

Olmstead Plan Stakeholder Advisory

Quarterly Meeting Minutes

October 5, 2023; 3:00 – 5:00 PM (online)

Welcome. Assistant Director for Olmstead Plan Implementation Holly Riddle called the meeting to order and introduced Olmstead Plan Stakeholder Advisory (OPSA) Co-Chair Bryan Dooley. Mr. Dooley welcomed the participants and thanked them for their work together to develop and promote North Carolina’s Olmstead Plan. Mr. Dooley eloquently described his personal journey since his mother’s passing, including losing his Direct Support Professional (DSP) to a better paying job; moving in with grandparents and relying on them for support; his search for a new DSP in the middle of a national workforce crisis; and his eventual return to his own home. He emphasized that, before the *Olmstead* case, someone with his disabilities would likely have had to live in a congregate setting. He described “the power of *Olmstead* to advance full participation in society for people with disabilities.”

Deputy Secretary’s Opening Remarks. Deputy Secretary Debra Farrington offered opening remarks. The Deputy Secretary shared her appreciation for Mr. Dooley’s story, underlining the important role played by DSPs; the current limitations of the system; and efforts to redress these barriers to community living. She stated that the Governor’s Budget had become effective earlier in the week, bringing with it a long-awaited expansion of Medicaid. Deputy Secretary Farrington expressed her excitement at the “historic contributions” to behavioral health and developmental disabilities in the State budget; observed that funds would be allocated to DSPs to increase their pay; and remarked that the Department had not gotten the number of Medicaid Innovations waiver slots that were needed to address the waiting list for people with intellectual and other developmental disabilities. She was confident, she said, that the Department would make some of the same “asks” during the short session of the General Assembly.

Deputy Secretary Farrington then turned her attention to the next iteration of the Olmstead Plan, covering Calendar Year (CY) 2024 - 2025. She noted that the current Plan goes through December of 2023. By that time, she noted, some of the Plan’s strategies will be complete; others will be underway; and still others will not have been started. She described the significant amount of work that the NC Department of Health and Human Services (NCDHHS) had undertaken for the year ahead. This includes, for example, the launch of the Tailored Plans; Medicaid expansion; the continued work to comply fully with the Transition to Community Living (TCL) settlement agreement; changes to the structure of the State’s Local Management Entities/Managed Care Organizations (LME/MCOs); and efforts to prepare for a possible federal shutdown of government in November of this year. These and other complexities have led the NCDHHS to evaluate the pending approach to the 2024 – 2025 Olmstead Plan. Leadership has

determined that “thoughtful input” should continue to characterize the Plan. To this end, NCDHHS will put forward a transitional plan for the first quarter of CY 2024. The transitional plan will consist of work, across the Department, that is either ongoing or that has not begun as of December 31, 2023. By April 1, she stated, a complete CY 2024 – 2025 Olmstead Plan will be published. In response to a question from OPSA member Representative Carla Cunningham, Deputy Secretary Farrington affirmed that the CY 2024 – 2025 Plan would be a comprehensive reflection of the NCDHHS’s work for the period in question. She additionally added, in response to NC Council on Developmental Disabilities’ (NCCDD) Talley Wells, that the 2024 – 2025 Plan was not NCDHHS’s final effort but, rather, an installment in an ongoing undertaking. Deputy Secretary Farrington closed this portion of the meeting by detailing the draft timeline for Plan development.

Remarks from the Olmstead Director. Deputy Secretary Farrington introduced the newly hired Olmstead Director Deborah Goda. Ms. Goda is assuming the role previously held by Sam Hedrick. Ms. Goda has an extensive background in NC Medicaid. The new director thanked the Deputy Secretary and all members of the OPSA, expressing her happiness for Mr. Dooley that he was finally home and thanking colleagues at the Division of Health Benefits for the support they provided to make this possible. Ms. Goda then recognized the “inspiration” that Ms. Riddle has been to the work on the Olmstead Plan and expressed her excitement in working with both the TCL and Olmstead implementation efforts. She encouraged the OPSA membership to reach out to her, as needed.

Olmstead Plan Highlights. The Technical Assistance Collaborative’s (TAC) Sherry Lerch began her presentation by acknowledging the hard work undertaken by the OPSA Staff Work Group and others in reporting on current activities under the Plan. Select accomplishments, she noted, are featured in the TAC’s Quarterly Reports. She assured the OPSA that “Olmstead is alive and well in North Carolina” and looks forward to continuing her work with staff and the OPSA to produce the CY 2024 – 2025 Olmstead Plan. Ms. Lerch’s presentation slides will be sent to the OPSA membership and made available to others upon request.

Member Discussion. Parent Jessica Aguilar raised the issue of foreign language access as it concerns the Olmstead Plan. Deputy Secretary Farrington acknowledged these concerns and noted that the NCDHHS was making efforts to produce more of its documents in Spanish. Corye Dunn of Disability Rights NC (DRNC) focused the group’s attention on issues faced by families of people with disabilities and, with NC Council on Developmental Disabilities’ Talley Wells, urged NCDHHS to provide more information on the implications of the recent legislative budget for the *Olmstead* population. Ms. Dunn also emphasized the importance of a 2024 - 2025 Olmstead Plan that includes outcomes and measures. Ms. Riddle reiterated that this work was already underway with NCDHHS contractor Mathematica.

Parent Jenny Hobbs asked if there was a way to place more emphasis on early intervention services in the Olmstead Plan, noting the delays that some children face in getting the services that they need before they reach latency age and the impact of this. She strongly emphasized

the importance of the Medicaid waiver for children under 19 who have complex medical needs and/or long-term disabilities.

DRNC's Tara Muller pointed to the "huge need" for increased public communications regarding the State's Olmstead Plan implementation, using the new 1915(i) Medicaid State Plan services and Tailored Plan care management as examples of areas where more information could benefit the Plan's target population.

Representative Cunningham also underlined the need for data supporting the plan as a means of tracking progress. Additionally, she remarked that she would continue to advocate for Innovations waiver slots beyond the 350 that the General Assembly approved this session.

Public Comment and NCDHHS Comment. Beth Field reiterated concerns expressed earlier about young children and added that the Plan must focus on rural areas of the state to ensure equitable access to services.

In this portion of the agenda, NCDHHS staff members were encouraged to share their work as it relates to *Olmstead*. Josh Walker of NCDHHS briefly discussed the Department's interest in connecting the Olmstead Plan with the goals of the Strategic Housing Plan. NCDHHS Senior Advisor Chris Egan observed that it was National Disability Employment Awareness Month, a national event celebrating the contributions of workers with disabilities and showcasing the supportive, inclusive employment policies and practices key to community living. These policies and practices, he noted, benefit employers and employees. NCDHHS' Steve Strom of Money Follows the Person (MFP) thanked staff working in MFP's Olmstead-related initiatives on natural supports; the Direct Support Professional (DSP) workforce; housing; and transportation. Mr. Strom also acknowledged the work of Trish Farnham and the NC Coalition on Aging on DSP competencies. NCDHHS' Niki Ashmont shared work that the Division of State Operated Healthcare Facilities is doing in the neuro-medical centers to increase resident, staff, and family understanding of the *Olmstead* mandate. Topics include Olmstead Plan implementation for individuals under guardianship and ongoing education regarding options for transitions to the community. Director of the Division of Vocational Rehabilitation Services (DVRS) Kathie Trotter said that her division was pleased to be a central part of NCDHHS' Olmstead Plan implementation and reiterated the connection between employment and independent living in the community. Director of the NCDHHS Office of Rural Health Maggie Sauer shared that she was moved by the stories brought forward by families and individuals during this meeting and underlined her office's collaboration with the DVRS around employment. OPSA member Representative Cunningham stated that, as a parent, she understands the "heavy lift" represented by the *Olmstead* decision for the State. She particularly appreciated, she said, the robust participation of all in this conversation and the work ahead.

Closing. Co-Chair Betsy MacMichael's remarks touched on the often unseen "costs of community access" and the need for accountability. She pointed to the gains that the State has made for one *Olmstead* population, people with serious mental illness/severe and persistent

mental illness, through the Department of Justice lawsuit and settlement agreement that created the Transitions to Community Living program. Ms. MacMichael queried whether a comparable initiative might be made available to people with intellectual and other developmental disabilities. She talked about her family's difficulties incident to the closure of her daughter's fiscal intermediary¹ and said their lives, with those of others, had been made much more difficult by the DSP crisis. She also encouraged people to read an Atlantic magazine article titled, *The Ones We Sent Away*, noting that it told the story of a family whose daughter with developmental disabilities had been placed in an institution and, later, a group home from the vantage point of her sister.² Ms. Riddle closed the meeting with a thank you to all in attendance for their active participation.

¹ Broadly, self-directing waiver services are those where the participant has decision-making authority over the workers who provide services; the mix of services and support; and how and when services are provided. NCDHHS requires a fiscal intermediary to provide certain financial services that assist the participant with budget authority when self-directing waiver services.

² This article may be found at <https://cdn.theatlantic.com/media/magazine/pdfs/202309.pdf>.