



Position Paper on the Provision of Direct Services by County Boards of Developmental Disabilities

The new rule promulgated by the Centers for Medicare & Medicaid (CMS) earlier this year has generated more questions and debate than answers and consensus for Ohio's County Boards of DD when it comes to Medicaid waiver services. In question is whether County Boards of DD can continue to provide both direct services for people with developmental disabilities AND support administration.

Many have interpreted the CMS rule to mean agencies that provide direct services can not also provide support administration. Some here in Ohio have concluded, therefore, that County Boards of DD must resolve this perceived conflict of interest by eliminating their direct services and transforming into agencies that fund and monitor services via support administration. We at the Cuyahoga County Board of DD disagree. We strongly believe that taking such a path would profoundly diminish the lives of the children and adults we support by eliminating the high quality direct services that County Boards of DD have provided since the Ohio General Assembly created a County Board of DD in each of our state's 88 counties in 1967. It would deny a choice that many people with developmental disabilities have made to receive their direct services from a County Board of DD. In short, it would eliminate an option that is trusted and tested.

County Boards of DD were created as a result of the lobbying efforts of parents whose children local school districts refused to serve. Since their establishment, they have continually evolved to meet the changing needs of the boys and girls and men and women they support and to incorporate the best practices in the field of developmental disabilities. They have grown to offer early intervention services for young children, vocational and activities services for adults, residential services for those who can no longer live with their families and a wide range of therapies. Parents, families and people with developmental disabilities have shaped these programs. County Boards are directly accountable to them and to the voters who support the local levies that, in our case, provide more than half of the funding for the services and supports we offer.

We at the Cuyahoga County Board of DD are national leaders when it comes to programs and services for people with developmental disabilities, but we don't think that we can or should do this work alone. As a fiscally responsible tax-supported entity, we have developed partnerships with many private agencies and other public agencies to improve and expand opportunities for people with developmental disabilities. We have supported those agencies in their development efforts by sharing our funding and expertise because we want people with developmental disabilities to have an array of

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choices. Eliminating the choice of receiving services from us would truly limit opportunities and choice.

We fear that the rule writers at CMS do not understand Ohio's unique system of funding services for people with developmental disabilities at the county level. In Cuyahoga County, for example, we receive less than five percent of our annual funding from the state of Ohio. It is local voters and property tax payers who fund the robust system of developmental disabilities services here and in other counties throughout Ohio. It is local dollars that provide the match for federal Medicaid dollars. County Board of DD programs are visible, concrete examples of tax dollars at work. We believe that eliminating those services would jeopardize future efforts to pass the levies that are so key to continuing opportunities.

Further, as a public entity, County Boards of DD are truly accountable to the public. We would argue that this accountability can not be maintained with private providers as the sole option. Since the County Board of DD system is based on local funding and local control, we believe it is in the best interest of people with developmental disabilities to let County Boards of DD decide whether to provide direct services.

We at the Cuyahoga County Board of DD turn no one away because his or her condition is too difficult or too complex. If we no longer provide direct services, those who have difficult medical or behavioral challenges may find that there are no private providers who are willing and able to serve them. Their service safety net will be eliminated. We would argue that eliminating a quality provider is not in the best interest of people with developmental disabilities.

If there are conflicts or perception of conflict, as CMS implies, we recommend that the Ohio Department of DD can intervene to moderate them. DODD already does this very thing in other areas such as investigations of major unusual incidents and disputes over eligibility determinations.

In the well-intentioned efforts to better services for those who have developmental disabilities, we must cultivate as many options for quality services as possible. A wide array of opportunities for individuals and families means better lives for people with developmental disabilities. A well-designed system of both private and public providers ensures just that.

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Franklin County Board of Developmental Disabilities

Helping people to live, learn and work in our community

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Statement on Provision of Services by County Boards of Developmental Disabilities

There is neither clarity nor agreement across the state about what the new CMS rule means for County Boards of DD in terms of their continued, simultaneous provision of services as well as Service and Support Administration. In the world of Medicaid funding, CMS appears to suggest that a provider of services should not also be a provider of case management. Early discussion of this matter has led some to say that County Boards should solve this perceived problem by gradually divesting themselves of direct services, eventually becoming a sort of funding/monitoring agency with a SSA function. However, we believe that this far reaching decision would fundamentally impact the individuals that we serve by eliminating good service options provided by County Boards.

For nearly fifty years, County Boards have been the standard bearers for programs and services for individuals with developmental disabilities. These services have evolved, improving over time and gradually including partnerships with many other private sector agencies. Parents, families, and individuals have participated in the establishment of these programs and County Boards continue to be directly accountable to them as well as to voters. There has been transparency in this work that has generated a trust that we must be careful not to jeopardize. These programs often provide a desirable alternative to families, and eliminating that choice should only be done for reasons of betterment.

Additional issues for further consideration should include:

- A. Recognizing that maintaining health and safety and free choice of provider are important Medicaid principles, should a quality provider be eliminated?

- B. While it may be easier for County Boards to not provide services directly, is it in the best interest of the individuals we serve and their families over the long term?
- C. County Board programs are tangible examples of tax dollars in action for voters. Would future levy efforts be compromised if direct services were no longer provided?
- D. Are there other unintended consequences for individuals served in an exclusively "privatized" service delivery environment?
- E. As a public entity, County Boards are much more accountable to the public. Can this accountability be maintained with just private providers?
- F. What if there are no private providers willing and available to serve those who have difficult medical or behavioral challenges? Will their 'safety net' be eliminated?
- G. If there are conflicts or perception of conflict, can't the state be asked to intervene to mitigate conflicts, similar to how MUI investigations are handled?
- H. Since the County Board system is based on local funding and local control, isn't it in the best interest to allow County Boards to decide if they want to provide services or not?

In our zeal to improve services to individuals with developmental disabilities, we need to be careful not to limit flexibility and options of quality services. Having a broad range of alternatives for individuals and families serves them better and more richly. We should strive for a well-designed system of both private and public providers. We do not believe it is in the best interest of the individuals we serve to eliminate quality services provided by County Boards.

*Adopted by the
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