

# Housing Opportunities for People with Developmental Disabilities in Region One

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# The Need For Change

- Olmstead and the ADA
- NYS Agreement with CMS
  - MFP
  - Balancing Incentive Program
  - Managed Care
  - Transition from ICF to HCBS settings
  - Increase Supportive Housing Options
- A Fiscally Sustainable System

# Olmstead

- Federal Guidance
  - Department of Justice
  - Department of Housing and Urban Development
  - Centers For Medicare and Medicaid Services
- Governor Cuomo's Olmstead Plan
  - Transition from Segregated Settings to the Community
  - MRT Affordable Housing Work Group
  - Agency Partnerships
    - HCR, OPWDD, OMH, DOH, OTDA

# Federal Guidance

## Most Integrated Setting

*The “most integrated setting” is defined as “a setting that enables individuals with disabilities to interact with non-disabled persons to the fullest extent possible.”*

*Integrated settings are those that provide individuals with disabilities opportunities to live, work, and receive services in the greater community, like individuals without disabilities.*

*Integrated settings are located in mainstream society; offer access to community activities and opportunities at times, frequencies and with persons of an individual’s choosing; afford individuals choice in their daily life activities; and, provide individuals with disabilities the opportunity to interact with non-disabled persons to the fullest extent possible.*

*Evidence-based practices that provide scattered-site housing with supportive services are examples of integrated settings.*

*Statement of the Department of Justice on Enforcement of the Integration Mandate of Title II of the American’s with Disabilities Act and Olmstead v, L.C.*

## Segregated Settings

- *Segregated settings often have qualities of an institutional nature.*
- *Segregated settings include, but are not limited to:*
  - *(1) congregate settings populated exclusively or primarily with individuals with disabilities;*
  - *(2) congregate settings characterized by regimentation in daily activities, lack of privacy or autonomy, policies limiting visitors, or limits on individuals' ability to engage freely in community activities and to manage their own activities of daily living; or*
  - *(3) settings that provide for daytime activities primarily with other individuals with disabilities.*

*Statement of the Department of Justice on Enforcement of the Integration Mandate of Title II of the American's with Disabilities Act and Olmstead v, L.C.*

*"A critical consideration in each state is the range of housing options available in the community for individuals with disabilities and whether those options are largely limited to living with other individuals with disabilities, or whether those options include substantial opportunities for individuals with disabilities to live and interact with individuals without disabilities"*

*Statement of the Department of Housing and Urban Development on the Role of Housing in Accomplishing the Goals of Olmstead, June 4, 2013*

# Home and Community-Based Services (HCBS) Settings Final Rule

- The setting is integrated in and supports full access to the greater community;
- Is selected by the individual from among setting options
- Ensures individual rights of privacy, dignity and respect, and freedom from coercion and restraint
- Optimizes autonomy and independence in making life choices; and
- Facilitates choice regarding services and who provides them

# HCBS Settings

- Proposed Rule presumed “disability-specific complex” was not a home and community based setting
- Final Rule recognized the use of the term would have adverse impacts on affordable housing options
- Term “disability-specific complex” eliminated
- Final Rule – *“any other setting that has the effect of discouraging integration of individuals from the broader community”*

*"People with disabilities have the right to receive services and supports in settings that do not segregate them from the community; it is a matter of civil rights."*

**- Governor Andrew M. Cuomo**



# OLMSTEAD

Community Integration for Every New Yorker

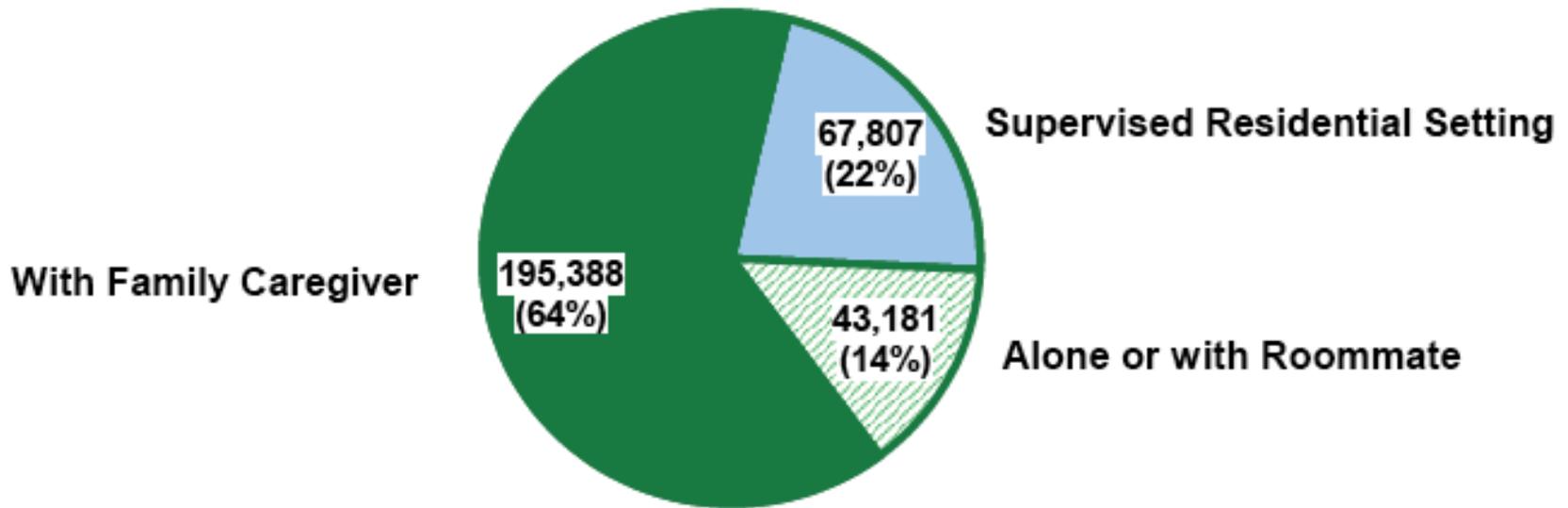
# Challenges

- Aging Caregivers
- Growing School Age Population
- Closure of ICF & DC Beds
- Funding Issues



# Aging Care Givers

## ESTIMATED NUMBER OF INDIVIDUALS WITH I/DD BY LIVING ARRANGEMENT: FY 2011

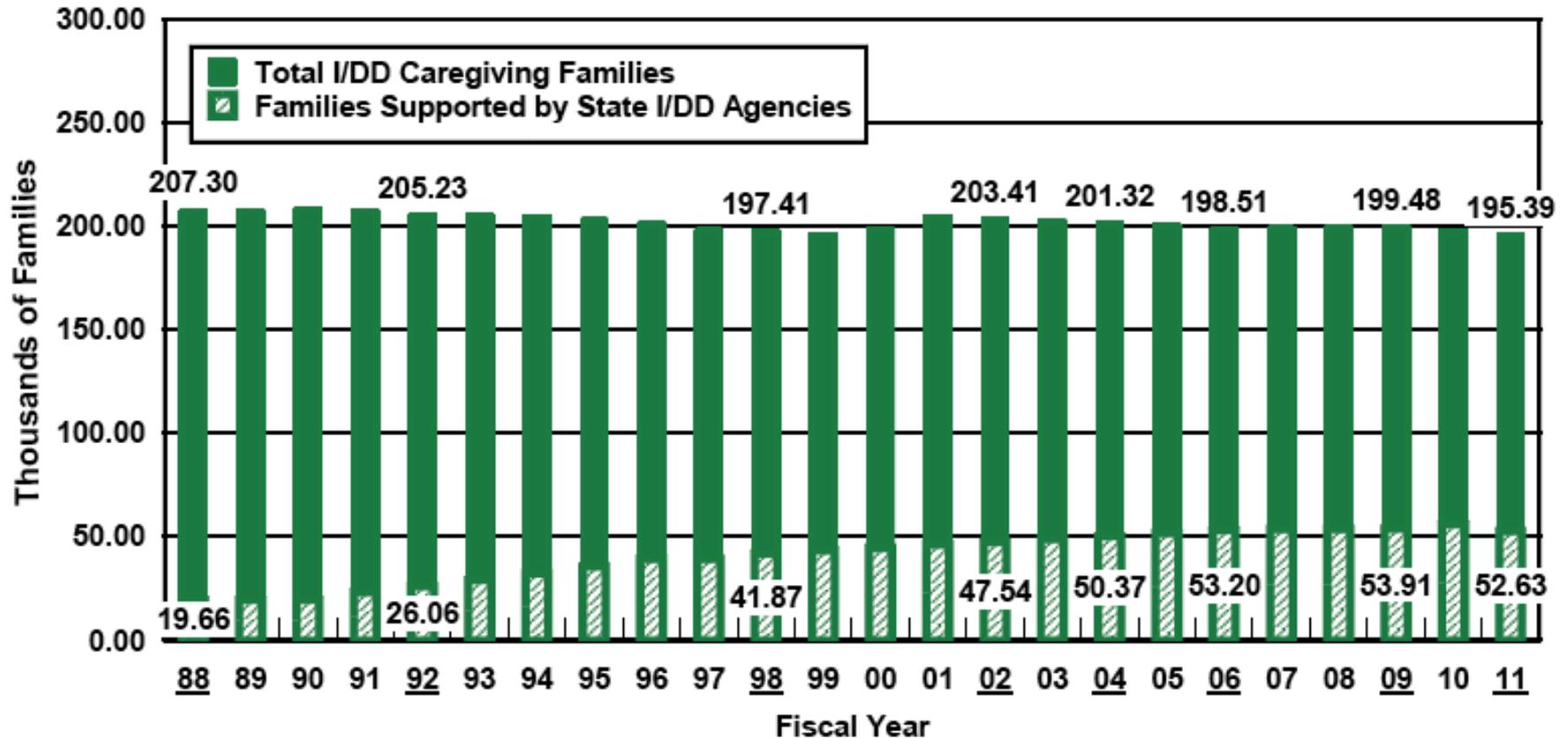


**TOTAL: 306,376 PERSONS**

Braddock et al. 2013, based on Fujiura 2012

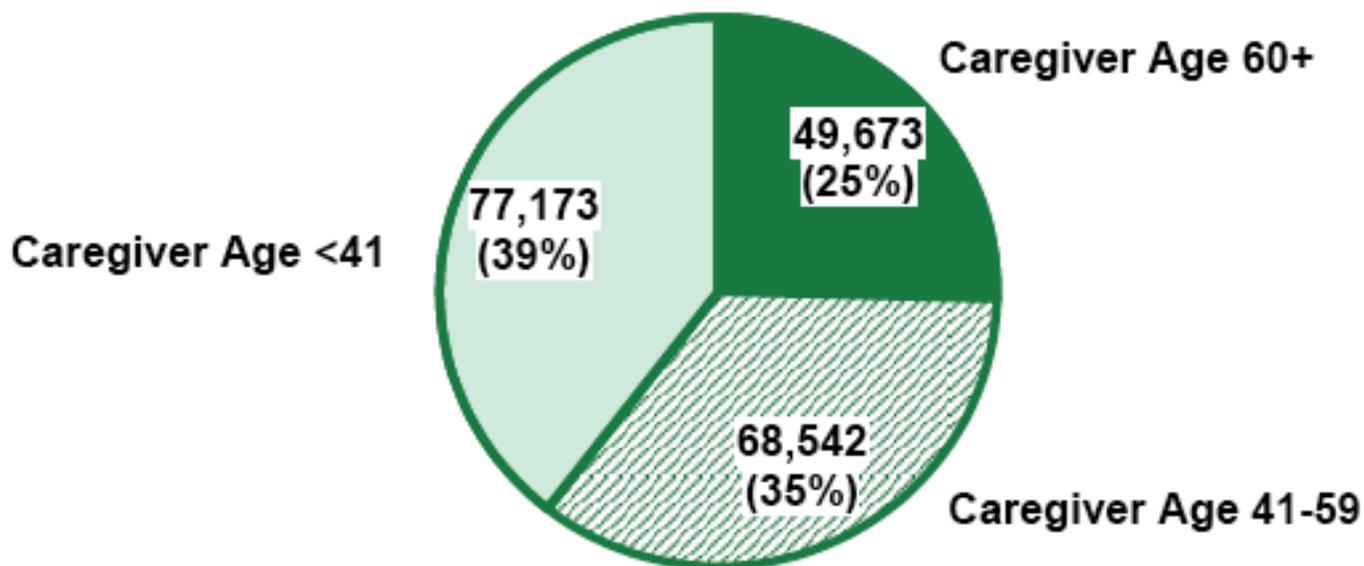
# New York

## ESTIMATED NUMBER OF I/DD CAREGIVING FAMILIES AND FAMILIES SUPPORTED BY I/DD AGENCIES: FY 1988-2011



Source: Braddock et al., Coleman Institute and Department of Psychiatry, University of Colorado, 2013.

# ESTIMATED NUMBER OF INDIVIDUALS WITH I/DD BY AGE GROUP LIVING WITH FAMILY CAREGIVERS: FY 2011



**TOTAL: 195,388 PERSONS**

Braddock et al. 2013, based on Fujiura 2008, 2012



# STUDENTS AGING OUT

# Students Receiving an Individualized Education Diploma (IEP)

|         |      |
|---------|------|
| 2008-09 | 5842 |
| 2009-10 | 5600 |
| 2010-11 | 5465 |
| 2011-12 | 5112 |

WNY Totals of Students with Disabilities Receiving Special Education Services on October 3, 2012 Age 18-21 as Reported by Public School Districts By County

| County           | Disability Category |          |                       |                     |                         |                       |                          |                    |                        | Total SWD Age 18-21 |
|------------------|---------------------|----------|-----------------------|---------------------|-------------------------|-----------------------|--------------------------|--------------------|------------------------|---------------------|
|                  | Autism              | Deafness | Emotional Disturbance | Learning Disability | Intellectual Disability | Multiple Disabilities | Other Health Impairments | Speech or Language | Traumatic Brain Injury |                     |
| Allegany         | 5                   | 0        | 0                     | 39                  | 10                      | 0                     | 6                        | 0                  | 0                      | 60                  |
| Cattaraugus      | 14                  | 0        | 8                     | 54                  | 12                      | 25                    | 27                       | 0                  | 0                      | 140                 |
| Chautauqua       | 7                   | 0        | 7                     | 62                  | 14                      | 21                    | 19                       | 0                  | 0                      | 130                 |
| Erie             | 75                  | 9        | 70                    | 340                 | 107                     | 209                   | 71                       | 0                  | 5                      | 886                 |
| Genesee          | 6                   | 0        | 0                     | 20                  | 9                       | 13                    | 13                       | 0                  | 0                      | 61                  |
| Niagara          | 10                  | 0        | 6                     | 116                 | 24                      | 36                    | 19                       | 0                  | 0                      | 211                 |
| Orleans          | 0                   | 0        | 0                     | 20                  | 5                       | 14                    | 0                        | 0                  | 0                      | 39                  |
| <b>Total WNY</b> | <b>117</b>          | <b>9</b> | <b>91</b>             | <b>651</b>          | <b>181</b>              | <b>318</b>            | <b>155</b>               | <b>0</b>           | <b>5</b>               | <b>1527</b>         |

Finger Lakes Totals of Students with Disabilities Receiving Special Education Services on October 3, 2012 Age 18-21 as Reported by Public School Districts By County

| County          | Disability Category |          |                       |                     |                         |                       |                          |                    |                        | Total SWD Age 18-21 |
|-----------------|---------------------|----------|-----------------------|---------------------|-------------------------|-----------------------|--------------------------|--------------------|------------------------|---------------------|
|                 | Autism              | Deafness | Emotional Disturbance | Learning Disability | Intellectual Disability | Multiple Disabilities | Other Health Impairments | Speech or Language | Traumatic Brain Injury |                     |
| Chemung         | 9                   | 0        | 7                     | 32                  | 17                      | 7                     | 15                       | 0                  | 0                      | 87                  |
| Livingston      | 0                   | 0        | 5                     | 13                  | 7                       | 6                     | 15                       | 0                  | 0                      | 46                  |
| Monroe          | 80                  | 0        | 92                    | 285                 | 149                     | 159                   | 200                      | 22                 | 12                     | 999                 |
| Ontario         | 12                  | 0        | 7                     | 30                  | 7                       | 27                    | 19                       | 6                  | 0                      | 108                 |
| Schuyler        | 0                   | 0        | 0                     | 0                   | 0                       | 0                     | 0                        | 0                  | 0                      | 0                   |
| Seneca          | 0                   | 0        | 5                     | 27                  | 5                       | 11                    | 6                        | 0                  | 0                      | 54                  |
| Steuben         | 6                   | 0        | 6                     | 82                  | 17                      | 12                    | 30                       | 0                  | 0                      | 153                 |
| Wayne           | 0                   | 0        | 11                    | 32                  | 16                      | 35                    | 13                       | 5                  | 0                      | 112                 |
| Wyoming         | 0                   | 0        | 0                     | 17                  | 5                       | 13                    | 6                        | 0                  | 0                      | 41                  |
| Yates           | 0                   | 0        | 0                     | 12                  | 0                       | 7                     | 8                        | 0                  | 0                      | 27                  |
| <b>Total FL</b> | <b>107</b>          | <b>0</b> | <b>133</b>            | <b>530</b>          | <b>223</b>              | <b>277</b>            | <b>312</b>               | <b>33</b>          | <b>12</b>              | <b>1627</b>         |

OPWDD Region 1 Totals of Students with Disabilities Receiving Special Education Services on October 3, 2012 Age 18-21 as Reported by Public School Districts

| Region               | Disability Category      | 18-21 |
|----------------------|--------------------------|-------|
| Region 1             | Autism                   | 224   |
| Region 1             | Deafness                 | 9     |
| Region 1             | Emotional Disturbance    | 224   |
| Region 1             | Learning Disability      | 1181  |
| Region 1             | Intellectual Disability  | 404   |
| Region 1             | Multiple Disabilities    | 595   |
| Region 1             | Other Health Impairments | 467   |
| Region 1             | Speech or Language       | 33    |
| Region 1             | Traumatic Brain Injury   | 17    |
| Total OPWDD Region 1 |                          | 3154  |

Possible OPWDD

|          |                          |      |
|----------|--------------------------|------|
| Region 1 | Autism                   | 224  |
| Region 1 | Intellectual Disability  | 404  |
| Region 1 | Multiple Disabilities    | 595  |
| Region 1 | Other Health Impairments | 467  |
| Region 1 | Traumatic Brain Injury   | 17   |
|          |                          | 1707 |

# Aging Out Population

- New York State Alternative Assessment
  - Given to students with a severe cognitive disability
  - Significant deficits in communications/language and adaptive behavior
  - Students who require a highly specialized education program
    - Experience severe speech, language and/or perceptual-cognitive impairments and evidence challenging behaviors that interfere with learning & socialization
    - May also have extremely fragile health conditions and may require personal care, physical/verbal supports and/or prompts and assistive technology devices

# Students Taking New York State Alternative Assessments (Secondary Level)

|  | <b>ELA</b> | <b>Math</b> | <b>Social Studies</b> | <b>Science</b> |
|--|------------|-------------|-----------------------|----------------|
| 2008-09                                | 2682       | 2683        | 2672                  | 2679           |
| 2009-10                                | 2875       | 2873        | 2862                  | 2869           |
| 2010-11                                | 2958       | 2952        | 2953                  | 2955           |
| 2011-12                                | 2999       | 2991        | 2987                  | 2995           |
| <i>Source: SED BEDS Data 2008-2012</i> |            |             |                       |                |

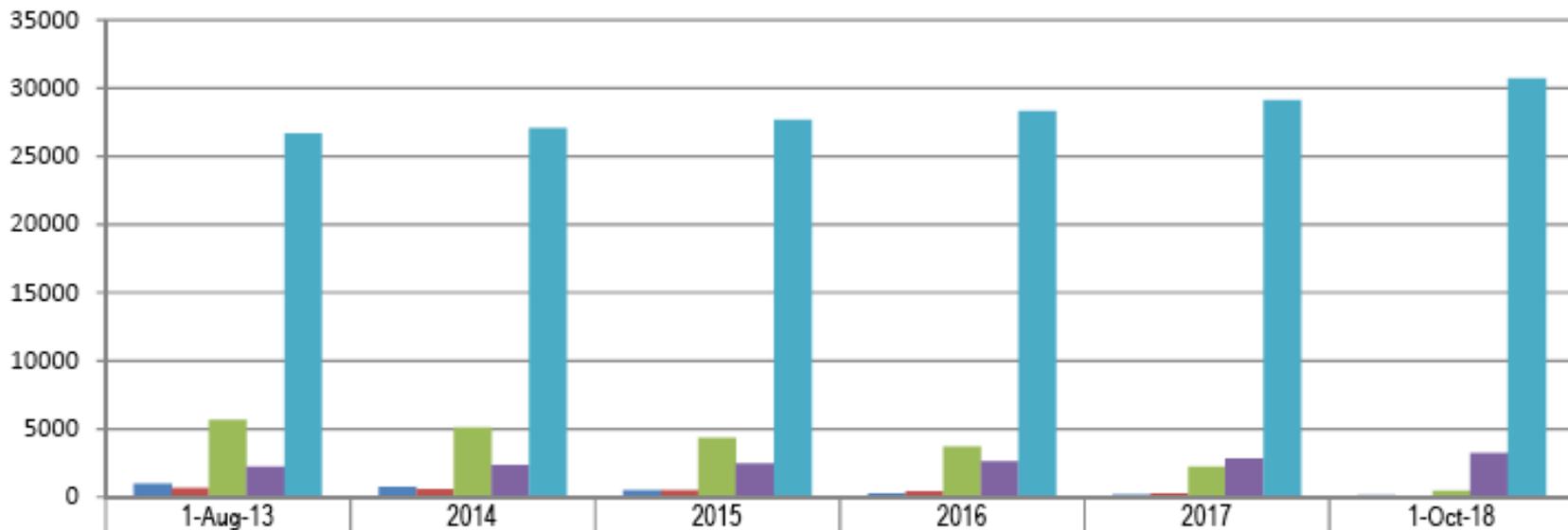
# Students In Region One Growing Trend

| Students with severe cognitive disabilities taking New York State Alternative Assessment:<br>Secondary ELA |      |      |      |      |      |                                 |
|--|------|------|------|------|------|---------------------------------|
|  | Year |      |      |      |      | NYSAA<br>Taken<br>2009-<br>2012 |
|  | 2008 | 2009 | 2010 | 2011 | 2012 |                                 |
| NYS  | 1676 | 2682 | 2875 | 2958 | 2999 |                                 |
| ALLEGANY County  | 1    | 3    | 6    | 5    | 2    | 16                              |
| CATTARAUGUS County   | 3    | 17   | 15   | 16   | 13   | 61                              |
| CHAUTAUQUA County  | 6    | 9    | 14   | 17   | 26   | 66                              |
| ERIE County  | 34   | 129  | 136  | 148  | 179  | 592                             |
| GENESEE County   | 1    | 12   | 5    | 13   | 7    | 37                              |
| NIAGARA County   | 15   | 29   | 37   | 29   | 39   | 134                             |
| ORLEANS County   | 12   | 7    | 9    | 9    | 9    | 34                              |
| WNY  | 72   | 206  | 222  | 237  | 275  | 940                             |
| CHEMUNG County   | 1    | 9    | 11   | 13   | 7    | 40                              |
| LIVINGSTON County  | 0    | 4    | 5    | 5    | 2    | 16                              |
| MONROE County  | 57   | 126  | 105  | 111  | 122  | 464                             |
| ONTARIO County   | 8    | 9    | 7    | 10   | 13   | 39                              |
| SCHUYLER County  | 0    | 1    | 3    | 1    | 1    | 6                               |
| SENECA County  | 2    | 2    | 5    | 3    | 1    | 11                              |
| STEUBEN County   | 1    | 11   | 10   | 13   | 5    | 39                              |
| WAYNE County   | 14   | 9    | 15   | 13   | 15   | 52                              |
| WYOMING County   | 2    | 2    | 1    | 5    | 2    | 10                              |
| YATES County   | 0    | 0    | 1    | 1    | 2    | 4                               |
| FL   | 85   | 173  | 163  | 175  | 170  | 681                             |
| Region 1   | 157  | 379  | 385  | 412  | 445  | 1621                            |

# ICF & DC Closures

OPWDD Plan for transition of ICF residents to community-based settings

## Draft Timeline for Certified Housing Census Changes



|                   | 1-Aug-13 | 2014  | 2015  | 2016  | 2017  | 1-Oct-18 |
|-------------------|----------|-------|-------|-------|-------|----------|
| SOICF- CAMPUS     | 994      | 731   | 493   | 268   | 181   | 150      |
| SO ICF- COMMUNITY | 659      | 593   | 504   | 428   | 257   | 0        |
| VOICF             | 5669     | 5102  | 4337  | 3686  | 2211  | 456      |
| IRA SUPPORTIVE    | 2227     | 2326  | 2475  | 2624  | 2823  | 3221     |
| IRA SUPERVISED    | 26685    | 27088 | 27693 | 28298 | 29104 | 30721    |

This plan includes opportunities for 1048 people to move into person controlled housing by Oct. 1, 2018.

# OPWDD's Plan For Integration

- Finger Lakes and Wassaic DCs closed on 12/31/13
- DC census declined from 1,015 on 4/1/13 to 780 on 1/1/14
- Closure of O.D. Heck (by March of 2015); Brooklyn (by December of 2015); Broome (by March 2016) and B.M. Fineson (by March 2017)

# ICF Transition Plan

| ICF Transition Plan      | Aug 2013 | 2014  | Change | 2015  | Change | 2016  | Change | 2017  | Change | Oct 2018 | Change | Cumulative Change |
|--------------------------|----------|-------|--------|-------|--------|-------|--------|-------|--------|----------|--------|-------------------|
| SO ICF Campus            | 994      | 731   | -263   | 493   | -238   | 268   | -225   | 181   | -87    | 150      | -31    | -844              |
| SO ICF Community         | 659      | 593   | -66    | 504   | -89    | 428   | -76    | 257   | -171   | 0        | -257   | -659              |
| VO ICF                   | 5669     | 5102  | -567   | 4337  | -765   | 3686  | -651   | 2211  | -1475  | 456      | -1755  | -5213             |
| Total Less Institutional |          |       | -896   |       | -1092  |       | -952   |       | -1733  |          | -2043  | -6716             |
| IRA Supportive           | 2227     | 2326  | 99     | 2475  | 149    | 2624  | 149    | 2823  | 199    | 3221     | 398    | 994               |
| IRA Supervised           | 26685    | 27088 | 403    | 27693 | 605    | 28298 | 605    | 29104 | 806    | 30721    | 1617   | 4036              |
| New IRA                  |          |       | 502    |       | 754    |       | 754    |       | 1005   |          | 2015   | 5030              |
| Non Traditional          |          | 80    | 80     | 178   | 98     | 263   | 85     | 419   | 156    | 602      | 183    | 602               |
| Total New Community      |          |       | 582    |       | 852    |       | 839    |       | 1161   |          | 2198   | 5632              |

- 844 move from campus-based ICF to community
- 5972 move from community based ICF to HCBS setting
  - 5213 from voluntary operated ICF settings
  - 659 from state operated ICF settings

The background features a stylized landscape. The top and bottom sections consist of dark green, overlapping triangular shapes that resemble mountain peaks. The central section is a solid, bright yellow-orange color, which has a slightly textured or grainy appearance. The text "Unmet Housing Needs" is centered in the yellow-orange section.

# Unmet Housing Needs

# Region One Housing Requests

| NYS          | Housing Need As of 4/1/2013 |      |          |          |          |
|--------------|-----------------------------|------|----------|----------|----------|
|              | Total                       | ASAP | < 2 Yrs. | 3-5 Yrs. | 6+ Years |
| State wide   | 12057                       | 4204 | 2806     | 2648     | 2399     |
| WNY          | 980                         | 255  | 196      | 269      | 260      |
| Finger Lakes | 1345                        | 650  | 415      | 191      | 89       |
| Region 1     | 2325                        | 905  | 611      | 460      | 349      |

New York State OPWDD TABS Residential Request Summary - April 1, 2013 Data

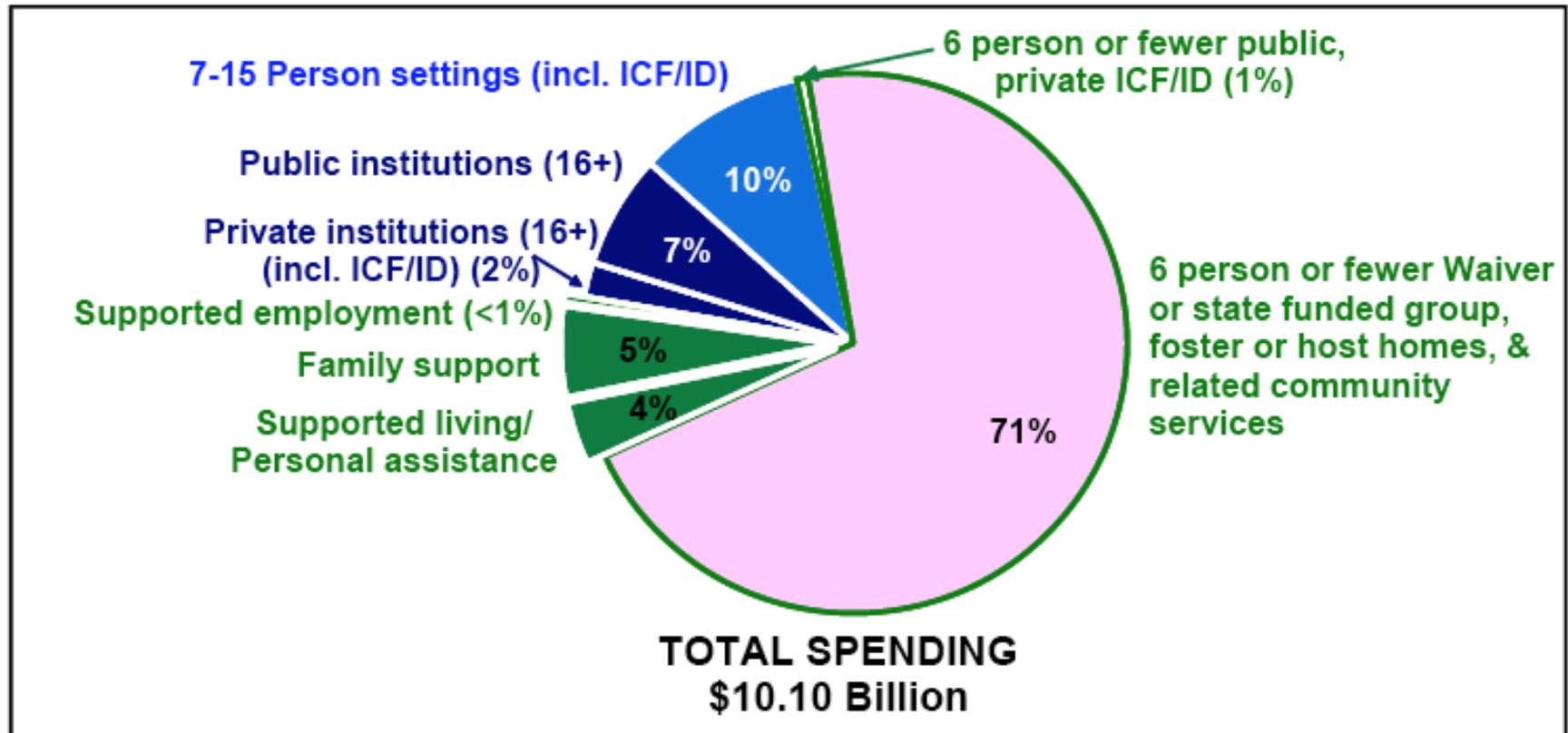
# Regional Unmet Need

| Unmet housing needs 11/13 |                  |  |       |            |       |  |                 |                     |
|---------------------------|------------------|--|-------|------------|-------|--|-----------------|---------------------|
|                           |                  |  | 24/7  | PT support |       |  | In Home support | # Consumers in need |
|                           | Surmount         |  | 176   | 25         |       |  | 85              | 283                 |
|                           | Long Island      |  | 2707  | 564        |       |  | 742             | 3092                |
|                           | Fine son         |  | 1205  | 159        |       |  | 1510            | 2499                |
|                           | Broome           |  | 276   | 42         |       |  | 210             | 518                 |
|                           | Brooklyn         |  | 892   | 202        |       |  | 1405            | 2243                |
|                           | Capital district |  | 645   | 232        |       |  | 711             | 1474                |
|                           | Central NY       |  | 418   | 239        |       |  | 603             | 1215                |
|                           | Hudson Valley    |  | 652   | 242        |       |  | 669             | 1478                |
|                           | Finger Lakes     |  | 760   | 370        |       |  | 1059            | 2092                |
|                           | WNY              |  | 586   | 150        |       |  | 242             | 978                 |
|                           | Metro NY         |  | 1158  | 305        |       |  | 1339            | 2621                |
|                           | Tactonic         |  | 244   | 99         |       |  | 269             | 591                 |
|                           | Staten Island    |  | 441   | 92         |       |  | 242             | 598                 |
|                           |                  |  |       |            |       |  |                 |                     |
|                           | Total            |  | 10160 | 2721       | 12881 |  | 9086            | 19682               |

# Funding Issues

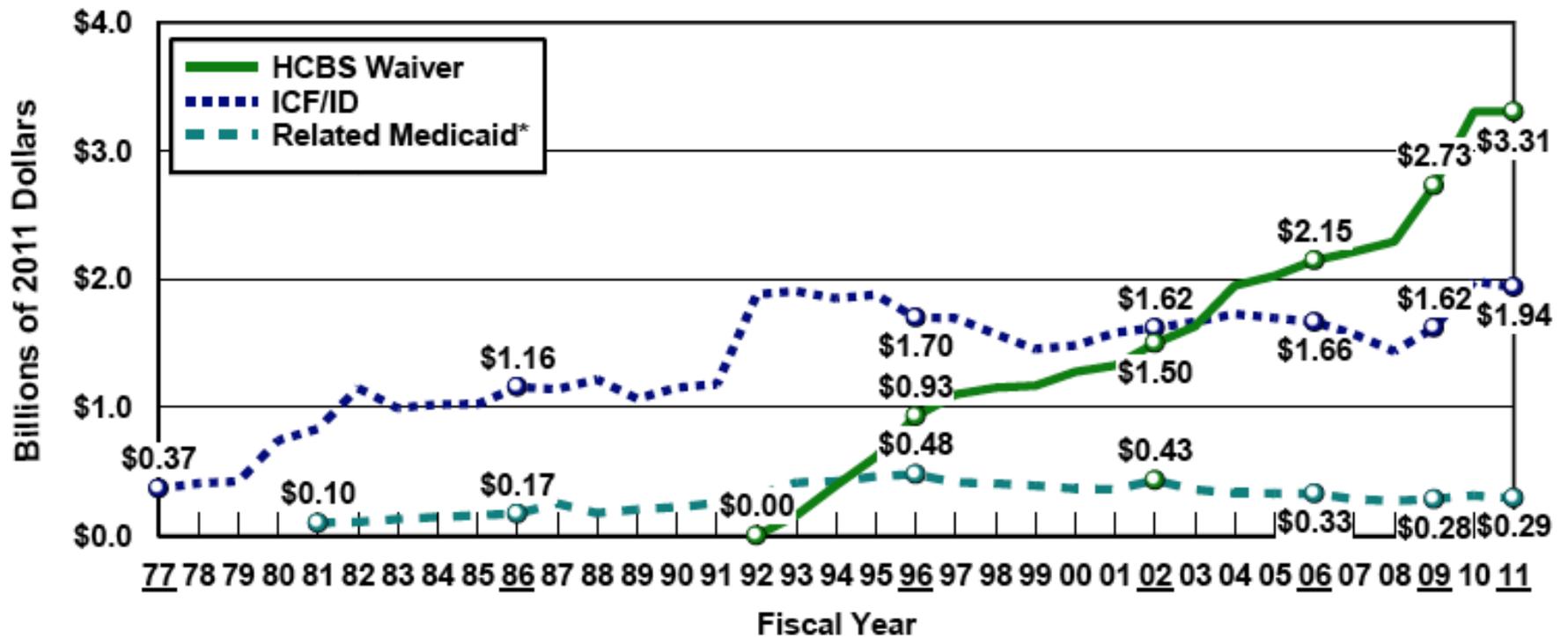
- Medicaid Spending Cap
- CMS DC Rate Recoupment
- State Budget
  - Slow economy; limited revenue growth
  - 2% Spending Growth State Operated Funds
  - Transition from FFS to Managed Care
  - Need to bend the cost curve
- Creating a Sustainable Funding Model

**SUPPORTED LIVING, FAMILY SUPPORT, AND SUPPORTED EMPLOYMENT  
(INDIVIDUAL AND FAMILY SUPPORT) WAS 9.7% OF TOTAL SPENDING: FY 2011**



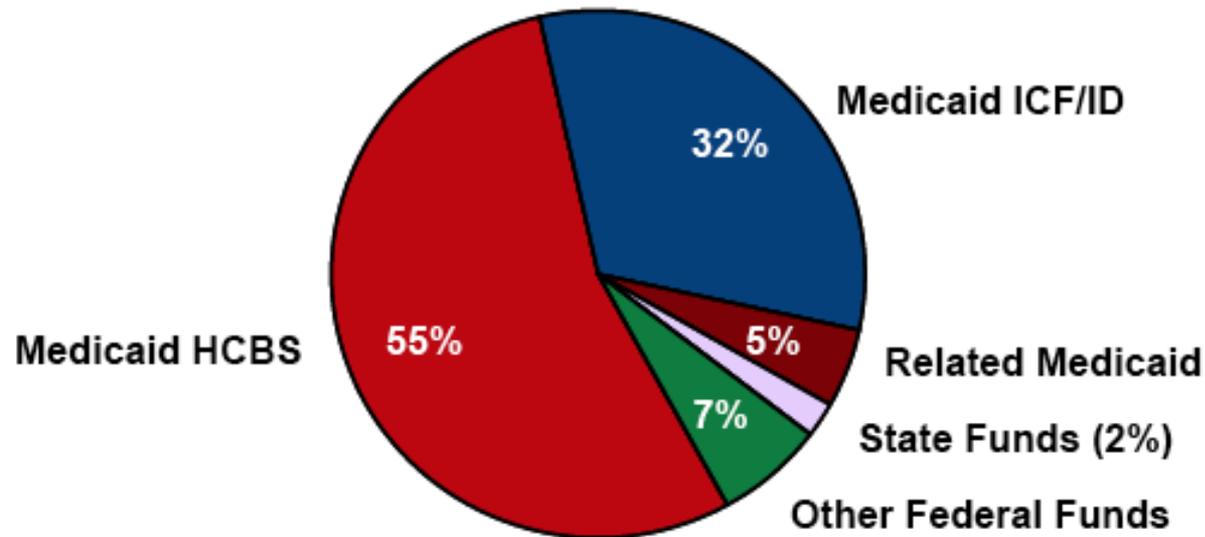
Source: Braddock et al., Coleman Institute and Department of Psychiatry, University of Colorado, 2013.

## FEDERAL I/DD MEDICAID SPENDING BY REVENUE SOURCE



\*In 2011, "Related Medicaid" included targeted case management (\$149.7 million), personal assistant (\$83.4 million), administration (\$59.6 million) and clinic rehabilitation (\$0.7 million).

## MEDICAID IS 91% OF TOTAL I/DD SPENDING IN FY 2011



Total I/DD Spending: \$10.10 Billion  
Total Federal-State Medicaid: \$9.22 Billion (91%)

# A Plan Forward

- Expand the inventory of affordable and accessible rental units for DD population
- Increase availability of rental subsidies for persons with DD seeking community housing
- Build understanding and awareness of choices among individuals with DD, their circle of support, public and private housing organizations, developers & case managers
- Engage federal and state policymakers & facilitate changes in State and Federal policies to increase access and availability of community based services and supports for individuals with DD
- Develop a comprehensive plan and infrastructure to implement the plan with the full support and backing of senior state elected officials