

# Legislative Learning Session

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Legislative Liaison, Gateways Community Services

December 6th, 2022



# Overview

- Purpose of this Presentation
- Our Focus
- Brief History
- NH Service Delivery System
- Major Issues
- Brief Video



# Purpose of this Presentation

Help you make an informed decision regarding policies that affect our most vulnerable citizens





# Our Focus

The most vulnerable citizens of our community

- People with developmental disabilities
- People with acquired brain disorders
- Older adults
- Veterans

Life-long conditions that can outlive caregivers



# Brief History: Laconia State School

- Founded in 1901 for the "feebleminded"
- By 1974, housed over 1000 children and adults with a waiting list of 400
- Closed in 1991 with the help of a federal class action lawsuit
  - Former "inmates" are still alive today
- New Hampshire became first in the nation to have **no institutions** for people with developmental disabilities
- We learned that institutionalization is not a solution for developmental disabilities



# RSA Section 171-A:1 - Exact Words

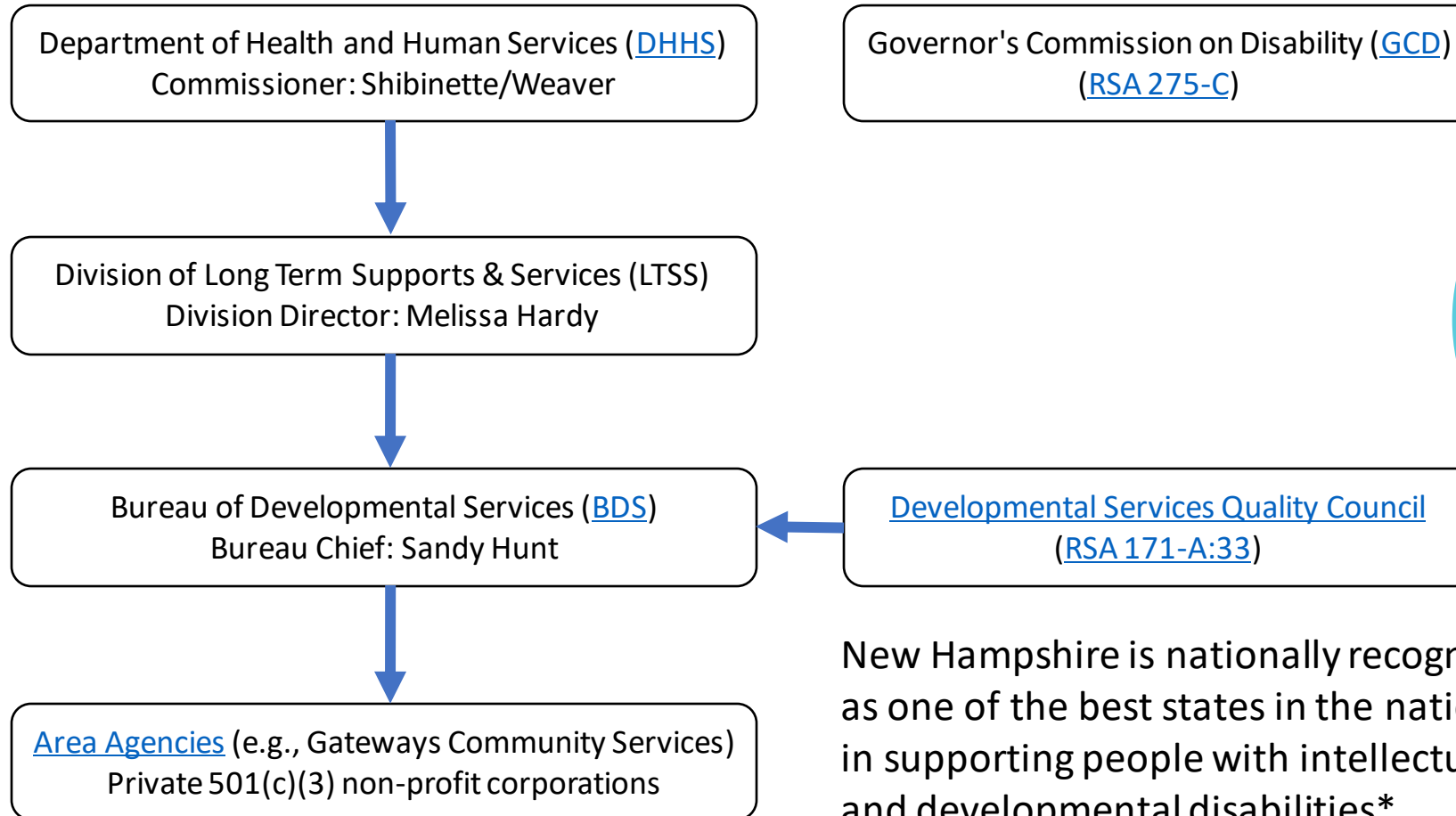
**RSA 171-A:1 Purpose and Policy:** ...enable the department of health and human services to establish, maintain, implement and coordinate a **comprehensive service delivery system** for developmentally disabled persons...and their families be provided services that emphasize community living and programs to support individuals and families, beginning with early intervention, and that such services and programs shall be based on the following:

- I. **Participation of people with developmental disabilities and their families in decisions** concerning necessary, desirable, and appropriate services, recognizing that they are best able to determine their own needs.
- II. Services that offer **comprehensive, responsive, and flexible support** as individual and family needs evolve over time.
- III. Individual and family services based on **full participation in the community**, sharing ordinary places, developing meaningful relationships, and learning things that are useful, as well as enhancing the social and economic status of persons served.
- IV. Services that are relevant to the individual's age, abilities, and life goals, including support for gainful employment that **maximizes the individual's potential for self-sufficiency and independence**.
- V. Services based on **individual choice, satisfaction, safety, and positive outcomes**.
- VI. Services provided by **competent, appropriately trained and compensated staff**.

<https://www.gencourt.state.nh.us/rsa/html/XII/171-A/171-A-mrg.htm>



# NH Service Delivery System

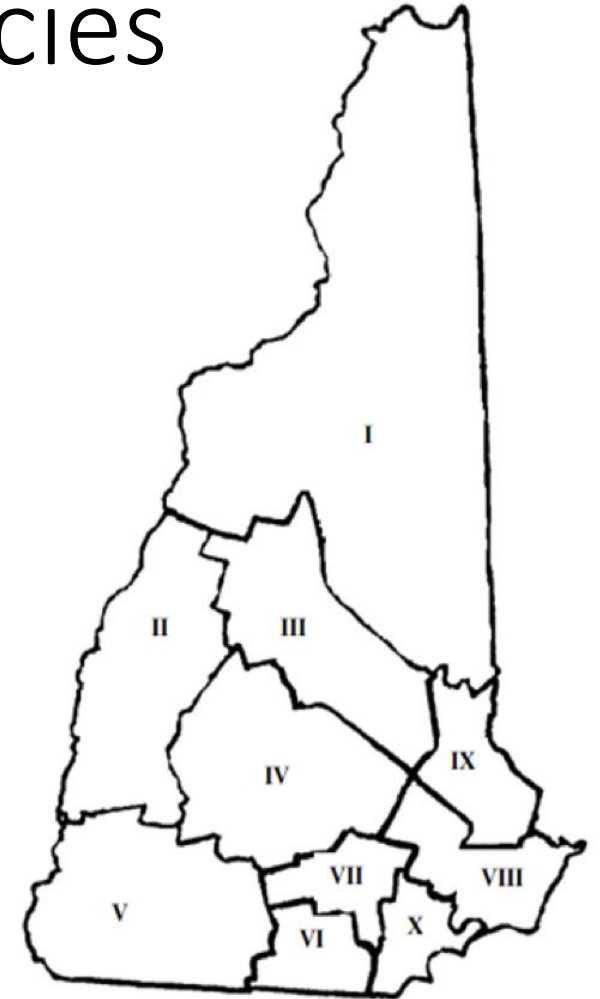


New Hampshire is nationally recognized as one of the best states in the nation in supporting people with intellectual and developmental disabilities\*

\* [https://caseforinclusion.org/application/files/1215/4653/0255/UCP\\_Case\\_for\\_Inclusion\\_Report\\_2019\\_Final\\_Single\\_Page.pdf](https://caseforinclusion.org/application/files/1215/4653/0255/UCP_Case_for_Inclusion_Report_2019_Final_Single_Page.pdf)  
See p.24 for scoring system

# RSA Section 171-A:18 - Area Agencies

- Ten private 501(c)(3) non-profit corporations funded in large part, and supervised by, the NH Bureau of Developmental Services (BDS)
- Responsible for administering area-wide programs and services, including:
  - Diagnosis and evaluation
  - Service coordination
  - Community living arrangements
  - Employment and day services
  - Programs designed to enhance personal and social competence
- Local Touchpoints





# Home and Community Based Services

- Family Centered Early Supports and Services ([FCESS](#))
  - Individuals with Disabilities Education Act (IDEA)
  - Also known as "Early Intervention" and "[Part C](#)"
- Waivers authorized by Social Security Act [§1915\(c\)](#)
  - In Home Supports ([IHS](#))
  - Developmental Disabilities ([DD](#))
  - Acquired Brain Disorder ([ABD](#))



# Example Services under DD Waiver

- Residential Habilitation (e.g., staffed residence)
- Community Support Services (living on own)
- Community Integration Services (therapeutic recreation)
- Supported Employment
- Participant Directed and Managed Services (PDMS)



# Deep Dive: PDMS

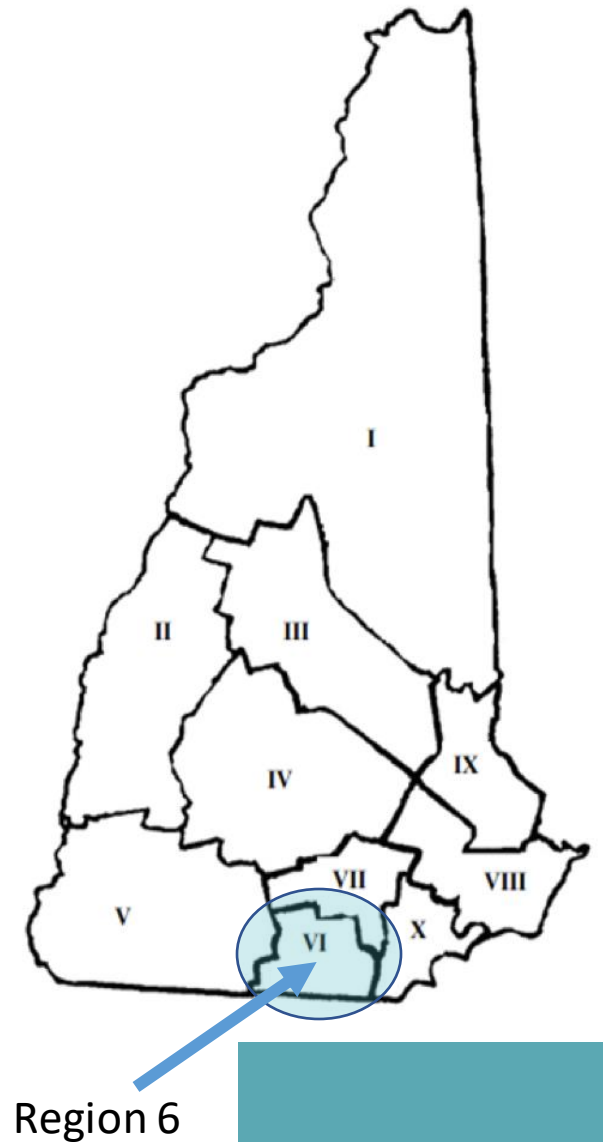
## Participant Directed and Managed Services (PDMS)

- Participants and families work with Area Agency
  - Person-Centered Plan
  - Supports Intensity Scale (SIS) Assessment
  - Service Agreement
  - Budget
- Individuals new to the system are put on the "wait list"
- Participants and families responsible for staffing
  - Directly hire and manage a direct support professional (DSP) or,
  - Use a provider such as [Aspire](#) or [The PLUS Company](#)
  - File monthly paperwork for services rendered
- Service agreement reviewed and updated yearly, but can also be updated on demand



# Gateways Community Services

- Area Agency for Region 6
- Amherst, Brookline, Hollis, Hudson, Litchfield, Mason, Merrimack, Milford, Mont Vernon, Wilton, and Nashua
- 2888 clients
- Administrative fees: 6% (extremely efficient)



# Gateways Community Services

- Value-Add Services
  - [Adult Day Center](#): for seniors and adults with disabilities
  - **Personal Care Services**: in-home support services
  - **Veteran and Family Care Giver Program**: for Veterans at risk of nursing home placement
  - **Choices for Independence (CFI) Case Management**: Medicaid-funded program for in-home services in lieu of nursing home placement
  - [Autism Center](#): direct support for children and adults with autism



# Gateways Funding

- Approved services funded by NH Bureau of Developmental Services (BDS)
  - Centers for Medicare and Medicaid Services match of \$0.50 for each \$1.00
- Value-add services funded by other means
  - Contributions
  - Personal health insurance
  - Etc.



# Top Issues

- Wait List
- Workforce Rate Increase
- BDS Systems Change



# Wait List

- Registry for individuals who do not have funding
- RSA 171-A:1-a: Full Funding of Services Budget
  - "funds shall be allocated...**90 days** prior to their graduating or exiting the school system"
  - "**newly found eligible adults**...the period between the time of completion of an individual service agreement...and the allocation by the department of the funds...shall not exceed **90 days**"
  - "For persons with...**significant life changes**, ...the period of time for initiation of new services shall not exceed **90 days** from the amendment of the individual service agreement"
- As the population of NH grows, so do the number of people that need support
- On average, it takes 80 days to fill an open position
- We need to keep the size of the wait list at 0





# Workforce Rate Increase

- *Fallacy*: there is extra money because people have over-estimated their budget
- *Reality*: as of June 30, 2022, there were 220 individuals with developmental disabilities who had funding but were unable to hire staff
- Only 2 Medicaid rate increases in the past 14 years
  - Direct support professionals (DSPs), service coordinators, and others are reluctant to enter or cannot stay in the space due to the lack of a living wage
- Workforce shortage also raises concerns about continuity of care
  - Vendors closing (e.g., Crotched Mountain School)
  - Loss of family members/caregivers



# BDS Systems Change

- BDS is making a system transformation
  - Federal compliance by July 1st, 2023, to get \$0.50 match from Centers for Medicare and Medicaid Services (CMS)
  - Conflict Free Case Management ([CFCM](#))
  - Direct Billing
- Appears rushed, reaches too far, and risks destabilizing the system



2023-0393 HB Title: establishing a pilot program to support the bureau of developmental services redesign. Sponsors: (Prime) Jess Edwards

2023-0420 HB Title: relative to the role of quality control and the developmental disability service system. Sponsors: (Prime) Charles McMahon

2023-0440 HB Title: establishing a commission to study the potential of transitioning to a 2-tier waiver system for those eligible for disability services. Sponsors: (Prime) Jerry Stringham

# Summary

- We have learned both what to do and what not to do
  - Institutionalization does not work
  - Community integration works well
- NH's service delivery system is a leader in the nation
  - Good for the individual
  - Cost effective
- Need continued support and vigilance
  - Not "one and done"
  - Needs to be sustained
- Your choices make the difference



# House and Senate Committees

## House: Health, Human Services and Elderly Affairs

Chairman: Mark Pearson  
VChairman: Erica Layon

Charles McMahon	James MacKay
Dennis Acton	Kendall Snow
Betty Gay	Jerry Knirk
Leah Cushman	Jeffrey Salloway
Niki Kelsey	Gerri Cannon
Bill King*	Frances Nutter-Upham*
Jim Kofalt*	Joe Schapiro
Susan DeLemus	Gary Merchant
Lucy Weber	

## Senate: Health and Human Services

Chairman: Jeb Bradley  
VChairman: James Gray

Kevin Avard\*  
Tom Sherman  
Rebecca Whitley



\*From Region 6

# Contact Information

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# Round Table and Q&A

- 3 minute video: [Chloe's Story](#)
- Hear from individuals and families



# Tour

