



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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October 24, 2011

The Honorable Rita Landgraf, Chair
Delaware Health Fund Advisory Committee
Department of Health & Social Services
1901 N. DuPont Highway – Main Bldg.
New Castle, DE 19720

Dear Secretary ^{Rita} Landgraf:

I write on behalf of the State Council for Persons with Disabilities (SCPD) to thank the Delaware Health Fund Advisory Committee (DHFAC) for providing funding (\$760,000) for the Community-based Attendant Services Act (H.B. 30) in FY 12. This funding is utilized by the Division of Services for Aging and Adults with Physical Disabilities (DSAAPD) for personal attendant services (PAS). DSAAPD contracts with Easter Seals and JEVS to administer both its state funded and tobacco funded programs and the Division manages the contracts as two separate funding sources. Both personal attendant services programs have enjoyed broad support from major disability organizations and the General Assembly. Participants are subject to co-pays based on a sliding scale linked to gross income. Participants averaged 20 hours of services weekly in FY 10 and are subject to a maximum cap of approximately 30 hours of services per week.

As noted above, DSAAPD currently allocates \$760,000 in tobacco funds which permits the Division to serve 43 individuals. For FY 13, DSAAPD has submitted a request to the Health Fund Advisory Committee for an increase in tobacco funds (\$1,317,273) to support the PAS Program. This request is motivated by a waiting list which has now reached 32 individuals and 9 prospective participants from the State's "Diversion" program. Therefore, FY 13 requested tobacco funds would serve 84 individuals. Anticipated FY 13 state funding would allow for an additional 20 participants for a total of 104 individuals in the state and tobacco funded programs. In December 1, 2010, an amendment to the Elderly & Disabled (E&D) Waiver was implemented which has enabled the state to leverage federal dollars and obtain a 50 percent reimbursement from the federal Medicaid program. As of July 31, 2011, DHSS was able to provide attendant services under the E&D Waiver to 207 individuals.

As you know, the Department of Health & Social Services (DHSS) is conducting assessments of residents in its long-term care facilities for the purpose of determining who can live in the community. This is a result of a site-visit by the Centers for Medicare & Medicaid Services (CMS)

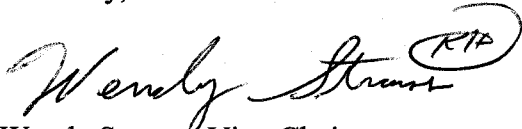
which is encouraging the state to fully comply with the Olmstead decision that requires public agencies to provide services in the most integrated setting appropriate to the needs of qualified individuals with disabilities. In addition, DHSS operates a Money Follows the Person (MFP) program which allows persons with disabilities to transition from institutional care to the community. Finally, the Department is examining the rebalancing of its disproportionate spending of long term care dollars on institutional care.

Council encourages the Delaware Health Fund Advisory Committee to support DSAAPD's funding request of \$1,317,273. Providing such funding will minimize the likelihood of institutionalization and maximize potential for independent living of individuals with disabilities. In addition, it will enhance the continuum of community-based services offered and reduce barriers to participation in vocational, educational, social and other community-based activities.

At a minimum, SCPD recommends funding the PAS program at its current level of \$760,000. Continuation of the PAS program is consistent with Delaware's commitment to provide community-based alternatives for individuals with disabilities as demonstrated by Executive Order 50. In addition, funding the PAS program will only assist DHSS with the aforementioned initiatives regarding assessments, the MFP program, and rebalancing of the state's spending of its long term care dollars. Any reduction in funding for this vital service will force current participants into significantly more costly institutional care. Consistent with the aforementioned DSAAPD budget request, serving 84 individuals with a proposed budget of \$1,317,273 in tobacco funds equates to an annual cost of \$15,682 per individual. Consistent with the DSAAPD Deputy Director's testimony at the October 7, 2011 Delaware Health Fund Advisory Committee meeting, the average resident cost at the Delaware Hospital for the Chronically Ill is \$174,000 per year.

Thank you for your consideration.

Sincerely,



Wendy Strauss, Vice-Chairperson
State Council for Persons with Disabilities

cc: Delaware Health Fund Advisory Committee Members
Ms. Debra Gottschalk

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