

# Settlement Agreement Update & Action Plan

May 15, 2019

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# DLC Settlement Agreement Background

- January 2018 – Disability Law Center (DLC) sued the State
- Spring 2018 – State determined to attempt settlement
- Spring through Fall 2018 – Parties met frequently and drafted a proposed Settlement Agreement (including the Work Plan)
- Fall 2018 through Winter 2019 – Departments’ shared draft Settlement Agreement with the Governor’s Office and Legislative Leadership

## DLC Settlement Agreement Background

- 2019 General Legislative Session – Passed HJR 28 in support of the Settlement Agreement. Departments were appropriated \$7,324,000 to implement the Agreement.
- March through May 2019 – Settlement Agreement signed by Parties and is in the process of being filed with the court

Informed

Choice

Site visits

Guardianship

Assisted decision making

Education/outreach

Ensuring

Quality

Medical services

Rental assistance/start-up

Community resources

Person-Centered Planning

Ongoing assessments

Face to face visits

Enhanced oversight

# Settlement Agreement - Key Provisions

From FY 2019 - FY 2024, UDOH and DHS will:

- Move 300 interested people from privately-owned ICFs
  - Prioritize transition of people under 22
  - Implement improved policy for ICF residents under 22
- Provide robust education to people living in ICFs and those considering moving to an ICF
- Develop a decision-making process to assist people who aren't able to independently make decisions about living arrangements

## Additional Key Provisions

- Reduce overall number of ICF beds to 465
  - Emphasis on reducing beds in
    - Facilities have more than 16 beds
    - Rooms where more than 2 people reside
- Place permanent moratorium on licensing new ICF beds
  - Will require statutory change to § 26-18-502

# Transition Update

- 2019 Goal - Transition 49 interested people from ICFs
  - 1 person living in an ICF moved to the community based on DSPD waiting list funding
  - 36 people living in ICFs moved to the community
    - 4 more will move by May 31 = 40 total
    - 8 remaining are in various stages of transition
- 2020 Goal - Transition 150 interested people
- 2021-2024 Goal - Transition 25 interested people per year

## Implementation Updates

- UDOH filed ICF Transition Administrative Rule amendment (R414-510)
- Submitted Semi-Annual Report to DLC on ICF resident status
- Conducting increased monitoring for people recently transitioned



# Implementation Updates

- Developing data collection and quality monitoring tools
- Hiring new staff
- Seeking technical assistance from CMS on which waiver authority for nursing services to meet medical needs
- Departments developing improved education process and materials

# Implementation Issues/Further Legislative Action

- Providing enhanced nursing services to current waiver enrollees to prevent those, whose medical conditions worsen over time, from admitting to ICFs because needs can't be safely met in the community
  - Original funding proposal included a \$4 million request for nursing services
- Maintaining viable ICF provider network for those wanting to live in ICFs
  - Original funding proposal included request for \$2.4 million in quality incentives to ICF providers



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