**11/30/2022 DHHS Press Conference re: Samantha R. Order**

**Sec. Kinsley opening remarks**:

We are appealing the decision because thousands are at risk of being pushed out of their stable placement in community-based settings.

* *CHAT comment from Benita Purcell [Group Home services director and former SCFAC member]*: “So glad you are appealing. You are right there are some good points but some issues that need to be addressed. The state and department MUST do more. New and extra services is not enough when you do not have the workforce available to provide the services.”
* Dave Richard: We have an alignment that I haven’t seen in my 30-year career across DHHS, the Governor, and the Legislature for a commitment to individuals with disabilities. We have a real opportunity to move forward.

We need to build more options before limiting others so individuals with disabilities and their families have choices.

We have made substantial investments and implemented many COVID-19 flexibilities. We are also using the 1915(i) waiver to provide respite services and other critical care for individuals with disabilities. But we know that this is not enough, so we are releasing a Plan today in addition to this appeal announcement. Plan implementation timelines are critical and Governor Cooper is committed. You will see meaningful and sizeable investments in the 2023 budget to serve individuals with disabilities.

Sec. Kinsley announced new DMH/DD/SAS Director, Kelly Crosbie, and Deputy Director, Renee Raider. Kelly and Renee introduced themselves.

**Media Outlet Q&A with Sec. Kinsley**

**Q**: **How will the Plan released today be different from the *Olmstead* Plan that you all have been apparently working on in recent months?**

**A**: The *Olmstead* Plan has been about the long-haul and addressing supports like housing. Taking that Plan and adding numbers and options is what you will see today. It focuses on waiver slots and DSPs over the next year and several years. The *Olmstead* Plan is the umbrella body of work and is important for building buy-in and partnerships. The new Plan has tactical specifics.

**Q: Could you describe what’s happening legally? E.g., are you filing a Notice of Appeal today?**

**A**: DHHS is appealing and asking for a partial stay. Will post those documents once they are filed.

**Q**: **My understanding from the Order is that is does not require anyone to be diverted or moved if they don’t *want* to be. So why is your concern that people will be pushed out?**

**A**: The Order says that the front door of community-based ICFs has to be shut. When you have a six-bed Group Home and new admissions cannot happen, then you cannot continue to sustain that facility financially after one or two beds are empty. Then the whole facility has to close. We cannot have people pushed out of facilities with no options to move to. We do not need to repeat the State’s history of what happened in the 1970s. We need to give people choices.

**Q**: **The Order says that there are about 16,000 people on the Innovations Waiver waiting list. Is part of the *new* Plan reducing that waiting list to 0?**

**A**: I want every single person to get services. If we expanded Medicaid, we could free up a lot of State money that we currently have to serve individuals with disabilities. The 1915(i) State Plan Amendment that we have done allows us to serve more people on the waiting list. Our concern is that the waiting list will get even longer if we have facility closures.

**Q**: **I have talked with advocates on the other side. The DRNC attorneys are deeply concerned about the appeal, and they sought some common ground with DHHS and an agreement before the judge. Is that the case, and why would that have been the case?**

**A**: I applaud DRNC and what they do for individuals. We need to find middle ground across the entire advocacy community. We have been partnered with DRNC and working through issues via many meetings. DHHS has been transparent about its concerns and the way that the ruling is structured. We cannot have a ruling go into place that will bind our hands and push residents into homelessness.

**Follow up Q: Can you get an actual agreement to get this done?**

**A**: That’s why we need NCGA support for the funding. Hoping to get all in alignment so we can get this done.

**Sec. Kinsley closing remarks:**

As we have announced, we continue our commitment to serving individuals with disabilities to live, thrive, and have choice. I want to close with a story from a parent who reached out to me about this ruling. His daughter lives in a small, 10-bed facility and there is amazing care there and they get to spend a lot of time together. We want to get this right and work with all of you to get this done. Thank you.