



# Department of Developmental Disabilities

## Office of the Director

John R. Kasich, Governor

John L. Martin, Director

Testimony on HB 487- Mid Biennium Review  
House Committee on Finance and Appropriations  
Health and Human Services Subcommittee  
Testimony of John L. Martin, Director  
Ohio Department of Developmental Disabilities  
March 22, 2012

Chairman McClain, Ranking Member Goyal, and members of the Health and Human Services Subcommittee, thank you for giving me the opportunity to discuss the work of the Ohio Department of Developmental Disabilities (DODD) and the Mid Biennium Review (MBR) recommendations. I look forward to working with all of you on behalf of Ohioans impacted by developmental disabilities.

## **I. INTRODUCTION**

Ohio's DODD system supports approximately 90,000 citizens and their families. Our services assure individual health and safety, foster community participation, and promote employment opportunities. DODD's role is to provide leadership, oversight, and funding for 88 county boards, hundreds of providers, and thousands of individuals and families. A major asset to our success as a department is our stakeholders. These stakeholders include county boards, provider associations, and local and state advocacy groups. The DODD is grateful for their support. Likewise, the assistance of Director Greg Moody of the Office of Health Transformation and OBM Director Tim Keen has proved invaluable.

## **II. MBR RECOMMENDATIONS**

In September of last year, Governor Kasich asked each cabinet director to review the programs they administer and make recommendations for improvement. The department was asked to identify areas where statutory barriers could be removed and the delivery of services improved, remove outdated statutory requirements that place unnecessary burdens on state agencies, streamline programs and service delivery across multiple agencies, and make accounting changes that improve processes and tracking. The following submissions highlight the department's attempt to meet the goals set by the Governor.

### **Improvement of Service Delivery**

#### **Improve job opportunities for people with developmental disabilities**

As mentioned by Director Moody in his testimony on Tuesday, Employment First represents the department's signature initiative in the MBR. DODD is requesting that the legislature implement the Employment First Initiative to improve collaboration between the DODD, Department of Mental Health, Department of Education (ODE), Job and Family Services, and the Ohio Rehabilitation Services Commission to increase meaningful employment

opportunities for people with developmental disabilities. Changes in the MBR in combination with the Executive Order signed by the Governor this past Monday, will make community employment the preferred option and ensure that the Individualized Education Program for developmentally disabled students, beginning at age 14, establishes post-secondary goals related to community employment. Employment First will provide individuals with developmental disabilities the skills and support they need to obtain meaningful careers, and it will increase the pool of talented workers for businesses. Please note this change will be in the DOE MBR rather than HB 487.

### **Empower Ohioans with developmental disabilities**

Current law only permits developmentally disabled individuals with capacity or those with a guardian to make decisions about the receipt of services. Proposed modifications chart a middle ground, allowing individuals to retain control over their own lives with the assistance of a trusted friend or family member. These changes will support individual decision making and avoid the appointment of a guardian when a less-restrictive alternative is available. The proposal also reinforces the principle that the guardian and others acting on an individual's behalf should know and support an individual's preferences when consistent with the individual's best interest.

## **Remove Unnecessary Statutory Burdens**

### **Protect vulnerable individuals with developmental disabilities**

DODD's abuser registry bars individuals from employment who have been found to have abused or neglected individuals with developmental disabilities. Current law requires DODD to hold a separate hearing to place an individual on its abuser registry, even if the individual has already been convicted of a criminal offense based on a higher evidentiary standard than what is required for placement on the registry. Changes in statute will permit DODD to place an individual on the registry based on a conviction in the criminal case, saving time and resources, improving safety for individuals and maintaining due process for offenders.

### **Modernize burdensome DD employment requirements**

Current employment law is overly burdensome as it relates to county board management employees, who are required to give 30 days-notice prior to terminating an employment contract. A separate provision requires county boards to extend an employment contract for management employees (for example business managers) by one year if a 90 day termination notice is not timely given. The MBR will repeal both requirements in order to make hiring practices more fair and efficient for boards and employees. The MBR also allows county boards to certify their own employees, increasing efficiency and local control.

## **Streamline Programs and Service Delivery Across Multiple Agencies**

### **Rebalance Ohio's ICF program**

HB 153 began the process of rebalancing Ohio's Intermediate Care Facility (ICF) program by transferring the program to DODD and permitting the voluntary conversion of ICF beds to Home and Community Based waivers. The MBR continues this effort by consolidating licensure responsibilities, increasing the number of ICF beds that can be converted to waivers, and creating a financial incentive while removing a disincentive for this conversion.

## **County Boards**

### **Avoid unnecessary fees**

Current law requires county boards of developmental disabilities to pay a 1.25% Medicaid administrative fee on services provided through Home and Community Based Waivers. This would include the Transitions Waiver that will be transferring to DODD, even though the boards do not provide matching funding for that waiver. The MBR will exempt county boards from paying this fee, avoiding an unnecessary and unanticipated expense. Also exempted from paying a fee to the department are county board employees, who the department will no longer certify as noted earlier in my testimony.

### **Funding of Regional Councils of Governments**

The bill retains the authority of county boards to form regional councils of governments (COGs) but is amended so that funding will come directly from the boards, not from DODD.

### **Clarifies who may serve on a County Board**

The proposed language removes the ambiguity around who may serve on a county board and establishing a longer waiting period before an employee of a county board can serve as a board member of a county board.

## **III. CONCLUSION**

Our MBR proposal requests language changes we feel are crucial to continue the work that goes with our daily responsibilities to tens of thousands of Ohio citizens. Removing barriers to efficient local business practices and reducing unnecessary regulation ensures we are using our limited resources where they matter most on delivery of services. In addition, empowering, protecting and giving our citizens more choice in how they run their lives is not only the right thing to do, but it also leads to a better, more efficient use of resources. With your support of these provisions, we can take a few more steps in making Ohio's DD System more sustainable for the long-term, with more efficient management of our resources to provide for a growing need for more services.

Thank you for the opportunity to present this testimony and I welcome your questions.