianship

- ❖ In 2022 and 2023, DMH/DD/SAS will educate 100 individuals with I/DD and their families each year about the benefits of Supported Decision Making.

8. Address Disparities in Access to Services

- ❖ All LME/MCOs will collect and analyze race, ethnicity, and gender data on their members, including individuals on the Registry of Unmet Needs (“waiting list”).

The 11 Olmstead Plan Priorities and Target Measures: Examples

9. Increase Input from People with Disabilities (People with Lived Experience)

- ❖ The DHHS will increase support for organized advocacy groups led by families and individuals with lived experience.

10. Reduce Transportation Burdens for People with Disabilities

- ❖ After establishing baseline data, the DHHS will set a target for increasing the number of people served through telehealth services in rural and underserved ZIP codes.

The 11 Olmstead Plan Priorities and Target Measure Examples

11. Use Data for Quality Improvement

- ❖ The DHHS will utilize key data points, performance measures, and indicators to assess progress towards achieving Olmstead Plan priorities and revising priorities, strategies, and measures as necessary.

A Few More Points

- The final Plan will be completed soon, by the third week of December 2021.
- It will have gone through **public comment**
- Plan will be revised, in noticeable ways, to align comments that fall within the DHHS' **framework**
- Will post online in final form in early January 2022.

A Few More Points

- **Ongoing monitoring and assessment and will be key and will be done through a newly formed OPSA.**
- **The Plan will initially cover calendar years 2022 and 2023, but the work will continue beyond that.**

Plan will be “a living, breathing document” that guides a changing system of services and supports.

How to be Part of the Olmstead Plan 2022 – 2023 Implementation Process

- ✓ Meetings are open to the public – join us online
 - ❖ Olmstead Community List Serve – contact Vickie.Callair@dhhs.nc.gov
- ✓ Time is reserved for public comment at the end of each meeting
- ✓ Meetings of the OPSA, its committees and its work products will continue to be posted: <https://www.ncdhhs.gov/about/departments/initiatives/nc-olmstead>

Where Can You Find the Olmstead Plan?

- It's on the DHHS Olmstead website in **draft**, with the final pending and to be posted in January 2022:

<https://www.ncdhhs.gov/about/departments-initiatives/nc-olmstead>

- The direct download link for the **draft** Plan is:

<https://www.ncdhhs.gov/north-carolina-olmstead-plan-draft-101221/open>

OPSA's Vision Statement

**North Carolina champions the right
of all people with disabilities
to choose
to live life fully included
in the community.**

Contact Information

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It's Your Turn Now

Questions and Answers