

## Rhode Island Consent Decree Progress Status Update

March 9, 2016

Charles Moseley Ed.D. Court Monitor

Assuring adequate funding for integrated employment, integrated day services and transition from school to adult services. Additional funding requests have been included in the Governor's budget proposals and strategies have been identified to expand the dollars available by enabling BHDDH to achieve savings within the department's current budget. These savings would be achieved by moving people with DD from state run group homes to lower cost shared living alternatives, reallocating the costs of some professional supports to Medicaid managed care, and reducing funding for some individuals through the use of the department's resource allocation system (Using the Support Intensity Scale or SIS).

The impact of the additional funding and internal expenditure reductions on the ability of BHDDH to achieve the Consent Decree performance targets and outcomes is not clear, however. A specific Consent Decree "budget" showing the ways in which funding will be used to meet Consent Decree requirements has not been provided, nor has the department furnished an estimated or target individual allocation amount that could be used to project the numbers of individuals who could reasonably be supported with the amount of funding allocated for caseload increases. Hopefully, the State will be able to provide this information in the status report that it will be preparing in response to your recent Order (3/3/16).

While the state appears to be making some progress in this area, I remained concerned that: (a) the savings targets related to the movement of individuals with IDD to lower costs residential alternatives and targeted service reductions are too optimistic and will not be able to be achieved by BHDDH within the stated timeframes; and (b) that BHDDH will not be able to clearly identify a cost based individual allocation amount that can be used to project the amount of funding needed to enable people to secure supported employment and integrated day services as required.

Although the state has not yet provided needed financial data, it should be noted that it is, reportedly, meeting consent decree placement targets. This must be confirmed, however. From my discussions with providers and state staff it appears that these placements are being funded by providers through existing resources and, as such, may not be sustainable over time. I will be tracking this in the months ahead.

Lack of Responsiveness. RIDE has been responsive to the Monitor's recommendations and has kept up to date with needed actions and responses. ORS has appointed a single individual responsible to Consent Decree activities and has markedly improved its ability to report on and carry out needed changes. BHDDH in response to my request has recently (yesterday) established a single point of

contact within that department for all Consent Decree related activities and actions. This move reduces the number of individuals reporting on consent decree progress from four to one. I am optimistic that the department's past response pattern will be improved.

Consent Decree Coordinator. Mary Madden has been taken on by the state in the role of Consent Decree Coordinator. Her position has been moved to the Executive Office of Health and Human Services. Reportedly, she is being given the authority, responsibility and support necessary to ensure the state agencies take the steps necessary to achieve or comply with the benchmarks included in the two agreements. I have requested a copy of her job description including scope of authority, duties and responsibilities.

BHDDH Staff Resources. BHDDH has hired a transformation officer to guide the department's efforts to make the structural and functional changes necessary to implement the consent decree. The department has additionally posted a position to coordinate supported employment activities with provider agencies and, reportedly, has been given approval to hire a Chief Operations person and a Quality Improvement Coordinator. These positions are important to provide leadership and guidance over the systems changes that need to take place.

Career Development Planning. A policy, procedure and format for person-centered career development planning is yet to be implemented. I requested that BHDDH provide the required policies, documentation and implementation by March 31, 2016 and have been assured that this deadline will be met.

Quality Improvement. BHDDH and ORS and RIDE are collaborating on the implementation of a quality improvement plan and strategy consistent with the ISA and Consent decree requirements and will, reportedly, conduct their first review of the CWS/TTP program at the beginning of April, issuing a report by April 15<sup>th</sup>.

Data. Most of the data required by the two agreements is not being gathered, analyzed and reviewed by BHDDH at this time. As mentioned in my most recent ISA Progress report, the Sherlock Center is revising its annual provider survey to gather virtually all of the data points listed in the ISA and Consent Decree and will be reporting statewide on a quarterly basis beginning in June 2016. The implementation plan calls for data to be gathered during the last two weeks of this month, data processing and cleaning will take place through May and the final report will be issued in June and quarterly thereafter.

### Summary

The state is making progress in many areas, and has taken steps to build its capacity to respond. The hiring of a new Consent Decree State Coordinator with sufficient authority to require state agencies to respond is an important step forward, as are the staff improvements within BHDDH, assuming they are fully implemented. The

barriers that require immediate attention include, at base, the need to adequately fund services and supports consistent with the requirements of the consent decree. Additional information needs to be provided by the state to determine whether or not the current funding is adequate. Other key areas that must be addressed are identified by the recent Order. The Court's close oversight over the state's progress on meeting the terms and conditions of the consent decree is having a very positive impact on the both the quality and the pace of change in the state.

Please let me know if you have any questions or need additional information.

Respectfully Submitted,

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Court Monitor