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## **Settlement in Community Integration Class Action Lawsuit Receives Preliminary Approval**

*The agreement will better inform Ohioans with developmental disabilities about their options for living and working in the community*

October 18, 2019

COLUMBUS, OHIO -The Honorable Judge Edmund A. Sargus, Jr., of the United States District Court for the Southern District of Ohio has granted preliminary approval to a comprehensive settlement agreement in the class action *Ball v. DeWine*. Disability Rights Ohio (DRO), the law firm of Sidley Austin LLP, the Center for Public Representation (CPR), and attorney Sam Bagenstos brought the class action lawsuit in March 2016 on behalf of individuals with developmental disabilities and their families, and The Ability Center of Greater Toledo. The parties include the state of Ohio, the Ohio Department of Developmental Disabilities (DODD), the Ohio Department of Medicaid (ODM), Opportunities for Ohioans with Disabilities (OOD), and the Ohio Association of County Boards of Developmental Disabilities (OACBDD). DODD has agreed to continue and expand programs that will allow more people with developmental disabilities the option to live and work in their communities with the supports they need.

Under the agreement, DODD will:

- **Expand options counseling and pre-admission counseling programs.**

The two counseling programs provide people with information about community-based waivers and the opportunity to discuss their options to receive services in the community. The Department and county boards of developmental disabilities will extend these programs to people who live in eight-bed intermediate care facilities (ICFs).

- **Maintain peer-to-peer and family-to-family programs and exploratory community visits for people who have not yet made a decision.**

The Department will continue to fund programs that connect people who are considering community living with families and individuals who are already living and working in community settings. The Department and county boards of developmental disabilities will continue to provide opportunities to visit community programs and see what types of service options exist in a person's preferred geographic area.

- **Expand access to state-funded Individual Options waivers for people who choose a waiver.**

The Department will provide a total of 700 waiver slots over the first two years of the agreement, with first priority for people in ICFs who want waivers to live in the community and for people who have applied for admission to an ICF with eight or more beds but want a waiver to remain in the community. For the next two years the Department will request additional funds based on an assessment of the future needs of people across Ohio.

- **Support and expand programs for integrated, affordable housing, and integrated employment and day services.**

The Department will provide \$24 million in capital housing assistance for State Fiscal Years (SFY) 2019 and 2020, to be primarily available for people receiving exit, diversion or conversion waivers. In SFY 2021 and 2022, the Department will project the continuing need for capital assistance and request budgetary approval, for not less than \$12 million dollars. In addition, the Department will request \$250,000 to fund new transformation grants for providers delivering integrated day and employment services.

- **Continue follow-along visits for people after they have left ICFs.**

The Department's Community Resource Coordinators will continue to visit people who have moved to the community to assist in resolving any service problems they may have. These visits occur 60, 180 and 365 days after transition from an ICF of 8 or more beds.

Under this agreement, no one who currently lives in an ICF will be required to move into the community, and those who are considering ICF care will still be able to make that choice.

In 2017, a group of guardians for individuals in ICFs, formally intervened in this lawsuit. These intervenors have negotiated a separate settlement agreement with the state and county board defendants. That agreement is separate from and will not impact the class-wide settlement described above.

"We are pleased that we have arrived at an agreement that protects the civil rights of the plaintiffs and class members," says Michael Kirkman, Executive Director of Disability Rights Ohio. "Individuals with developmental disabilities in Ohio will now be offered more robust options that will allow them to live in and participate more fully in their communities."

The public will have the opportunity to submit comments on the Settlement Agreement before the final hearing is held. The [Notice to Class Members](#) explains how to submit comments. More details, including the Proposed Settlement Agreement, can be found on [DRO's website](#).

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**Disability Rights Ohio** is the federally and state designated Protection and Advocacy System and Client Assistance Program for the State of Ohio. The mission of Disability Rights Ohio is to advocate for the human, civil and legal rights of people with disabilities in Ohio. Disability Rights Ohio provides legal advocacy and rights protection to a wide range of people with disabilities. [www.disabilityrightsohio.org](http://www.disabilityrightsohio.org)

**The Center for Public Representation** is a non-profit, public interest law firm that seeks to improve the quality of life for individuals with disabilities - especially those who are institutionalized and discriminated against - and to enforce their legal rights to exercise choice and self-determination in all aspects of their lives. [www.centerforpublicrep.org](http://www.centerforpublicrep.org)

**The Ability Center of Greater Toledo** is a non-profit Center for Independent Living (CIL) serving northwest Ohio. The Center is located in Sylvania, Ohio, and has a satellite office in Bryan, Ohio. The Ability Center believes in and supports equitable and inclusive communities for people living with disabilities. The mission of The Ability Center is to assist people with disabilities to live, work and socialize within a fully accessible community. [www.abilitycenter.org](http://www.abilitycenter.org)

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