



We have the legal right of way.

Michael Kirkman, Executive Director of Disability Rights Ohio  
Interested Party Testimony on House Bill 166  
Senate Finance Committee  
June 14, 2019

Chair Dolan, Vice Chair Burke, Ranking Member Sykes, and members of the Senate Finance Committee, thank you for the opportunity to provide testimony as an interested party in consideration of House Bill 166 (“HB 166”). Disability Rights Ohio (“DRO”) is designated by the Governor under federal law as the protection and advocacy system and client assistance program for people with disabilities in Ohio. A non-profit 501(c)(3) corporation, our mission is to advocate for the human, civil, and legal rights of people with disabilities in Ohio.

We are very grateful for the removal of the provision from HB 166 that would have created an oversight committee designed to examine if DRO should be replaced as the federal protection and advocacy system. We appreciate this Chamber’s ability to understand the importance of independence for our non-profit and would like express our willingness going forward to meet with any member that has concerns or would like to know more about the work our organization does on behalf of people with disabilities and their families.

HB 166, the state’s biennial budget, provides additional financial resources to essential services for people with disabilities and mental illness in Ohio. DRO applauds Governor DeWine’s and now the General Assembly’s proactive approach in addressing critical issues impacting Ohioans. DRO would like to highlight the following proposals that, if passed, will provide additional supports to help people with disabilities and mental illness maintain their independence and live and work in their communities. We encourage these provisions to remain in the budget:

- 1. Direct Service Provider (“DSP”) wage increase** for the Department of Developmental Disabilities (DODD). The increase in DSP wages is critically needed as there is a large shortage of providers in the DODD system. We take no position on the Senate change to do this incrementally, but would urge that the House numbers, which provide more resources, be restored.
- 2. Access to home and community based waiver supports** from the Department of Medicaid through DODD are essential. The budget enhances the investment by increasing the number of community waivers available.
- 3. Multi-System Youth and custody relinquishment** funding increases within the budget are critically needed to help support youth receiving services from multiple state agencies and help extend health care options before families have to give up custody. Many of the children served by DRO are multi-system youth who need better coordination and

**Ohio Disability Rights Law and Policy Center, Inc.**  
200 Civic Center Drive, Ste. 300  
Columbus, Ohio 43215

availability of services like peer support programs and wraparound services. We applaud the additional \$10 million in funding to help keep children with disabilities with their families.

- 4. Mental Health Services in Schools** funding increases proposed by the Governor are needed investments which will allow students to access mental health services and supports through coordination with behavioral health providers. Our understanding is that the Senate bill repurposes some of these dollars and we encourage the committee to restore the House version for critical wraparound services.
- 5. Increased State Share for vocational rehabilitation funds** are necessary to drawdown the over \$131M in federal matching dollars. While we applaud several initiatives in the DODD budget proposal, the unemployment rate for those participating in the market is double that to those without a disability and we encourage the state to increase these dollars and drawdown the entire federal match.
- 6. Mental health services in state prisons and juvenile correction facilities** by providing additional funding to inmates ensuring those with mental illness are kept out of restrictive housing and receive needed treatment.

#### **Institution Notice Provisions 5126.046, 51.23.0425, 5126.05**

DRO would like to weigh in on the impact of the institution notice provision DDDCD26. To be clear, we support requiring that appropriate and accurate information be provided to people seeking services from county and state DD service systems. In particular, federal Medicaid law already requires that individuals seeking long term service and supports (LTSS) be notified of their right to choose between institutional (ICF) and home and community based services (waiver). This language is echoed in an existing state rule from the Department of Developmental Disabilities.

The House version of the budget included language to reflect this federal requirement and to ensure that, in appropriate situations, individuals be notified of their entitlement to receive LTSS in an ICF, as well as to be given a waiver or placed on a wait list. The Senate bill now goes several steps further, requiring such notice to be given even when the individual does not seek LTSS and places a requirement on the county DD board to provide additional information on ICFs and residential placements in the region.

While DRO was neutral on the House language, the requirements added may potentially cause confusion for people seeking services by burdening them with information they don't need - that is by requiring information about institutional care to be provided after they are already seeking community based services. In our experience, there are many serious needs of people with disabilities being unmet, particularly for those who seek community based services and desire to leave institutional care.

While this budget does make some great progress towards increasing direct service provider pay and creating more community based waivers, true choice only exists when individuals and families can have proper supports in whatever setting works best for them. Families are overburdened, people with development disabilities are trapped in nursing homes, and we are hearing from clients who have had to surrender their community waivers to return to institutional care because they are unable to find providers. You can read one story here. It is essential to not forget these voices while having this conversation about institutional care.

That said, DRO will work with people with disabilities, their families, the state department, and the county boards to ensure that, whichever version is passed, information and services are delivered consistent with federal Medicaid law and the integration mandate of Title II of the Americans with Disabilities Act, as interpreted by the U.S. Supreme Court in *L.C. v Olmstead*.

Thank you for your work on this budget and for allowing me to provide testimony as an interested party on HB 166. I would be glad to answer any questions you may have at this time. If you wish to discuss the information provided in more detail, please contact myself. Michael Kirkman at (614) 466-7264 x 113 or [mkirkman@disabilityrightsohio.org](mailto:mkirkman@disabilityrightsohio.org) or Lisa Wurm, Director of Policy, at (614) 466-7264 x 102 or [lwurm@disabilityrightsohio.org](mailto:lwurm@disabilityrightsohio.org).