

## Home and Community Based Services CMS Rule Change

In March, 2014 the Centers for Medicare and Medicaid Services (CMS) published rules governing Home and Community-Based Services (HCBS) funding. Ohio's County Board of Developmental Disabilities system is directly affected by these rules. Ohio must draft a plan to come into compliance with the rules by March, 2015. [It is expected that the plan will be drafted by late fall, 2014.]

The Ohio Department of Developmental Disabilities (DODD) is working to help draft the plan.

One element of the CMS rules deals with a Conflict of Interest provision statement that severely restricts a County Board of DD's ability to provide direct services (while also providing Service and Support Administration services). [First and foremost, County Boards will work to maintain the SSA function so the potential conflict in remaining a direct service provider must be addressed.]

In Ohio, County Boards of DD offer varying ranges of services. There are County Boards that offer no direct services and then there are County Boards that offer a full complement of direct services (from early intervention, school-based, vocational and habilitation center-based, community-based supported employment, residential, ancillary professional and recreation services).

In the past, when CMS raised the specter of a Conflict of Interest, Ohio successfully established a set of rules commonly termed, the Firewall Document to address those concerns.

Rather than risk the complete elimination of direct services provided by those County Boards that want to continue being service providers, we are asking Governor Kasich and Director Martin to concentrate on modifying the Firewall Document to adequately address the conflict of interest concerns raised by CMS.

We ask that Governor Kasich and Director Martin work to preserve individuals' access to a broad choice of service providers. We ask that Director Martin and Governor Kasich ensure that Ohio works to improve the quality of services and the access to services. We ask that Governor Kasich and Director Martin fortify the Firewall Document to safeguard individuals' free access to services, including those provided by County Boards of DD.

Individuals with DD ought to have the right to choose services that best suit them, including options which may be available through their local County Boards of DD. We are asking Governor Kasich and Director Martin to preserve this right to freely choose – and to protect that right through improving the Firewall Document.

Build a Better Firewall and preserve the tenets of Free Choice of Provider.