

Staley Lawsuit Settlement Agreement Progress Report #3 – Issued 12/22/04

I. INTRODUCTION

Below is the third progress report by the Department of Human Services (Department) on the implementation of the Staley Settlement Agreement. This report provides a status update, major informational points, and general data on the implementation of the Agreement for the thirteen-month period of October 1, 2003 to October 31, 2004.

The activities for this period can be characterized by continuing efforts to:

- Implement the specific expectations of the Settlement Agreement as modified;
- Develop and clarify policies and procedures to help assure maximum service efficiency and effectiveness;
- Enhance communication among key stakeholders to assure consistent levels of information, coordination of efforts, clarification of roles, and input related to continued implementation; and
- Develop and implement effective quality assurance and data systems.

II. SUMMARY OF IMPLEMENTATION ACTIVITIES:

This section will be presented in four parts. The first represents efforts specific to meeting the provisions of the Agreement. The second reflects efforts within the delivery system as a whole as they relate to the services created by the Agreement. The third is efforts related to quality assurance and information systems. The fourth represents key and immediate planning activities related to implementing the Agreement that were discussed but the actions were pending at the time of this report.

A. Activities Specific to Implementing the Agreement

Below is a list of key activities during the reporting period that relate to implementing the provisions of the Staley settlement agreement.

1. Department staff worked with the Plaintiff representatives to communicate with stakeholders the modification of the Agreement. This involved:

- a.) Mailing of information about the modification to approximately 10,600 adults with developmental disabilities or their representatives.
 - b.) Placing the required formal notice in newspapers.
 - c.) Developing a Question and Answer document to be used by various stakeholder entities for answering questions about the modifications to the settlement agreement.
2. Technical adjustments were made to the applicable State administrative rules to reflect the modifications made to the Staley settlement agreement.
 3. All Support Service Brokerage contracts were revised and renewed effective 1/1/04 to reflect changes based on the expectations and budget related to the modification of the settlement agreement.
 4. Certification reviews of each Support Service Brokerage were completed. This was the second such review of Support Service Brokerages. Each Brokerage was found in substantial compliance with the administrative rules and issued a 2-year certification by the Department's Seniors and People with Disabilities (SPD) licensing unit.
 5. A 5-year renewal (effective 7/1/04) of the Federal Home and Community Based Service (HCBS) waiver for support services was obtained.
 6. Three revisions to the support service rate guidelines were initiated. Two of the revisions have been fully implemented, the third is in process.
 7. A work group to revise the tool for determining the "Supplement to Base" benefit level was implemented and completed. This revision will result in the increase in benefit levels for an estimated 8% of the individuals receiving support services. Implementation of the revised tool is in process.
 8. Enrollments into Support Service Brokerages were planned and finalized for one hundred and fourteen (114) individuals eligible for developmental disability services but previously receiving services under SPD's Federal waiver for people who are aged or have physical disabilities. These "dual waiver" individuals could no longer receive services under the aged and physical disabilities waiver, thus requiring their enrollment in Support Service Brokerages.

9. Five regional trainings were conducted for County Developmental Disability Program and Support Service Brokerage staff to review fundamental procedures and processes related to the implementation of support services.
10. SPD contracted with a national expert, Susan Flanagan of the Westchester Consulting Group in Washington D.C., on the design and implementation of fiscal intermediary/employer agent services. This individual provided training and technical assistance to key Support Service Brokerage and SPD staff.
11. Ongoing meetings with the Plaintiff representatives as well as other key stakeholder groups were continued. Routine meetings with key stakeholders groups were principally in the form of:
 - a.) Bi-monthly meetings with the Staley Implementation Group (SIG);
 - b.) Monthly meetings with the County Mental Health Directors Association's developmental disability sub-committee;
 - c.) Monthly meetings with the County Developmental Disability Program Managers;
 - d.) Monthly meetings with the Support Service Brokerage Executive Directors;
 - e.) Periodic meetings with service provider entities, generally through attendance at the Oregon Rehabilitation Association quarterly meeting.
 - f.) SPD staff also met on a frequent basis at a county level basis with Brokerage Executive Directors and county developmental disability program staff.

B. Participation in System-Wide Activities

In regard to systems-wide activities that relate to the implementation of the Staley Settlement Agreement, SPD and/or other Department staff:

1. Initiated and completed a workgroup in conjunction with Oregon Vocational Rehabilitation Services (OVRs). The intent of the workgroup was to (a) improve access to OVRs services and (b) improve employment-related results from joint efforts between OVRs and Support Service Brokerages. This effort resulted in the development of several new operational policies and practice guidelines that in turn turned resulted in the training of key OVRs, Brokerage, and SPD personnel. The final result was the

- development of local implementation plans between OVRs office and local Support Service Brokerages.
2. Participated in a work group on affordable housing organized by State Representative Dalto. The intent was to look at options for increasing affordable housing options for adults with developmental disabilities. This workgroup generated several action recommendations and generated a presentation on support services to a legislative human resources sub-committee chaired by Representative Dalto.
 3. Participated in several activities in conjunction with the Department's Criminal Records Unit to improve the background check process. This included several works to review and identify new strategies to improve the timeliness and consistency of background reviews. This also included participation in workgroups that resulted in revisions to the Departments administrative rules governing criminal background checks. These revisions made significant changes to the roles, responsibilities, and procedures related to the background check requirement.
 4. Participated in a workgroup designed to develop procedures and guidelines for conducting protective service investigations and activities in individual or family homes. Department staff are now in the process of statewide implementation.
 5. Participated in the workgroup and process for distributing available Fairview Housing Trust funds.
 6. Participated in the design and content of an update to the Department's web page. This web page will provide more detailed information to interested persons and practitioners about the Staley settlement agreement and the services generated by it.
 7. Continued participation in the Oregon Department of Education Transition Advisory Committee.

C. Quality Assurance and Information Systems

Efforts to improve quality assurance and information systems were enhanced during this past reporting period. Key activities or accomplishments were:

1. The design and implementation of a specific quality assurance plan based on the Centers for Medicare and Medicaid Services (CMS) expectations for services funded by a Home and Community Base Services waiver.

2. The establishment of the SIG as a formal component of the review process of quality assurance information on support services.
3. The design and implemented of a “field review” process conducted by members of the Staley implementation unit staff. The intent of this process is to provide more detailed review and feedback of Support Service Brokerage operations than provided during routine administrative rule certification reviews.
4. Continued participation in the activities related to the CMS funded quality assurance grant awarded to the Department to improve practices related to assuring the health and safety of people receiving in-home services. This grant is being subcontracted to the Human Services Research Institute (HSRI) for implementation. SPD staff participated in the management steering committee of this grant as well as the stakeholder oversight committee that advises on the grant related activities.
5. Improvements made to the process used by Support Service Brokerages for recording and billing to the state expenses related to implementing support services.
6. The reconciliation of data contained in SPD’s Client Process Monitoring System (CPMS) and the support service information data base maintained by Staley unit staff.

D. Strategic Planning Activities and Considerations

During this report period several key strategic planning issues central to implementing the settlement agreement were discussed but no implementation activities were generated. These were:

1. Planning of the eventual enrollment into Support Service Brokerages of two groups of individuals now receiving Department funding but whose service definition meets that of support services as defined in the settlement. These two groups are comprised of people receiving a.) Relative Foster Care payments or b.) Semi-Independent Living Services.
2. Efforts to confirm projections of individuals eligible for support services and the resulting Support Service Brokerage capacity needs. Central to this is the implementation of a work group to improve SPD’s wait list enrollment and documentation process.
3. Participating in the design and implementation plans for the implementation of the eXPRS system as it relates to support

services. This new payment system is being designed as a replacement for the CPMS system.

4. Instituting planning for the 05-07 biennium for the required development of non-crisis comprehensive services.
5. Developing training around wage and hour laws and regulations as they related to in-home type services.
6. Continuing discussions with stakeholders on ways to interpret implementation of the Home and Community Based support services waiver, particularly in regard to certain types of desired expenditures. This activity included a series of meetings held in August 2004 with a national expert on Home and Community Based waivers, Robin Cooper from the National Association of State Directors of Developmental Disabilities Services (NASDDDS).

III. SERVICE DATA – Support Services

A. Demographic Information

Based on available information, below are tables representing basic demographic information for adults receiving support services through Brokerage operations. This information comes from 3,146 records in the Department's Client Process Monitoring System (CPMS).

1. The following table displays the distribution by percentage of the age of individuals receiving support services through Brokerage operations.

| Age | % |
|---------|-----|
| 18-20 | 7% |
| 21-30 | 43% |
| 31-40 | 24% |
| 41-50 | 16% |
| 51-60 | 8% |
| 61-70 | 2% |
| 71 plus | <1% |
| Total | 100 |

Compared to the prior reporting period, this data indicates a 5% shift toward the younger age groups of 18 to 30 years. This shift appears to come from the 31 to 60 year old groups.

2. The following table displays the distribution by percentage of the gender of individuals receiving support services through Brokerage operations.

| Gender | % |
|--------|------|
| Female | 53% |
| Male | 47% |
| Total | 100% |

Compared to the prior reporting period, this data indicates a 6% shift in the data from men to women being served.

3. The following table displays the distribution by percentage of the race/ethnicity of individuals receiving support services through Brokerage operations.

| Race/Ethnicity | % |
|-------------------------|------|
| White (non-Hispanic) | 78% |
| Black (non-Hispanic) | 1% |
| American Indian | 1% |
| Alaskan Native | 0% |
| Asian, Pacific Islander | 8% |
| Hispanic (Mexican) | 2% |
| Hispanic (Puerto Rican) | 3% |
| Other Hispanic | 0% |
| Hispanic (Cuban) | 1% |
| Southeast Asian | 1% |
| Unknown | 5% |
| Total | 100% |

Compared to the prior reporting period, this data indicates a 2% decrease in each category of White (non-Hispanic) and Asian/Pacific Islander. There is a 1% increase in the category of Southeast Asian and a 3% increase in the category of Unknown or otherwise unreported.

4. The following table displays the disability characteristics of individuals receiving support services through Support Service Brokerage operations. This table represents the percent of people served who have been indicated as having the particular

characteristic listed. Some individuals have more than one characteristic listed.

| Disability Characteristics | % |
|----------------------------|-----|
| Cerebral Palsy | 14% |
| Seizure/Epilepsy | 18% |
| Mental Retardation | 96% |
| Motor Dysfunction | 30% |
| Behavior Dysfunction | 37% |
| Other Health Impairment | 24% |
| Communication Dysfunction | 51% |
| Visual Dysfunction | 20% |
| Auditory Dysfunction | 8% |

Compared to the prior reporting period, the data indicates percentage increases in the disability characteristics of Cerebral Palsy (1%), Motor Dysfunction (3%), Other Health Impairment (2%), Communication Dysfunction (1%), and Visual Dysfunction (1%). The only area of disability characteristic to indicate a percentage decrease was Mental Retardation (1%).

5. The following table displays the distribution by percentage of the living arrangements of individuals receiving support services through Brokerage operations.

| Living Arrangement | % |
|-----------------------------|------|
| Alone | 9% |
| Spouse | 2% |
| Parents, Relative, Children | 80% |
| Non-Relative Foster Care | 2% |
| Friend or Other | 3% |
| Unknown/Not Specified | 5% |
| Total | 100% |

Compared to the prior reporting periods, the data indicates percentage increases in the living arrangement categories of Parents, Relative, Children (1%), and Friend or Other (1%). The Unknown/Not Specified category showed a decrease of 1%.

B. Enrollment, Termination, and Transfer Data

1. The table below displays the pattern of enrollments by three-month periods into Support Service Brokerages as reported by the Brokerages since the inception of services.

| Period # | Period by Quarter | Total # Enrolled Per Quarter | Cumulative Enrollments |
|-----------------|--------------------------|-------------------------------------|-------------------------------|
| 1 | 11/1/01 to 1/31/02 | 505 | 505 |
| 2 | 2/1/02 to 4/30/02 | 535 | 1040 |
| 3 | 5/1/02 to 7/31/02 | 342 | 1382 |
| 4 | 8/1/02 to 10/31/02 | 356 | 1738 |
| 5 | 11/1/02 to 1/31/03 | 232 | 1970 |
| 6 | 2/1/03 to 4/30/03 | 8 | 1978 |
| 7 | 5/1/03 to 7/31/03 | 765 | 2743 |
| 8 | 8/1/03 to 10/31/03 | 139 | 2882 |
| 9 | 11/1/03 to 1/31/04 | 109 | 2991 |
| 10 | 2/1/04 to 4/30/04 | 110 | 3101 |
| 11 | 5/1/04 to 7/31/04 | 235 | 3336 |
| 12 | 8/1/04 to 10/31/04 | 168 | 3504 |

2. The table below displays the reason for enrollment into Support Service Brokerages by category since the inception of services.

| Reason For Enrollment – total enrollment period | Total | % |
|--|--------------|-------------|
| Self-Directed Support Program Transition | 836 | 24% |
| Crisis/Diversion | 78 | 2% |
| Aging (over 75 years of age) Caregivers | 44 | 1% |
| Family Support/Children’s In-Home Support Transition | 89 | 3% |
| High School Transition | 301 | 9% |
| General Adult Wait List | 1192 | 34% |
| Adult Vocational Services Transition | 850 | 24% |
| Dual Waiver Transfer | 114 | 3% |
| Total | 3504 | 100% |

This table indicates that 49% of the total enrollments have been in the wait list related categories of Crisis/Diversion, Aging Caregivers, Family Support/Children’s In-Home Transition, High School Transition, and General Adult Wait List. These are all

individuals who are either on the current wait list or would otherwise be placed on the wait list for support services because of their pending termination of services because of age or other circumstances.

The majority of enrollments (51%) were individuals already receiving adult services but these services met the definition of support services as defined in the Staley settlement agreement. These categories are the Self-Directed Support Program Transition, Adult Vocational Services Transition, and Dual Waiver (people also receiving service under a separate Home and Community-Based waiver program). These groups of individuals were enrolled into Support Service Brokerages under a separately planned schedule.

3. The two tables below displays the wait list related enrollment reason categories distinguished between the prior and current reporting periods.

| Reason For Enrollment – through 9/30/03 | Total | % |
|--|-------|------|
| Crisis/Diversion | 17 | 1% |
| Aging (over 75 years of age) Caregivers | 23 | 2% |
| Family Support/Children’s In-Home Support Transition | 26 | 2% |
| High School Transition | 19 | 2% |
| General Adult Wait List | 1099 | 93% |
| Total | 1184 | 100% |

| Reason For Enrollment –10/01/03 through 10/31/04 | Total | % |
|--|-------|------|
| Crisis/Diversion | 61 | 12% |
| Aging (over 75 years of age) Caregivers | 21 | 4% |
| Family Support/Children’s In-Home Support Transition | 63 | 12% |
| High School Transition | 282 | 54% |
| General Adult Wait List | 93 | 18% |
| Total | 520 | 100% |

This data shows the trend of a shift in enrollments reasons from the general wait list to the other categories of individuals would otherwise be placed on the wait list because of age or other circumstances.

4. The table below represents terminations from the beginning of support services by three-month periods through the end of the report period.

| Period # | Period by Quarter | Total # Terminations Per Quarter | Cumulative Terminations |
|----------|--------------------|----------------------------------|-------------------------|
| 1 | 11/1/01 to 1/31/02 | 8 | 8 |
| 2 | 2/1/02 to 4/30/02 | 14 | 22 |
| 3 | 5/1/02 to 7/31/02 | 35 | 57 |
| 4 | 8/1/02 to 10/31/02 | 26 | 83 |
| 5 | 11/1/02 to 1/31/03 | 54 | 137 |
| 6 | 2/1/03 to 4/30/03 | 48 | 185 |
| 7 | 5/1/03 to 7/31/03 | 26 | 211 |
| 8 | 8/1/03 to 10/31/03 | 31 | 242 |
| 9 | 11/1/03 to 1/31/04 | 32 | 274 |
| 10 | 2/1/04 to 4/30/04 | 28 | 302 |
| 11 | 5/1/04 to 7/31/04 | 39 | 341 |
| 12 | 8/1/04 to 10/31/04 | 35 | 376 |

5. Three hundred and seventy-six (376) people have enrolled into Support Service Brokerages and subsequently left support services. Of this total 226 left in the prior reporting periods and 150 left during the current reporting period. The table below displays by overall percentage the reason listed for all those leaving support services.

| Terminations by Reason | Percent |
|---------------------------------|-------------|
| Refused Services | 22% |
| Moved From Area | 21% |
| Deceased | 8% |
| Legal Rep Withdrew | 0% |
| Moved To Comprehensive Services | 44% |
| Health/Other Issues | 1% |
| Other/Unknown | 0% |
| No Longer Eligible | 6% |
| TOTAL | 100% |

6. The following table displays the reasons for the 226 people terminating support services during the prior reporting periods and the 150 people terminating during this particular reporting period.

| Terminations by Reason – Prior Reporting Period | Percent |
|---|---------|
| Refused Services | 29% |
| Moved From Area | 16% |
| Deceased | 6% |
| Legal Rep Withdrew | 0% |
| Moved To Comprehensive Services | 43% |
| Health/Other Issues | 0% |
| Other/Unknown | 0% |
| No Longer Eligible | 5% |
| TOTAL | 100% |

| Terminations by Reason – Current Reporting Period | Percent |
|---|---------|
| Refused Services | 10% |
| Moved From Area | 27% |
| Deceased | 11% |
| Legal Rep Withdrew | 0% |
| Moved To Comprehensive Services | 45% |
| Health/Other Issues | 1% |
| Other/Unknown | 0% |
| No Longer Eligible | 6% |
| TOTAL | 100% |

Compared to the prior reporting periods, the data for this period indicates percentage increases in the reasons for people terminating services in the categories of Moved From Area (11%), Deceased (5%), Moved To Comprehensive Services (2%), Health/Other Issues (1%), and No Longer Eligible (1%). Percentage decreases were in the area of Refused Services (19%).

7. Attached to this report is supplemental enrollment and termination information. Attachment #1 is a line graph displaying the overall and current enrollments as well as the termination numbers by

reporting quarter. Attachment #2 is a summary of enrollment and termination information by County. Attachment #3 is a summary of enrollment and termination information by Support Service Brokerage.

- In addition to the termination information, data indicates that 162 individuals transferred between Support Service Brokerages. This is 110 more than the prior reporting periods. This is a 210% increase over the total of the prior reporting periods.

C. Data on Service Costs and Purchases

From the Support Service Brokerages we have received information that reflects planned and actual expenditures for support services based on approved Individual Support Plans. Planned expenditures continue to average in a range of about \$650 per month, while actual expenditures average at approximately \$550 per month.

- The table below displays the range of costs of annual support plans for people in Brokerages. This data is for 3,004 plans reported by Brokerages in August 2004.

| Range of Annual Plan Amounts | Total # of Plans | % to Total |
|------------------------------|------------------|------------|
| \$0 | 161 | 5% |
| \$1-\$3840 | 680 | 23% |
| \$3841-\$6000 | 317 | 11% |
| \$6001-\$9600 | 1,624 | 54% |
| \$9600-\$12,000 | 40 | 1% |
| \$12,001-\$19,999 | 182 | 6% |
| over \$20,000 | - | 0% |
| Total | 3,004 | 100% |

- The table below reflects expenditures reported by service category.

| Support Service Category | % of Total Plan Expenses | % of Total Actual Expenses | Net |
|---------------------------|--------------------------|----------------------------|--------|
| Community Living Supports | 26.03% | 24.83% | -1.20% |
| Community Inclusion | 45.60% | 45.50% | -0.10% |
| Respite Care | 8.59% | 9.68% | 1.09% |

| | | | |
|----------------------------------|---------|---------|--------|
| Non-Medical Transportation | 6.66% | 5.61% | -1.05% |
| Supported Employment | 10.64% | 7.61% | -3.04% |
| Specialized Supports | 0.83% | 0.55% | -0.28% |
| Homemaker | 0.09% | 0.09% | -0.01% |
| Spec. Medical Equip/Supplies | 0.06% | 0.05% | -0.01% |
| Environmental Access/Adapt. | 0.97% | 3.66% | 2.69% |
| Chore Services | 0.36% | 0.04% | -0.32% |
| Speech/Hearing/Language | 0.04% | 1.69% | 1.65% |
| Family Training | 0.01% | 0.00% | -0.01% |
| Personal Emerg. Response Systems | 0.02% | 0.60% | 0.58% |
| Special Diets | 0.09% | 0.09% | 0.00% |
| Total | 100.00% | 100.00% | 0.00% |

Compared to previous reporting periods the information above reflects an increase in planned expenditures in the categories of Community Inclusion (14%) and Supported Employment (5%). Decreases in planned expenditures are in the categories of Community Living Supports (7%), Respite Care (7%), and 1% decreases in Specialized Supports, Homemaker Services, Specialized Medical Equipment/Supplies, and Chore Services.

D. Data on Supplement to Base Benefit (Base Plus) Requests

At the end of the reporting period, the data on Supplement to Base requests indicates that approximately 7% of enrollments into Support Service Brokerages have a Supplement to Base tool administered. This figure represents 222 of 3004 people with approved support plans when the data was generated in August 2004.

E. Data on participation in Support Services Waiver

Current data indicates that approximately 84% of the individuals enrolled in Support Service Brokerages participate on the Medicaid support services waiver. This is consistent with the percentage during the last reporting periods.

IV. CASE MANAGEMENT CASELOAD INFORMATION

In general the status remains the same as described in the previous reports. This is:

- A. Funding for case management provided through the Agreement was allocated to counties and the Support Service Brokerages with a goal of reducing the overall caseload to a 1:45 ratio.
- B. However, major factors continue to affect actual ratios at the local (case management) level. These are:
 - 1. County caseloads remain very high. Given the transfer of people to Support Service Brokerages as support services phase in, many individuals waiting for support services remain on targeted case management caseloads. This creates a situation where county caseloads will remain high.
 - 2. County costs often exceed the Department's allocation, which is based on an average county cost per case manager FTE that is summarized in a model budget. Counties that have costs above the statewide average feel resource pressures, and some counties are simply not able to purchase the number of FTE expected. Additionally, counties often experience increases in costs that exceed the percentage of increases provided by the state's cost-of-living increase.
 - 3. The caseload after full implementation of the Staley agreement seems likely to exceed the original estimates and prevent the attainment of a 1:45 ratio. The estimated caseload growth was anticipated to reach over 15,500 after full implementation. Currently caseloads are at 14,796 and given the rate of caseload growth the 15,500 will be exceeded and compromise the goal of reaching a 1:45 ratio.

V. SERVICE DATA – Non-Crisis Comprehensive Services

- A. The number of people identified as potentially eligible based on caregiver age over 75 has not been updated since the prior report. In regard to the number of individuals requesting non-crisis comprehensive services (without regard to priority listing), current statewide waitlist data available through the Client Progress Monitoring System indicates that 3141 people on the statewide waitlist have requested residential services that would meet the Agreement's definition of comprehensive services.
- B. During the prior reporting periods, 20 people had non-crisis comprehensive services developed as result of the Agreement. For

this reporting period an additional six (6) had services developed, using already existing resources.

For comparative purposes, the tables below provide summary information for both individuals and services developed during prior reporting periods and those developed this reporting period.

1. The following table displays the number of non-crisis comprehensive services developed by County for the original 20 individuals.

| County | # of Placements | % |
|------------|-----------------|------|
| Benton | 3 | 15% |
| Clackamas | 1 | 5% |
| Lane | 2 | 10% |
| Marion | 1 | 5% |
| Multnomah | 6 | 30% |
| Polk | 1 | 5% |
| Washington | 6 | 30% |
| TOTAL | 20 | 100% |

2. The following table displays the number of non-crisis comprehensive services developed by County for the additional 6 individuals.

| County | # of Placements | % |
|------------|-----------------|------|
| Multnomah | 5 | 83% |
| Washington | 1 | 17% |
| TOTAL | 6 | 100% |

3. The following table displays the distribution by percentage the type residential setting of developed non-crisis comprehensive services for the original 20 individuals.

| Residential Setting | # of Placements | % to Total |
|---------------------------------|-----------------|------------|
| In-Home | 7 | 35% |
| Group Home | 1 | 5% |
| Supported Living | 4 | 20% |
| Foster Care | 8 | 40% |
| Semi-Independent Living Program | 0 | 0% |
| TOTAL | 20 | 100% |

4. The following table displays the distribution by percentage the type residential setting of developed non-crisis comprehensive services for the additional 6 individuals.

| Residential Setting | # of Placements | % to Total |
|---------------------------------|-----------------|------------|
| In-Home | 1 | 17% |
| Group Home | 1 | 17% |
| Supported Living | 1 | 17% |
| Foster Care | 1 | 17% |
| Semi-Independent Living Program | 2 | 33% |
| TOTAL | 6 | 100% |

5. The following table displays the type additional services and percentage in plans purchased via the non-crisis comprehensive services developed for the original 20 individuals. It should be noted that several people had some type of service already purchased prior to the new plan development and continued to receive these services. This information is not reflected in this table.

| Other Services Purchased | % |
|----------------------------|-----|
| Transportation | 20% |
| Employment/Comm. Inclusion | 15% |
| Rent Subsidy | 0% |

6. The following table displays the type additional services and percentage in plans purchased via the non-crisis comprehensive services developed for the additional 6 individuals.

| Other Services Purchased | % |
|----------------------------|----|
| Transportation | 0% |
| Employment/Comm. Inclusion | 0% |
| Rent Subsidy | 0% |

7. The following table displays the distribution by percentage the monthly plan costs of the non-crisis residential services for the original 20 individuals.

| Monthly Residential Plan Costs | % to Total |
|--------------------------------|-------------|
| <\$1000 | 10% |
| \$1000 to \$1999 | 25% |
| \$2000 to \$2999 | 35% |
| \$3000 to \$3999 | 10% |
| \$4000 to \$4999 | 5% |
| \$5000 to \$5999 | 10% |
| \$6000 to \$6999 | 5% |
| TOTAL | 100% |

8. The following table displays the distribution by percentage the monthly plan costs of the non-crisis residential services for the additional 6 individuals.

| Monthly Residential Plan Costs | % to Total |
|--------------------------------|-------------|
| <\$1000 | 33% |
| \$1000 to \$1999 | 0% |
| \$2000 to \$2999 | 0% |
| \$3000 to \$3999 | 33% |
| \$4000 to \$4999 | 33% |
| \$5000 to \$5999 | 0% |
| \$6000 to \$6999 | 0% |
| TOTAL | 100% |

9. The following table displays the average monthly cost of residential service plans by type of residential setting for the original 20 individuals.

| Residential Setting | Ave. Plan Cost |
|---------------------------------|----------------|
| In-Home | \$2,541 |
| Group Home | \$6,105 |
| Supported Living | \$3,841 |
| Foster Care | \$1,735 |
| Semi-Independent Living Program | \$0.00 |
| AVERAGE | \$2,657 |

10. The following table displays the average monthly cost of residential service plans by type of residential setting for the additional 6 individuals.

| Residential Setting | Ave. Plan Cost |
|---------------------------------|----------------|
| In-Home | \$3,016 |
| Group Home | \$4,025 |
| Supported Living | \$4,020 |
| Foster Care | \$3,100 |
| Semi-Independent Living Program | \$268 |
| AVERAGE | \$2,450 |

11. The following table displays the distribution by percentage of the age of individuals receiving developed non-crisis comprehensive services for the original 20 individuals.

| Age Range | % to Total |
|-----------|------------|
| 18-21 | 0% |
| 22-29 | 15% |
| 30-39 | 5% |
| 40-49 | 35% |
| 50-59 | 35% |
| 60-69 | 10% |
| 70+ | 0% |

12. The following table displays the distribution by percentage of the age of individuals receiving developed non-crisis comprehensive services for the additional 6 individuals.

| Age Range | % to Total |
|-----------|------------|
| 18-21 | 50% |
| 22-29 | 0% |
| 30-39 | 0% |
| 40-49 | 17% |
| 50-59 | 17% |
| 60-69 | 17% |
| 70+ | 0% |

13. The following table displays the distribution by percentage of the gender of individuals receiving developed non-crisis comprehensive services for the original 20 individuals.

| Gender | % |
|--------|------|
| Female | 55% |
| Male | 45% |
| Total | 100% |

14. The following table displays the distribution by percentage of the gender of individuals receiving developed non-crisis comprehensive services for the additional 6 individuals.

| Gender | % |
|--------|------|
| Female | 67% |
| Male | 33% |
| Total | 100% |

15. The following table displays the disability characteristics of individuals receiving developed non-crisis comprehensive services for the original 20 individuals. This table represents the percent of people served who have been indicated as having the particular characteristic listed. Some individuals have more than one characteristic listed.

| Disability Characteristic | % |
|---------------------------|-----|
| Cerebral Palsy | 12% |
| Seizure/Epilepsy | 24% |
| Mental Retardation | 76% |
| Motor Dysfunction | 20% |
| Behavior Dysfunction | 44% |
| Other Health Impairment | 16% |
| Communication Dysfunction | 40% |
| Visual Dysfunction | 20% |
| Auditory Dysfunction | 4% |

16. The following table displays the disability characteristics of individuals receiving developed non-crisis comprehensive services for the new individuals. This table represents the percent of people served who have been indicated as having the particular

characteristic listed. Some individuals have more than one characteristic listed.

| Disability Characteristic | % |
|---------------------------|-----|
| Cerebral Palsy | 17% |
| Seizure/Epilepsy | 17% |
| Mental Retardation | 67% |
| Motor Dysfunction | 0% |
| Behavior Dysfunction | 33% |
| Other Health Impairment | 33% |
| Communication Dysfunction | 0% |
| Visual Dysfunction | 0% |
| Auditory Dysfunction | 0% |

VI. FAIR HEARINGS AND GRIEVANCES

A. Number of individuals who have utilized a grievance and outcome.

Brokerages report no formal grievances addressed during the reporting period. However, this reporting does indicate that grievances are expressed but responded at an informal level of resolution as provided in the administrative rules.

B. Number of people who have filed for a contested case hearing and outcome.

Eight requests for contested case hearings were processed. Three were initiated by people receiving support services and five people contesting entry into Support Brokerages as a result of the “dual waiver” transfer process.

A summary of the eight situations is as follows:

| # | Issue | Disposition |
|---|---|--|
| 1 | Dispute regarding a provider payment for service rendered as a part of an ISP. | Found not be meet the requisite condition for a contested case. Person referred back to Brokerage to pursue formal grievance if desired. |
| 2 | Dispute over scoring of “Supplement to Base” tool. | Matter settled prior to hearing in favor of Complainant. |
| 3 | Dispute over level of pay for State Plan Personal Care services. Denied an increase in provider pay rate. | Found not be meet the requisite condition for a contested case. Person referred back to Brokerage to pursue formal grievance if desired. |

| | | |
|---|---|---|
| 4 | Disputed eligibility and diagnosis of developmental disability as related "dual waiver" transfer. | Hearing was held. Judge issued final order stating that person was eligible for developmental disability services and not eligible for the Adult/People with Physical Disabilities waiver. Person entered Brokerage services. |
| 5 | Disputed eligibility and diagnosis of developmental disability as related "dual waiver" transfer. | Hearing was held. Judge issued final order stating that person was eligible for developmental disability services and not eligible for the Adult/People with Physical Disabilities (APD) waiver. Person has not entered Brokerage services. |
| 6 | Disputed eligibility and diagnosis of developmental disability as related "dual waiver" transfer. | Settlement reached prior to hearing. Plan revised and person entered Developmental Disability comprehensive services. |
| 7 | Disputed eligibility and diagnosis of developmental disability as related "dual waiver" transfer. | Hearing not held. SPD reevaluated eligibility and found initial determination in error. Person stayed on (APD) waiver and services, closed on Developmental Disability services. |
| 8 | Disputed eligibility and diagnosis of developmental disability as related "dual waiver" transfer. | Settlement reached prior to hearing. Plan revised and person entered Developmental Disability comprehensive services. |