



# **Integrating Public Comment into North Carolina's Olmstead Plan**

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# An Olmstead Plan is Intended to...

## Statement of the Department of Justice on Enforcement of the Integration Mandate

- Be a public entity's plan for implementing its obligation to provide individuals with disabilities opportunities to live, work, and be served in integrated settings.
- Reflect an analysis of the extent to which the public entity is providing services in the most integrated setting and contains commitments to expand integrated opportunities.
- Have specific timeframes and measurable goals for which the public entity may be held accountable.

# An Olmstead Plan is Intended to...

Statement of the Department of Justice on Enforcement of the Integration Mandate

- Identify funding to support the plan.
- Address commitments for each group of people who are in segregated settings.
- Demonstrate success in moving individuals to integrated settings in accordance with the plan.



# The Plan's Covered Populations

- People with disabilities who live in facilities, e.g., developmental centers, psychiatric hospitals, skilled nursing facilities, and adult care homes.
- People in other segregated settings, e.g., “sheltered workshops” or segregated day programs.
- People at serious risk of institutionalization or segregation.
- Target population is cross-disability and across the life span – children, adults and older adults.

# Developing the Plan: Inputs 2020 - 2021

- Assessment of NC DHHS Services & Supports (TAC Report) – April 2021
  - ▶ An extensive review of data, policies and reports – cross-population, cross-system
- Olmstead Plan Stakeholder Advisory – July ‘20 – Nov. ‘21
  - ▶ Recommendations from OPSA and its eight committees, summer of 2020 – present
- Input from Public Comment Period – Oct. 12 – Nov. 8, 2021
- Inset into a *framework* that represents DHHS’s approach to the first two years of implementation.

# Public Comments on the Draft Plan

- Public comments were received from 91 individuals or organizations.
- Some comments reflected issues that exceed the scope of an Olmstead Plan.
- Considerable variation in comments, but also several consistent themes.
- To clarify –
  - 🔗 The Olmstead Plan is a Strategic Plan, that provides a direction for the system and identifies actions and allocation of resources to move in that direction.
  - 🔗 Work Plans will be developed as needed in response to strategies within Goal Areas.

# Public Comment Theme / Response

*The Plan does not provide a detailed roadmap for the system over the next 5 years.*

- DHHS' direction for this *initial* plan is to strengthen community-based services and supports.
- The Plan cannot address all issues at once:
  - ▶ Puts forth strategies to further systems transformation;
  - ▶ Regular assessment of progress and impact will be reflected in future plan iterations;
  - ▶ In some cases, data to support measures and targets isn't available and will need to be gathered over the next two years.

# Public Comment Theme / Response

*The Plan must contain more clear/concise targets with measures and timelines in all priority areas; include baseline data; set targets that reflect baselines; lay out measures with targets and timelines for completion; and identify responsible parties.*

- DHHS recognizes the importance of data for:
  - ▶ Formulating an Olmstead Plan that is grounded in North Carolina's current reality;
  - ▶ Establishing realistic, yet meaningful, measures and targets;
  - ▶ Assessing progress with Plan implementation.
- DHHS will continue efforts to identify available data for these purposes.

# Public Comment Theme / Response

*The Plan needs aggressive strategies to recruit and retain a qualified direct support workforce.*

- The Plan includes a number of strategies to address the frontline workforce crisis:
  - ▶ To increase staff salaries;
  - ▶ To create additional training and educational opportunities for the direct service workforce;
  - ▶ Beginning in March 2022, the DHB will conduct an annual survey of direct care workers who serve Innovations waiver recipients, to assess whether the wages of licensed and/or non-licensed direct care workers need to be increased, and to develop a plan to implement the increase if needed.

# Public Comment Theme / Response

*Priority Area 5 is titled ‘Increase Access to Safe, Decent, and Affordable Housing,’ however the Plan does not address increasing housing options to meet the needs of all individuals with disabilities.*

- DHHS has entered into a separate contract with the Technical Assistance Collaborative to develop a cross-disability strategic housing plan.
- Work is underway, with a final Housing Plan to be issued in the spring/early summer of 2022.
- DHHS is forwarding public comments related to housing capacity and development to the Housing Leadership Committee.
- **Re-title Priority Area 5 to “Increase Opportunities for Inclusive Community Living.”**

# Public Comment Theme / Response

*The Plan has no strategies for eliminating in-state PRTFs, utilized heavily by the foster care system, or to reduce placing children/youth in out-of-state PRTFs.*

- The Plan identifies a number of key initiatives intended to strengthen community-based services that will provide children with the services they need while remaining with their families:
  - ▶ Child Welfare redesign to identify children and families served by the Division of Health Benefits (DHB), the DMH/DD/SAS and the County Departments of Social Services, to establish shared outcomes and to reduce out-of-home placements;
  - ▶ Implementation of seven new mobile crisis services teams for children;
  - ▶ Promote use of the North Carolina Psychiatry Access Line (NC PAL);
  - ▶ Expand access to children's mental health services, High Fidelity Wrap-around, and Care Coordination.

# Public Comment Theme / Response

*Monitoring, coordination, and enforcement responsibilities for the plan are unclear in the draft. While the draft does include an Office of Olmstead Plan Implementation, it does not identify what resources or authority that office would have or need and does not address cross-agency work.*

- DHHS proposes to develop and staff an office to oversee implementation and monitoring of the Plan.
  - ▶ Will be led by the Senior Advisor on the Americans with Disabilities Act (ADA), who reports directly to the Deputy Secretary for Medicaid within the DHHS.
  - ▶ Will be staffed sufficiently to provide continued leadership and education to staff throughout the department, supporting a culture that views DHHS work through an Olmstead lens; to monitor implementation of Plan strategies; to assess progress towards measures; and to assist in resolving barriers and challenges that might impede implementation.
  - ▶ Will outreach and engage with other state agencies (e.g., Departments of Transportation, Public Safety and Public Instruction) to achieve Plan measures.

# Public Comment Theme / Response

*The draft does not clearly describe the role of LME-MCOs and DHHS's relationship with the health plans. Holding those entities accountable to carry out the responsibilities delegated to them is an essential component of system change in the Plan overall.*

- The LME-MCOs have long been and will continue to be essential partners in meeting North Carolina's obligations under Olmstead.
  - ▶ In August DHHS issued an LME-MCO Joint Communication Bulletin outlining their critical and affirmative obligation to provide for community-based alternatives to institutionalization for members.
- DHHS/Tailored Plan contracts will specify targeted, detailed requirements that align with the Olmstead Plan, for example, expanding In-reach to individuals in institutional settings and providing interdisciplinary teams supported by Tailored Plan care management, to promote community-based services in lieu of institutional care.



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