



COMMONWEALTH OF VIRGINIA
Virginia Board for People with Disabilities

Korinda Rusinyak
Chair
Charles Meacham
Vice Chair
Dennis Manning
Secretary
Heidi L. Lawyer
Executive Director

*Washington Building, Capitol Square
1100 Bank Street, 7th Floor
Richmond, Virginia 23219*

804-786-0016 (TTY/Voice)
1-800-846-4464 (TTY/ Voice)
804-786-1118 (Fax)
info@vbpd.virginia.gov
www.vaboard.org

August 19, 2014

TO: Adam Sass, Employment Services Coordinator, Dept. of Behavioral Health and Developmental Services (DBHDS)

FROM: Heidi L. Lawyer 

CC: Connie Cochran, Assistant Commissioner, DBHDS

RE: Draft *Integrated Day Activity Plan*

I am writing on behalf of the Virginia Board for People with Disabilities (the Board) to provide written comment on the aforementioned Draft *Integrated Day Activity Plan*. We appreciate the opportunity to provide comment and look forward to participating on a newly formed advisory subgroup on this issue.

The Board is pleased that the Department is moving forward, consistent with requirements in the DOJ Settlement Agreement and Center for Medicare and Medicaid requirements, to cultivate a paradigm shift from center based day program activities to individualized, person-centered activities that are meaningful to each individual. We recognize that the plan is a work in progress and that many changes, including rate changes, are needed to effect long-term sustainable change.

The definition and explanation of integrated day activities and the goals and objectives set forth are appropriate. However, it is important to keep in mind that day support currently has two levels – regular and intensive. Intensive is a higher rate for individuals who need physical assistance with personal care or individuals who have other extensive needs. It will be important to maintain these tiered levels for individuals who require a higher level of support.

We appreciated the opportunity to have a presentation on the draft plan at the August 13, 2014, DOJ stakeholder meeting and to hear the response dialogue from a provider which has been working to effectively change its model of services from center based to community-based. The Board shares the concern of the responder (Tonya Fowler, Executive Director, Arc of the Southside)

with respect to the proposed 3-1 allowable staffing ratio. While we recognize that this ratio is a proposed maximum, it would likely result in less individualized or person centered services since it would clearly be less expensive to serve more individuals together. Without distinct restrictions, it is possible that plans will be written that have appropriate language regarding person centered services, but that individuals will continue to be grouped together. The way to break this practice is to require that day support be an individual support just as other Waiver services are – attendant, companion, in-home, respite, etc. An individual rate must be set so that the service can be one-to-one. This works for in-home residential and it will work for integrated day/community activities as well. A grouping of three individuals should only be allowed if those three or two) individuals specifically choose to engage in an activity together, at the same time, at the same place on a particular day.

Since the definition of integrated “day” activities includes evening and weekend activities, we agree with the comments at the DOJ stakeholder meeting that the service itself be renamed, perhaps to integrated community activities. In addition, we believe that as discussion on this plan moves forward, it is also important to look at the entire array of services options available under the waiver. How will integrated day/community activities as a service and support be differentiated from supports available through in-home residential services (which have a community component) or companion services? Will there be a consumer directed option for integrated day/community services and will individualized budgets be addressed? Will residential service providers be able to incorporate individualized integrated activities into ISPs and be able to bill for those activities? What will be the effect on licensure and what licensure changes will be needed to accommodate these person centered activities?

The Board appreciates the opportunity to be a participant in the DOJ Settlement Agreement planning and to provide comments to the draft Implementation Plan. Please contact me at 804-786-9369 or Heidi.Lawyer@Vbpd.Virginia.gov if you have any questions or need additional information on our brief comments.