

Health and Human Resources Update on Department of Justice Investigation and 2011 Budget Action Planning (Item 297, BBBB)

Secretary of Health and Human Resources

Dr. Bill Hazel

May 16, 2011



Overview

- **Department of Justice**
 - Findings
 - Negotiation Process
- **Behavioral Health and Developmental Services Trust Fund – §37.2-319**
 - Plan for utilization
- **Medicaid Intellectual Disability/Developmental Disability/Day Support Waiver Research – Budget Item 297, BBBB**
 - Research Framework
- **Department of Behavioral Health and Developmental Services**
 - Update

DOJ Findings

Department of Justice – Civil Rights Division
Investigation of the Central Virginia Training Center and the
Commonwealth of Virginia’s compliance with Title II of the
Americans with Disabilities Act as interpreted by Olmstead v. L.C.

- Failure in providing services in the most integrated and appropriate setting
- Failure to develop a sufficient quantity of community-based alternatives, particularly for individuals with complex needs
- Flawed discharge planning process at training centers
- Places individuals in the community at-risk of unnecessary institutionalization

DOJ Negotiation Process

Virginia Team

Lead Counsel–Office of the Attorney General

Deputy Secretaries–OSHHR

Deputy Commissioner/Director–DMAS, DBHDS

Deputy Director–Department of Planning and Budget

Technical Support

Counselor and Senior Advisor to the Governor

Staff/Leadership – OSHHR, DPB, DMAS, DBHDS,

Consult

Governor McDonnell

Chief of Staff

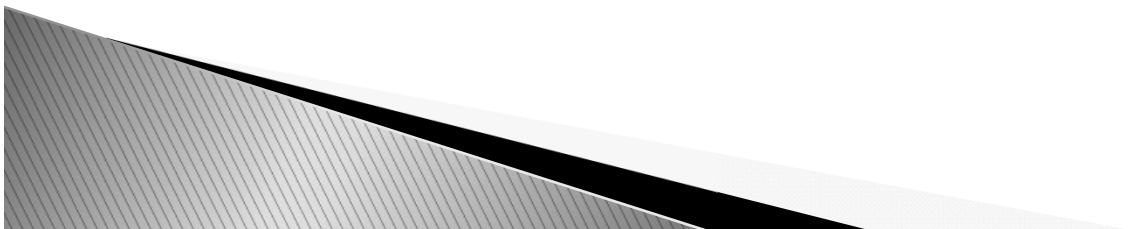
Secretary of Health and Human Resources

Secretary of Finance

Counselor and Senior Advisor to the Governor

DOJ Negotiation Process

- Divided settlement negotiation into topics
- Meeting every other week
 - Phone or Face to Face
- Lead Attorneys in frequent communication
 - Sharing draft negotiation documents
 - Providing data/feedback
 - Working to provide follow-up information requested via meetings



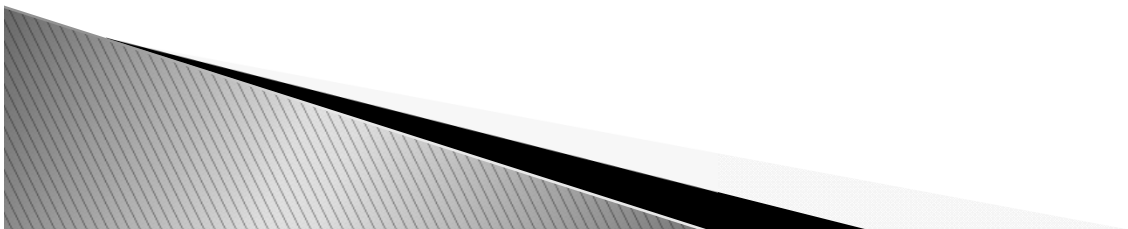
Behavioral Health and Developmental Services Trust Fund (§37.2-319)

- Funds to be used to provide services for: individuals with mental illness, substance use, intellectual disabilities and to facilitate transition of individuals with intellectual disabilities from state training centers to community-based services
- Secretary of Health and Human Resources must develop a plan to transition individuals from training centers to community-based settings:
 - Offer a broad array of community-based services
 - Address the availability of appropriate community housing
 - Include facility specific objectives and timeframes to implement changes
 - Include input from individuals receiving training center services, their families, CSBs, private providers, and DMAS
 - Plan submitted to the Governor and General Assembly before November 1, 2011

Behavioral Health and Developmental Services Trust Fund (§37.2-319)

\$30 M appropriated for FY12 to transition individuals from training centers to community-based settings, funds can be used to:

- Finance a broad array of community-based services, including ID waiver slots
- One-time transition costs for community placements
- Establish community housing
- Other identified community services not covered through the waiver program



Behavioral Health and Developmental Services Trust Fund (§37.2-319)

- Virginia expects DOJ resolution prior to the expenditure of funds
- Public Hearings in each Training Center Region (Summer 2011)
 - CVTC (Region 1) - two hearings
 - NVTC (Region 2) - one hearing
 - SWVTC (Region 3) - two hearings
 - SVTC (Region 4) - one hearing
 - SEVTC (Region 5) - one hearing
- Solicit input regarding training centers and community-based services from:
 - Individuals living at training centers
 - Family members
 - CSBs
 - Private providers
 - Other interested parties
- Post draft Trust Fund plan for written comment (Fall 2011)

Medicaid Home and Community Based Services: ID/DD/Day Support Waiver Research – Budget– Item 297, BBBBB

- The 2011 General Assembly mandated the Departments of Medical Assistance Services (DMAS) and Behavioral Health and Developmental Services (DBHDS) to report on recommended enhancements and costs to the Intellectual Disabilities (ID), Day Support and Individual and Family Developmental Disability Support (IFDDS) Waivers;
- The report is due by October 1, 2011 to the Governor and Chairmen of the Senate Finance and House Appropriations Committees.

Budget– Item 297, BBBBB

- DMAS and DBHDS are building upon recent studies to identify gaps in services, reduce waiver waiting lists and identify methods to assist individuals to reside in viable community settings rather than institutions.
- Accompanying recommendations for service enhancements and potential changes to state and local administration of the waivers are in review.
- Completion of the “BBBBB” Report will enable Virginia to respond to the changing needs and preferences of individuals with DD/ID.

Budget– Item 297, BBBB

- In conjunction with the “BBBB” Report, DMAS and DBHDS staff are considering Virginia’s anticipated needs in response to the Department of Justice (DOJ).
- The “BBBB” Report will define the ‘next steps’ beyond the Commonwealth’s response to the DOJ report.

DBHDS Accomplishments

- Leadership Restructure
- Creating Opportunities: A Plan for Advancing Community Focused Services
- Consolidation of all public child and adolescent inpatient services at CCCA, closing adolescent unit at SWVMHI
- Forensic Services developed pilot program for conducting forensic assessments via teleconference
- Completed update and revision of Training Center admissions and discharge protocols

DBHDS Accomplishments

- Expanded audit program of local CSBs
- Licensed 120 new provider organizations
- Major Capitol Projects
 - Eastern State Hospital – New 150 Bed Adult MH Treatment Facility
 - Downsizing of Southeastern Virginia Training Center
 - Construction of new homes on campus, underway
 - Community Housing – 6 homes to be completed by July, others completed in 6–9 months
 - Downsizing of Central Virginia Training Center
 - Vacated total of 10 buildings within last year
 - Community Housing– negotiations underway with 5 CSBs for waiver and ICF homes
 - Western State Hospital
 - Anticipated project completion – summer 2013

Sexually Violent Predator/VCBR Update

- The Nottoway Campus (Piedmont Geriatric Hospital and VCBR) has consolidated several departments
- VCBR revised and updated its treatment model to best-practice levels
- PPEA received and accepted for review
 - Competing proposals due June 2, 2011