



Advocacy & Protective Services, Inc.

Serving critical needs, one person at a time

APSI Update on Exit Waiver Process October 2017

This report serves as an update to the information provided by APSI in December 2016 regarding our role in the exit waiver process for the 1,404 individuals represented by APSI who were residing in ICFs. As guardian of the person of these individuals, APSI continues to assess their needs and preferences to determine whether an exit waiver is appropriate. APSI appreciates the time that our staff have dedicated to this ongoing process, in cooperation with county boards, providers, family members, and the individuals we represent.

In June 2015, the Ohio Department of Developmental Disabilities (DODD) received approval through the state budget process to allocate Medicaid waivers to individuals residing in ICFs who wished to exit the ICF and receive services in the community. At the request of DODD, APSI assessed whether the individuals we represent could benefit from an exit waiver; DODD contracted with CareStar for exit counseling for other individuals. It was APSI's understanding from DODD that any individual who was identified as appropriate for an exit waiver would receive a waiver.

The APSI protective service representative who works directly with the individual conducted the exit waiver assessment during a quarterly visit, utilizing a tool that gathered information regarding medical, adaptive, community, housing, and other pertinent needs. This process was consistent with APSI's duty as the guardian of the person to make decisions that are the least restrictive alternative that meets the individual's needs, pursuant to Ohio Supreme Court rules.

APSI reviewed the appropriateness of exit waivers for the 1,404 individuals we represented in ICFs through June 2016. We identified 536 individuals who were interested in a waiver ("yes"), 410 who may be interested ("maybe"), and 458 who were not interested ("no"). In reaching these conclusions, APSI staff considered a variety of factors, such as the individual's stated preferences, the individual's service needs (with an emphasis on medical and behavioral needs), input from family members who were in contact with APSI, provider impressions of the individual's service needs, and the availability of community-based resources and services that would meet the individual's needs.

Although this initial determination was based on each individual's specific circumstances, the following factors tended to make an individual more likely to be identified as a "yes":

- Individual's stated preference to move
- Current service needs (medical, vocational, behavioral) are able to be met with community supports

On the other hand, the following factors tended to lead to identification as a "maybe" or "no":

- Individual's stated preference to remain in the ICF
- Need for accessible housing in a community with few accessible housing resources

- Unstable or deteriorating medical condition, especially a need for a ventilator or 24-hour nursing services
- Lack of community resources to support current medical needs, especially nursing
- Need for intensive behavioral supports in a community with limited provider capacity

APSI encountered a number of challenges during this process. Some individuals are unable to communicate their preferences, so APSI staff relied on other information known about the individual and input from others, such as family members and provider staff. At times, disputes arose about APSI's decision, so APSI staff worked with the family members and/or providers to understand and resolve their concerns. Some concerns were reviewed with the county probate judge as superior guardian.

As the guardian of the person, APSI has an ongoing obligation under Ohio Supreme Court rules to identify the least restrictive services that are appropriate to the individual's needs. Thus, the exit waiver process is not a one-time event, but rather an ongoing process. APSI staff continue to assess the current needs of the individuals we represent, both to complete the process of enrolling and moving individuals identified as a "yes" and to shift individuals between the "yes," "maybe," and "no" categories as their needs change or more information becomes available.

For some individuals, the exit planning process reveals additional concerns about whether the individual's needs can be met in the community. Similar to the initial exit waiver assessment process, the decision to shift an individual between the "yes," "maybe," and "no" categories is based on numerous factors, such as:

- Significant changes or deterioration of the individual's health
- Inability to locate accessible housing or appropriate providers
- Team planning identifies previously unexpected issues not supportable in the community

This ongoing process is evident in the numbers periodically reported by APSI to DODD. As this table shows, the number of individuals in each category fluctuates over time based on individuals' preferences and needs. Because this is a fluid process, these numbers can change on a daily or weekly basis; the numbers below generally reflect the final day of the month. The total number of individuals also fluctuates over time as APSI guardianships are terminated or non-APSI successor guardians are identified.

	Yes	Maybe	No
June 2016	536	410	458
December 2016	466	361	554
March 2017	431	317	634
June 2017	414	287	676
September 2017	404	284	694

In this table, the “yes” column includes individuals who have been approved for a waiver. As of September 30, 2017, 385 waivers have been allocated to these “yes” individuals, including 150 who have been enrolled on the waiver; the enrolled individuals are either currently living in the community or in the process of moving. DODD has not denied any exit waiver requests made by APSI, and it is APSI’s understanding that waiver requests will continue to be approved.

Once an individual is approved for a waiver, APSI staff begins meeting with the county board SSA, who is responsible for identifying possible living arrangements and providers. APSI works with the SSA and other team members to select a residence and provider, which often involves trial visits by the individual. When a residence, provider, and other necessary services are in place, APSI notifies the probate court and the individual moves.

Individuals represented by APSI are already seeing benefits from the exit waiver process. These are just a few stories that demonstrate the importance of these waivers.

- D. is 71 years old and lived in an ICF for approximately 36 years. Contrary to D.’s team recommendations, D. insisted that she wanted to move from the ICF to a community home, and APSI supported her request. After several visits to the new home, D. was able to move. She expresses that she is happy with the move and frequently refers to the new home as “my house.” D. tells people she is rich and has staff to cook for her.
- F. is 57 years old and lived in a DC for approximately 34 years. At the DC, F. did not talk and exhibited a high level of challenging behaviors. Now F. has a lot to say and talks quite often. In the DC he expressed that he did not want to go into the community and so rarely went out, now he enjoys going into the community and participates in outings with housemates. His behaviors have significantly decreased.
- L. is 68 years old and lived in an ICF for approximately 42 years. Although there were concerns that a recent diagnosis of prostate cancer should prohibit his living outside the ICF, on the contrary, L. has had excellent continuity of care. L. adjusted to the new home from day one. He is residing with 2 peers that he lived with in the ICF and seems very happy in his new home. L. has even visited Disney World since his move from the ICF.

APSI views the exit waiver process as an ongoing opportunity to assess the needs of the individuals we represent and to ensure that they are receiving services in the least restrictive environment that is appropriate to their needs, as required by Ohio Supreme Court rules. We appreciate the feedback we have received from DODD, county boards, providers, family members, and individuals, and we are committed to continuing to build these partnerships.

Questions or comments about this report may be directed to APSI by phone (614-262-3800) or email to:

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