

**Monitor's Comments on Status Report
January 25, 2022**

Attached to this commentary is a letter from Marc DeSisto, State Counsel, describing the status of specific activities in the Court-Ordered Action Plan. During the past eighteen months several Court Orders and Monitor Reports have laid out the actions that need to be taken to implement the systemic changes needed for the State to achieve substantial compliance with the goals and benchmarks of the Consent Decree. The intent of this brief commentary is two-fold:

- To put all the required actions in a holistic context and to demonstrate as clearly as possible how these actions (including those reported in Mr. DeSisto's letter) connect to the broader objectives and benchmarks of the Consent Decree and to the issues raised by the Monitor during 2020/2021.
- To highlight two concerns that are important to effective implementation of the required actions.

The primary goals of the Consent Decree focus on (a) increasing employment in integrated settings and (b) increasing integrated community activities for all Consent Decree populations. The primary issues raised in the lead-up to the October 21, 2021 hearing were (a) funding sufficient to ensure capacity, (b) capacity and (c) workforce. There has also been a focus on eliminating administrative barriers both for those who receive support and those who provide support.

- Funding issues are being addressed by the requirements of the 10/21 court-ordered Action Plan. Short term funding includes mandated wage increases and the transformation fund. Long term issues are being addressed through court-ordered rate revision (to be completed by 12/1/2022) and by inclusion of developmental disabilities in caseload estimating.
- Capacity issues will be addressed by (a) strengthening supports for individuals who self direct, (b) strengthening and stabilizing the network of provider organizations and (c) developing and expanding hybrid models of support as described in the 11/21 Monitor Report.
- Workforce issues are not one-dimensional. There is growing national experience that focusing on why staff leave does not resolve the issue. It is more significant to focus on why staff stay – recasting the role as a community navigator and civil rights advocate and focusing retention strategies on personal and professional growth. The court-ordered Statewide Infrastructure and Recruitment initiative is intended to address the multiple factors that influence recruitment and retention.
- Employment will be increased by (a) increasing access and use of the various resources and opportunities available through the Department of Labor and Training and other state and private agencies, (b) dramatically increasing employer outreach and employer support, and (c) building a community-based workforce with the capacity to effectively provide support. Most of the provider grants recently awarded through the first round of transformation funds targeted developing a community-based workforce.
- Similarly, integrated community activity will increase through refining models for person-directed planning and supports. The 11/21 Monitor Report illustrated several strategies including (a) new methodologies for developing holistic plans and developing

individualized budgets that are unique to each person's needs, interests and life goals and (b) building a community-based workforce with the capacity to assist in developing community networks and effectively provide individualized support.

Now that the agenda is clear, **the focus must be on timely implementation.**

The table on the next page is intended to illustrate the connection between the activities ordered by the Court and/or recommended by the Court Monitor. Although each activity is important, their value is more fully understood when put in a more holistic context as one component of a multi-factored model for facilitating systemic transformation that, in turn, will result in changes in individual lives. The 11/2021 Monitor Report provides rationale and examples that illustrate the transformation in service models and workforce that is needed to achieve the goals of the Consent Decree. The table uses a simple logic model – (a) the first column identifies the issues to be addressed; (b) the second column lists the actions the State will take; (c) the third column identifies core strategies and components; (d) the fourth column identifies the outcomes to be achieved, both systemically and in individual lives, and core indicators of change.

Two Concerns:

First, COVID continues to have a major impact on services and supports. The latest data provided by the State (1/24/2022) documents, that since the beginning of the pandemic, 235 of the 297 congregate sites (80.7%) have been impacted by COVID, 465 of the 1216 individuals living in those sites (38.2%) have had positive COVID diagnoses and 905 staff have had positive COVID diagnoses. Since December 30 there have been 37 staff and 1 individual with new positive COVID diagnoses. While recognizing the continuing impact of COVID, it is important that the entire DD community (State, providers, families, individuals) continue to actively plan for the systemic and programmatic changes that need to occur in the next two years.

Second, given that there are slightly more than two years left in the original term of the Consent Decree, there needs to be a culture of **urgency**. The Action Plan and the Monitor's Report specify completion dates (that were accepted by the State) for several required actions. Although unanticipated circumstances occasionally require some flexibility in time, there needs to be commitment to these completion dates. When dates are missed the frequent reason is "the system". The urgency of the current context requires "the system" to adhere to the agreed upon timelines.

Final Note:

Several data collection and monitoring activities have begun or will begin during the next three months. These include assessment of the impact of the Action Plan on the workforce, systems transformation, tracking changes in the development of new or revised strategies for supporting individuals and assessment of the impact of these changes on the lives of individuals. The Monitor's next full report (late Spring) will present a more comprehensive picture of what has evolved, what is evolving and progress towards substantial compliance with the Consent Decree.

In order to	the State will	Core Resources and Components	Will Result In
<p>“...timely fund the services and supports necessary to comply with this Consent Decree...” (<i>Consent Decree, Section XIV</i>)</p>	<p>Develop a new rate structure to be completed by December 1, 2022. (<i>Action Plan 10/2021</i>)</p> <p>Include Developmental Disabilities in Caseload Estimating (<i>Action Plan 10/21</i>)</p>		<p>Increased Employment Indicators:</p> <ul style="list-style-type: none"> Increases in number of individuals employed Increases in hours worked Increases in wages and wages Increased diversity of job types
<p>“...ensure that it supports and maintains a sufficient capacity to deliver Supported Employment and Integrated Community Services...” (<i>Consent Decree, Section XI</i>)</p>	<p>Strengthen supports to individuals who self-direct (<i>Monitor Report 11/2021</i>)</p>	<p>Transformation Fund – funds awarded by May 15, 2022</p>	<p>Increased Community Activity Indicators:</p> <ul style="list-style-type: none"> Increases in self-determined choices Increases in community hours Increases in variety of activities Increases in membership in community organizations Increases in use of community resources Personal plans that reflect these indicators Changes in the lives of individuals.
	<p>Strengthen the network of provider organizations (<i>Monitor Report 11/2021</i>)</p>	<p>New Rate Structure; Eliminate inefficient administrative barriers (7/31/20 <i>Court Order & Action Plan</i>) – to be completed by March 31, 2022; Transformation Fund – funds awarded by December 31, 2021</p>	
	<p>Develop new hybrid models of service and support (<i>Monitor Report 11/2021</i>)</p>	<p>Transformation Fund – funds awarded by March 15, 2022</p>	
<p>“...Address the problem of low compensation and high turnover that prevents maintaining a stable and competitive workforce...” (<i>March 16, 2021 Court Order</i>)</p>	<p>Increase base wage for direct support staff to \$18 by 7/2022 and \$20 by 7/2023 (<i>Action Plan</i>)</p> <p>Index future wages (<i>Action Plan</i>)</p>	<p>Indicators:</p> <ul style="list-style-type: none"> Redefinition of role Increases in number of staff Increasing wages and benefits Increases in tenure Decreases in number of vacancies Decreases in turnover rate Expanded retention strategies 	
	<p>Develop Statewide Infrastructure to (a) redefine role, (b) increase and broaden recruitment activities, (c) expand training opportunities, (d) develop a credential, (e) expand and broaden retention strategies. (<i>Action Plan & Monitor Report</i>)</p>		
<p>Increase individual employment in integrated settings (<i>Consent Decree, Sections IV & V</i>)</p>	<p>Increase access and use of DLT, ORS and other resources.</p> <p>Expand employer outreach.</p>	<p>Targeted dissemination of resources. Support to provider organizations to develop new and expanded strategies for employer outreach.</p>	
<p>Increase integrated community activity (<i>Consent Decree, Section VI</i>)</p>	<p>Implement model for self-determination and person-directed planning and individualized budgets and supports.</p>	<p>Independent Plan Facilitation Expanded Community Mapping New Method for Determining Support Needs Holistic Person-Directed Plan Individualized Person-Directed Budgets</p>	<p>Increased Total Combined Hours Spent in Employment and Integrated Community Activity</p>

DESISTO LAW LLC

A T T O R N E Y S A T L A W

MARC DESISTO

60 SHIP STREET
PROVIDENCE, RI 02903
(401) 272-4442 EXT. 212
DIRECT DIAL: (401) 649-4299
FAX: (401) 533-9848
MARC@DESISTOLAW.COM

VIA EMAIL

January 6, 2022

A. Anthony Antosh, Ed.D.
Court Monitor, United States District Court
Rhode Island Consent Decree
aantosh@ric.edu

Re: USA v. RI

Dear Dr. Antosh,

I write to provide you with a concise status regarding the action plan incorporated into the Court's Order of 10/21/2021. The State understands that at your discretion this letter may be filed with the Court. Before addressing the individual items in the plan, it is important to begin with an overview of the impact of the lately surging covid virus on the State's actions related to the Consent Decree. In the last month, the onset of the Omicron variant has placed enormous stress on the workforce without undue elaboration, efforts to stabilize and maintain staffing consumed significant time and effort.

The award letter for the rate revision is being finalized today. The contract cannot be made public until the contract is signed by all parties and the purchase order is issued. I expect this to take no longer than a few days. I intend to check on this on a daily basis. I will advise you as to the identity of the firm selected as soon as the contract is signed.

The Administrative work group efforts for the Administrative process changes are steadily progressing toward the completion goal of March 31, 2022. The DD team has met with the workgroup leaders and developed a timeline for completion of the workgroup tasks to meet the March 31st schedule. We will be reviewing this with the Court Monitor to ensure that we are in agreement regarding the schedule.

A great emphasis on developing the Statewide Infrastructure and Recruitment portion of the action plan occurred in the last month.

An initial stakeholder meeting was held 12/2/21 where we introduced the concept of the Statewide Workforce Initiative. There was significant stakeholder engagement. We discussed next steps in developing the initiative, including the development of subgroups. There are many volunteers for these subgroups.

A Core Leadership Group has been developed, and internal members of the group from the State and the Sherlock Center held planning meetings on 12/15/21, 12/22/21, 12/28/21, and 12/30/21. The first Full Core Leadership Group meeting, including stakeholders, is being scheduled tentatively for the week of January 9th. From there, the four subgroups will be finalized and begin meeting by

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1/14/22. These subgroups are: Recruitment and Retention; Standards and Credentialing; Inservice Training/Professional Development; and IHE (Institutes of Higher Education).

The transformation fund application process closed on December 17, 2021, with extensions being granted into the following week. 29 applications were received. On December 31, 2021, 29 grants were awarded to Providers totaling \$4 million.

The total amount of funds requested was \$6.3 million; \$4 million is available. Guidance provided stated that the expectation was that the top amount funded would be up to \$250,000. Four applications exceeded that amount – they will be reduced to \$250,000 if the budgets submitted are approved for that amount. Some applications had administrative costs in them which would not be covered by this funding. Once these additional costs were taken out and the proposals were all at or under the \$250,000 funding mark, the total for all projects was \$4 million.

After those reductions the total request was lowered to \$5.2 million. \$4 million is 76% of \$5.2 million. All applications will receive 76% of the approved amount.

Several of the applications proposed hiring recruiters, trainers, or other similar positions. Most proposals included several recruitment initiatives. Any recruitment-related position or strategy supported with these funds should participate in the statewide initiative.

Virtually all of the projects proposed included training initiatives. Each agency should implement these activities as planned; however, agency personnel leading these initiatives should contribute to the development of the statewide training initiatives and curriculum.

Several of the projects referenced community navigators, person-centered planning, or other similar activities. These should be coordinated with the Person-Centered Thinking Facilitator Training offered by the Sherlock Center.

All of the activities should be shared with other providers. The Conversion Institute will coordinate mechanisms for sharing activities and results through a Community of Practice, a statewide conference or other activity.

Technical assistance and follow-up will be provided by the Conversion Institute.

Additionally, the technology component of the action plan has been the focus of a number of productive meetings. Meetings were convened with a Tech Acquisition Stakeholder workgroup to develop guidance regarding the process for requesting, disbursing, and using the tech fund. The discussions in these meetings were very constructive and the main focus became not only implementation of the Tech Funds, but also sustainability. Work will continue on making strategic plans to maintain momentum, get information out to all stakeholders, and strategize around training. One of the meetings focused on individuals in the DD system who currently use technology. The group felt it important to speak with people already using technology to see what worked well for them and also what challenges they faced. The feedback for this meeting will be used to inform future

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decision making and information sharing. These meeting were held on 12/1/21, 12/9/21, 12/10/21, 12/14/21, 12/17/21, 12/20/21.

There is a diverse group of stakeholders in this workgroup, which is very beneficial. Jennifer White of AbleOpportunities, a leading national assistive tech expert, provided significant assistance in developing guidance along with the Sherlock Center and Perspectives Three guidance documents have been developed – a Tech Fund technical bulletin, a Visual two-pager developed in collaboration with Perspectives, and a Tech Resources List. A Tech fund open forum is scheduled for 1/26/22.

As always, we remain available to discuss the points made in this letter or any other issues related to the action plan.

Very truly yours,

/s/ Marc DeSisto

Marc DeSisto