

## Issue Brief – DSPD Waiting List

DIVISION OF SERVICES FOR PEOPLE WITH DISABILITIES

NUMBERDHS-08-09

### DSPD WAITING LIST

The Division of Services for People with Disabilities (DSPD) is responsible for providing residential, day and family support services for people with mental retardation and other developmental disabilities. DSPD has a waiting list of 1,839 people on the “immediate needs” waiting list who are currently not receiving any services. DSPD is requesting an appropriation for FY 2008 of \$5,500,000 with \$2,000,000 from General Funds and \$3,500,000 from federal Medicaid funds. This request includes the addition of 11.5 full time equivalent (FTE) employees.

### OBJECTIVE

Each year, DSPD strives to reduce the waiting list. Total funding to eliminate the waiting list is \$21.5 million with \$7.8 million (36 percent) from General Funds and \$13.7 from federal Medicaid match. For FY 2008, DSPD is requesting 25 percent of the funding which will reduce the waiting list by 425 individuals.

### DISCUSSION AND ANALYSIS

To receive services, people must have substantial functional limitations in three or more of the following life activities: self care, receptive and expressive language, learning, mobility, self direction, capacity for independent living, and economic self-sufficiency. The services provided range from limited family support to a full array of 24-hour services both in the community and at the Utah State Developmental Center. Services are also available in private Intermediate Care Facilities for people with Mental Retardation (ICF/MR) with funding through the Department of Health. Services in the ICF/MR system is an entitlement, meaning that if a person meets the eligibility requirements, services must be provided.

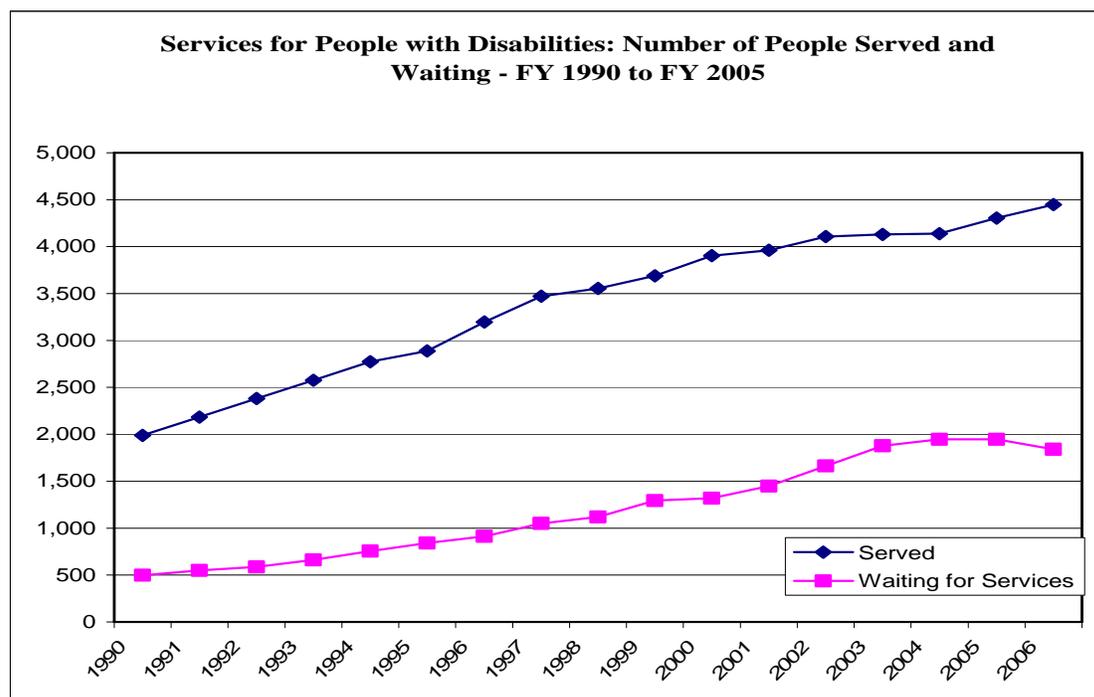
The State has chosen to provide an alternative to the ICF/MR system, which is the Home and Community Based Services (HCBS) waiver system. The HCBS includes a range of services and supports for people in homes and apartments, including full residential placements, located in community settings throughout the State. This system is also funded by Medicaid transfers through its waiver program. Unlike, ICF/MR, HCBS is not an entitlement for eligible persons, therefore, services are provided based on available resources. Since there are more eligible people desiring home and community based services under the Medicaid Waiver than there are resources available, the State has a waiting list for these services. The HCBS system is funded through DSPD, which determines eligibility for services in both the ICF/MR and the HCBS systems and serves as the “gatekeeper” for both systems.

The following table shows the types of services requested by individuals on the waiting list, the number of persons on the waiting list, and the average number of services needed:

DSPD Waiting List					
Services	Intellectual Disability	Brain Injury	Physical Disability	Non- Waiver	Total
Community Life Support	146	12	0	13	171
Supported Living	223	58	0	36	317
Family Support	1,789	13	0	160	1,962
Supported Employment	355	37	0	55	447
Day Training	216	15	0	28	259
Transportation/Other	297	33	0	19	349
Personal Assistant	12	0	59	7	78
<b>Total Services Needed</b>	<b>3,038</b>	<b>168</b>	<b>59</b>	<b>318</b>	<b>3,583</b>
<b>Unduplicated Count of Individuals Waiting</b>	<b>1,527</b>	<b>76</b>	<b>59</b>	<b>177</b>	<b>1,839</b>
<b>Average Services per Person</b>	<b>2.0</b>	<b>2.2</b>	<b>1.0</b>	<b>1.8</b>	<b>1.9</b>

### Growth in the Waiting List

Over the years, the Legislature has appropriated funding to reduce the waiting list. The chart shows the growth in the number of people served and the number of people on the waiting list since FY 1990. It shows only people receiving no services, not those in service waiting for additional services. Since 1990, the number of people being serviced has grown by 2,460 and the waiting list has grown by 1,341. The average annual growth for the individuals being served is 5.21 percent versus 8.68 percent for the individuals on the waiting list. Note starting in FY 2006, the number of individuals waiting for services has started to decline.



The following table shows the net growth in the waiting list:

<b>Division of Services for People with Disabilities Waiting List History</b>					
FY	Total Number Waiting	Total Number New to Waiting List	Total Number Funded with Allocation	Total Number Removed <sup>1</sup> from Waiting List	Net Growth in Waiting List (B+C-D-E)
A	B	C	D	E	F
1998	1,120	430	186	69	1,295
1999	1,295	397	239	135	1,318
2000	1,318	566	251	184	1,449
2001	1,449	645	63	368	1,663
2002	1,663	432	72	146	1,877
2003	1,877	389	0	319	1,947
2004	1,947	293	0	295	1,945
2005	1,945	374	85	395	1,839
2006	1,839		253		
2007			400		

<sup>1</sup> Removed from the Waiting List because moved out state, moved to Intermediate Care Facility or nursing home, died, failed to return the annual waiting list survey, requested to be removed, change in eligibility, change in needs or unable to locate.

**Additional FTEs are Needed to Handle the Increased Caseload**

DSPD has requested 11.5 additional FTE to handle the increased caseload of 425 individuals being placed into service from the waiting list. Each caseworker manages about 30 cases. In addition, there is a 7:1 ratio of caseworkers to supervisors. The additional employees will expend approximately \$730,600 of the \$5.5 million request. The Analyst has not determined if a caseload of 30 clients per caseworker is at maximum efficiency, however, the ratio of 30:1 currently has the support of the Medicaid funding agencies based on the management rates established by the Utah Department of Health and the federal Centers for Medicare and Medicaid Services (CMS). CMS has established a budgetary savings target of a ratio of 35:1 to phase in for future rate setting to be completed by FY 2009. During the 2007 interim, the Analyst will evaluate the caseload. The following table shows the caseload per caseworker:

DSPD Caseload Analysis					
A	B	C	D	E	F
	Number of Cases	Current Number of Caseworkers	Current Caseload / Caseworker (B/C)	Number of Supervisors	Supervisors per Caseworkers (C/E)
FY 2007 Estimate	4,519	150.00	30.13	21	7.14
FY 2007 Anticipated Attrition	(100)				
FY 2008 Request	425	10.50		1.5	
Total	4,844	160.50	30.18	22.5	7.13

**Efforts to Fund the Waiting List**

Since 1998, the Legislature has increased the base service budgets by approximately \$7.7 million in new state funding to provide services for people on the waiting list. In addition, \$5.5 million in new base funding has been appropriated for emergency community placement needs (including \$1.8 million State Funds and TANF transfers). In FY 2007, the Legislature appropriated approximately \$2 million in General Funds to help with the waiting list resulting in about 400 people or 21 percent of the list receiving services. The following table shows the efforts made toward reducing the waiting list:

Division of Services for People with Disabilities Waiting List Funding History					
FY	# Served	% Change in # Served	Waiting List	% Change in Waiting List	Waiting List General Fund Appropriations
1998	3,556	2.45%	1,120	6.57%	\$1,000,000
1999	3,688	3.71%	1,295	15.63%	\$1,300,000
2000	3,903	5.83%	1,318	1.78%	\$1,365,000
2001	3,960	1.46%	1,449	9.94%	\$346,900
2002	4,107	3.71%	1,663	14.77%	\$400,000
2003	4,129	0.54%	1,877	12.87%	\$0
2004	4,139	0.24%	1,947	3.73%	\$0
2005	4,304	3.99%	1,945	-0.10%	\$300,000
2006	4,449	3.37%	1,839	-5.45%	\$1,000,000
2007		Fiscal year does not end until 6/30/07			\$2,000,000

**Waiting List Lawsuit**

In December 2002, the Disability Law Center, on behalf of the ARC of Utah and individuals who have been waiting for community services, filed a class-action lawsuit in the U.S. District Court. The suit claims the State has unlawfully failed to provide services to individuals on the waiting list in violation of Medicaid law and the

“Americans with Disabilities Act.” The suit does not include a specific funding demand, but it does ask the State to eliminate the waiting list by creating a plan to provide services to all eligible individuals. On August 26, 2003, the U.S. District Court dismissed the Medicaid claims of the lawsuit.

In February of 2006, U.S. District Court Judge Dale E. Kimball dismissed Utah’s class action waiting list lawsuit because the “plaintiffs have not demonstrated that they meet the ‘essential eligibility requirements’ for Home and Community Based waiver services...” The judge also shared that “DSPD has demonstrated that they manage the waiting list in a reasonable and effective way and that the state has demonstrated a commitment to people with disabilities with the past Legislative increases in funding.”

#### **RECOMMENDATION**

The Analyst recommends an appropriation of \$5,500,000 with \$2,000,000 from General Funds and \$3,500,000 from federal Medicaid funds for FY 2008. It is further the recommendation of the Analyst that the Division of Services for People with Disabilities be authorized for 11.5 additional FTE. This will address the needs of about 425 individuals which represent about 25 percent of the waiting list.