

SUMMARY OF THE MODIFIED SETTLEMENT AGREEMENT:

- ❖ Extends the overall Agreement until June 30, 2011. The previous ending date was June 30, 2007.
- ❖ Changes the pace at which people will gain access to services.
 - For support services (in-home services less than \$20,000 per year) the expectation is that:
 - 1,000 people off the waitlist will be enrolled for services during the period of July 1, 2003 through June 30, 2005.
 - An additional 1,000 off the waitlist will be enrolled for services during the period of July 1, 2005 through June 30, 2007.
 - All remaining people on the waitlist and any newly identified eligible people will be enrolled in services during the period of July 1, 2007 through June 30, 2009.
 - During the period of July 1, 2009 through June 30, 2011 adults found eligible for developmental disability services will continue to be enrolled in support services within 90-days of becoming eligible.
 - For comprehensive services (out of home 24-hour services or in-home services over \$20,000 per year), the expectation is that people will gain access to services on a non-crisis basis according to the following schedule:
 - 20 people during the period of July 1, 2003 through June 30, 2005.
 - An additional 130 people during the period of July 1, 2005 through June 30, 2007.
 - An additional 130 people during the period of July 1, 2007 through June 30, 2009.
- ❖ All other conditions and expectations (eligibility, benefit levels, overall service targets, philosophical, etc.) expressed in the original Agreement are still in effect.

BASIC QUESTIONS AND ANSWERS:

Q. Why was the change in the Agreement made?

A. The Agreement was modified as a direct result of the extreme budget difficulties currently experienced by the State of Oregon. The modification is a way to keep the desired principles and outcomes of the original Agreement intact while responding in a realistic way to the current budget problems in the State. The modification saves the State money and prevents cuts in existing services by extending the pace and timelines in which people will eventually get services.

Q. What is the difference between comprehensive and support services?

A. Comprehensive services are 24-hour services usually provided in out-of-home settings that are licensed or certified by the state. The most common examples are group homes and foster homes. Comprehensive services are also those intensive in-home support services where the annual cost of services exceeds \$20,000 per year.

Support services are those that are provided to a person living in their own home and are at a cost of less than \$20,000 per year. Own home means living on your own, with your family, or with friends in a setting that is not licensed or certified.

Q. What are the benefit levels for support services under the modified Agreement?

A. There is no change in the benefit levels. As with rules developed to implement the original Agreement, most people receiving support services can have services costing up to \$9,600 per year. Under some circumstances funding for services can be provided up to \$20,000.

Q. Am I guaranteed access to services under the modified Agreement?

A. The modified Agreement requires the state to provide support services to all eligible adults by June 30, 2009. For comprehensive services, 300 additional people will gain access under this Agreement, which is the same goal as the original Agreement. It is anticipated that many more people will want comprehensive services than can be provided, so counties will maintain wait lists as well as prioritize who will gain access to comprehensive services under this Agreement.

Q. How do I gain access to services under the modified Agreement and where do I get my initial information?

A. Access to services is through the County Developmental Disability Program in the area where you live. Contact your Case Manager to find out specific information about the services available and when they might be available to you.

Q. Does the modified Agreement change eligibility for services?

A. No. It is still true that a person is eligible for services if s/he is an adult (over 18 years of age) with a developmental disability as defined by state rules.

Q. What is the impact of the modified Agreement if I am (or my child is) under 18 years of age?

A. There is no change in this area from the original Agreement. When a person reaches 18 years of age and is determined to have a developmental disability as defined by state rules, this person is eligible for services under the Agreement. Typically, a person in school will not receive services until he/she reaches age 21 or 22 and is no longer eligible for school. So, staying in school is an important strategy. In some situations, people 18 will be eligible for services if they have been in a family support program for over a year or their Brokerage has reached this population on their order of enrollment.

Q. Will the modified Agreement cause the elimination of services to other people with developmental disabilities?

A. No. As with the original Agreement, services to other individuals with developmental disabilities cannot be reduced or eliminated to fund services under the Staley Lawsuit.

Q. Do I have a choice about receiving services?

A. Most certainly. You have the choice as to the type of Medicaid funded services you receive and who provides those services. Prior to the time services will be offered to you, your case manager will provide you detailed information about services, the conditions of services, your options, and answer any other questions you have so you can decide what is best for you.

Q. If I accept services under the modified Agreement, will it impact my access to other services or benefits?

A. If you are going to receive support services, this should not prevent you from getting other general services or benefits such as food stamps, housing subsidies, Oregon Health Plan services, etc. However, since you will have a choice as to whether or not to receive services under this Agreement, you should ask your case manager this question before making your final decision.

Q. Must I be on Medicaid to be eligible for services under the modified Agreement?

A. No. But benefit levels vary depending on whether you are on Medicaid or not. Generally people who are on Medicaid will have access to a higher benefit level than those who are not. This is because being on Medicaid generally provides federal funding in addition to the state dollars available to a person.

Q. What happens after the end date of the modified Agreement? Will services be lost at that point?

A. It is not possible to forecast exactly what will happen at the end of the modified Agreement period. However, the Agreement calls for the Plaintiffs and the State to get together before the end date and determine what the future of the Agreement will be.

Q. How does the modified Agreement affect me if I am currently in a comprehensive service?

A. If you are currently in a comprehensive service (group home, foster home, etc.) this Agreement will probably have no impact on the services you are receiving.

Q. How does the modified Agreement affect me if I am currently in support services?

A. If you are now receiving support services through a Brokerage, this Agreement will not cause changes in the benefit or services levels you have been told you are entitled to.

Q. If I am on the wait list now, how long will I now have to wait? How can I find out my status?

A. The modified Agreement does extend the time when all people on the wait list must receive support services to June 30, 2009. Prioritized groups get access based on a statewide order of enrollment. However, actual timeline for enrollment will vary depending on the County in which you live. Your Case Manager is the best person to contact to find out about when service might be available to you.

Q. Can I get support services and still be on the wait list for comprehensive services?

A. Yes. You can still be on the wait list for comprehensive services while you are receiving support services.

Q. How do I get access to the comprehensive services under the modified Agreement?

A. As with all services, access to comprehensive services is through the County Developmental Disability Program in the area where you live. Your case manager is the best contact to find out about the availability of comprehensive services based on your circumstance. If you are receiving support services through a Brokerage, you should include the desire to receive comprehensive services in your support plan. The Brokerage and County staff will then work with you to determine the options for access to comprehensive services.