

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department on Disability Services



Testimony of
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The Department on Disability Services
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The Committee on Health and Human Services
Honorable Chairperson Yvette Alexander
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Good afternoon Chairperson Alexander and members of the Committee on Health and Human Services. My name is Laura Nuss, and I am the Director of the Department on Disability Services (DDS). I am pleased to be here today to provide the Committee with a full update on our Department's performance and achievements in FY 2014 and year-to-date in FY 2015. I am joined at the table today by Andrew Reese, Deputy Director for the Rehabilitation Services Administration.

The Department on Disability Services is responsible for functions of the state and local operations of the developmental disabilities service system, the vocational rehabilitation service system and the Social Security Administration's disability determinations for the District of Columbia. DDS is composed of two administrations – the Developmental Disabilities Administration (DDA) and the Rehabilitation Services Administration (RSA). I am here today to report that DDS continues to raise the level and

quality of services to the residents of the District, setting new standards and creating new opportunities for people with disabilities.

In the past year, DDS has continued to strengthen its systems and add new and innovative tools in our approach to service delivery to enable people with disabilities to lead meaningful and productive lives as vital members of their families, fully integrated into schools, workplaces, and communities in every neighborhood in the District of Columbia. Our leadership team has increasingly established the agency to be the coordinating thought leader for the District to advance cross-agency efforts to improve outcomes for people with disabilities in secondary and post-secondary education, employment and long-term care services.

A major focus of DDS' mission is its Employment First initiative. The Employment First initiative provides that all people, regardless of disability, prefer and are capable of competitive and integrated employment according to each person's interests, preferences and informed choices. DDS is leading three District-wide initiatives to improve employment outcomes for youth and adults with disabilities. DDS was selected to be part of two U.S. Department of Labor, Office of Disability Employment Policy, initiatives. First, under the Employment First State Leadership Mentoring Program, DDS partners with other District youth services agencies in examining structures to incentivize employment to support youth and adults with disabilities to gain employment so they are not solely dependent on government to provide for all of their needs. Second, DDS is the lead agency for the Vision Quest initiative, which analyzes policies and practices so that agencies can more easily collaborate, leverage each other's resources, and promote collaborations that focus on improved employment outcomes. In

the third initiative, DDS was selected by the Administration on Community Living to create a local Employment Learning Community (ELC). The ELC links the District to four (4) other states with whom we engage in joint networking and learning opportunities as part of a community of practice to advance employment for people with intellectual and developmental disabilities.

Additionally, DDS is leading the District's cross-agency efforts in FY 2015 to plan for how to transform our systems of long term services and supports into a No Wrong Door system for all payers and populations. The District's goal is to create a unified system within which people encounter person-centered systems and staff, with core competencies that facilitate their connection to formal and informal long term services and supports, regardless of where they connect to the service system.

This inter-agency work is reflective of the vision of those who created DDS in 2006, to coordinate and lead District efforts in ensuring people with disabilities are included in the breadth of District services and community life. Now I will highlight some of RSA's and DDA's key initiatives and accomplishments.

REHABILITATION SERVICES ADMINISTRATION

RSA provides services to people with disabilities to help them obtain, retain or advance in employment and live independently in the community. In FY 2014, RSA continued its improved performance levels and met all Key Performance Indicators. RSA had 643 successful closures in FY 2014, defined as those persons who obtained and maintained employment for at least 90 days, which exceeded both the District and federal targets. RSA met

its FY 2014 performance goals regarding timely processing of eligibility and establishing the Individual Employment Plan in 90% of all the cases.

Through its inter-agency collaboration with DCPS and OSSE, and by doubling our own resources, RSA exceeded the FY 2014 goal of receiving 1,200 new referrals, reaching 1,230 youth in FY 2014, an increase of 38% over the previous year and an increase of 153% over FY 2012. In FY 2014, RSA worked with The George Washington University's Technical Assistance and Continuing Education Center (TACE) to obtain monthly professional development for all Vocational Rehabilitation (VR) Specialists. Our staff began receiving this training in December 2014, and it will continue throughout FY 2015.

RSA and DDA increased the number of people supported by both administrations from 116 in FY 2013 to 285 in FY 2014, and RSA saw an increase in the number of people with intellectual disabilities that it helped obtain employment from 62 in FY 2013 to 86 in FY 2014. These results stem from RSA's and DDA's continued coordinated efforts. In April 2014, DDS finalized a new protocol regarding referrals between administrations providing guidance on coordinating services when a person is supported by both administrations. Currently, supervisors from DDA and RSA meet bi-weekly to monitor the progress of referrals and coordination of services between the administrations.

Federal legislation known as the Workforce Innovation and Opportunity Act (WIOA), passed in July, 2014, requires a number of new changes in the District's workforce development system. The most significant changes relate to the provision of transition services for students with disabilities and the coordination of services provided through the American Job Centers.

RSA is mandated to reserve 15% of its federal grant funds to provide pre-employment transition services to students with disabilities. These services include work readiness, self-advocacy training, and providing for paid work experiences, in addition to providing job exploration and counseling on opportunities for post-secondary education. In the past, RSA provided counseling to students in high school and coordinated transition planning with schools. However, the new law requires that RSA provide direct services, including training and work experiences, while youth are still in high school.

Over the past year, RSA has expanded the services provided to transition students in response to the increase in referrals of transition youth. In order to effectively coordinate services, VR Specialists are assigned to all DC Public Schools, Public Charter Schools and non-public schools in the DC Metro area where DC students attend.

Because of the new legislation, RSA is and will be making a number of changes in the coordination of services provided at the American Job Centers. Beginning in 2016, the Core Service Providers at the American Job Centers (*i.e.*, the Department of Employment Services (DOES), the Office of the State Superintendent of Education (OSSE) and RSA) are required to submit a Unified State Workforce Development Plan. These agencies have been working with a sub-committee of the Workforce Investment Council, along with representatives from the Department of Human Services (DHS), the University of the District of Columbia (UDC) and the Department of Housing and Community Development (DHCD), since the passage of the new law, to strategize how to better coordinate services. RSA has already increased its presence at the American Job Centers, from one day per week at each center to all business days at two of the centers, with a plan to be in

all four American Job Centers five days per week by the end of March, 2015. DOES and RSA are also improving the coordination of their business relations units to ensure more coordinated outreach to employers.

DEVELOPMENTAL DISABILITIES ADMINISTRATION

DDA is responsible for the oversight and coordination of all services and supports provided to eligible people with intellectual and developmental disabilities (IDD) in the District of Columbia. DDA coordinates home and community services for 2,214 people so each person can live, work, and engage in community activities of his or her choosing, while promoting health, wellness and a high quality of life. Currently, 1,644 people DDA supports are receiving a variety of home and community-based services through participation in the waiver program and only 330 people now receive comprehensive 24-hour services provided by the institutional alternative, intermediate care facilities for individuals with intellectual disabilities. DDA supports 810 people who are living independently or with family members by providing service coordination to ensure the person and the family are accessing the necessary IDD waiver, Medicaid or other supports they need to live successfully in their communities.

Key to DDA's advancement of its mission is our multi-year Person Centered Thinking (PCT) initiative that serves as the guiding philosophy to how we provide services. This best-practice approach supports people with disabilities to self-direct their lives in a full and meaningful way. At its core, PCT is designed to help people who have traditionally led isolated lives, experience typical lives, like you or I, to ensure our residents with intellectual and developmental disabilities enjoy the full benefits of living in

this great city.

DDS has also offered extensive training on customized employment, and numerous best practice strategies to support people with IDD to acquire the skills and have the necessary supports to obtain employment. In addition to the Employment First training and technical assistance, DDA is providing the same support to our traditional day programs to improve the quality of those programs and to help those providers plan for future business models that support community integrated services. The IDD HCBS waiver is the primary funding source and program that supports the majority of people seeking support from DDA. DDS and DHCF are currently amending the IDD HCBS waiver to expand opportunities for community integration and meaningful daytime activities, addressing the need for more individualized integrated approaches to support adults with IDD.

All of these changes are consistent with a shifting federal landscape. In 2014, the Centers for Medicare & Medicaid Services (CMS) issued a final rule that contains a new, outcome-oriented definition of home and community-based services settings aimed at ensuring that people receive waiver services in settings that are integrated in and support full access to the greater community, including opportunities to seek employment and work in competitive and integrated settings, engage in community life, control personal resources, and receive services in the community. The rule requires DDS and DHCF to develop and submit to CMS a Transition Plan that identifies how we will evaluate current settings against the new standards and then bring the waiver program into compliance with the new outcome-oriented definition no later than March 17, 2019. With stakeholder feedback, we have drafted a Transition Plan for the waiver and

plan to submit it to CMS by the end of the month. Throughout the year, DDS will evaluate all of its HCBS settings and create a plan for remediation, where required, to achieve compliance with the new rules.

Critical to improving supports for people is deep community engagement and support for advocacy by people with IDD and their families. An important safeguard to ensure sustainable systems change and high quality services is making sure that people who receive supports and their families have a seat at the table and advocacy skills. To this end in FY 2014, DDS has increased support for Project ACTION!, which is D.C.'s self-advocacy group for people with intellectual disabilities. Additionally, we continue to build our D.C. Supporting Families of People with Intellectual and Developmental Disabilities Across the Lifespan Community of Practice. We have convened a team that includes self-advocates, families, and other advocates and stakeholders to help us identify where systems changes are needed and to assist us in developing innovative and individual- and family-directed supports.

DDA continues to maximize efficiency through technology to improve the overall performance of the agency. There are robust quality review programs in place to provide staff and service providers with timely and accurate performance data on a regular basis and allow us to provide the targeted technical assistance and, if needed, sanction providers. This system ensures that problems are resolved in a timely manner and that poorly performing organizations are assisted in achieving the expected level of performance. The quality management system is integral to protecting people receiving supports and services from harm, assuring the quality of services of our providers, and measuring overall system performance for

both the IDD HCBS waiver program and compliance with the long-standing obligations in the *Evans* class action.

As to the latter, DDA has made tremendous progress in achieving compliance with the thirty-nine (39) year old class action now known as *Evans v. Bowser*. At the time of our performance hearing in FY 2014, I reported that the District had achieved compliance with 38 of 70 outcome criteria in eight of nine goals under the 2010 Exit Plan. During the last twelve months, I submitted seven additional certifications of compliance with the Special Master and I am pleased to report that the Court has found DDA compliant with 21 additional outcome criteria from the 2010 Exit Plan in the remaining six goal areas. With these certifications, the federal court has found compliance with 59 of the 70 outcome criteria in the 2010 Exit Plan and all or partial compliance in all nine goal areas. Of the remaining eleven outcome criteria, only six are disputed by the parties and involve achieving a 90% compliance threshold for providing class members with (a) appropriate community-based individualized habilitation, medical and health services; and (b) providing vocational and day services in the least restrictive, most integrated setting. DDS is coordinating with the court-appointed Independent Compliance Administrator and the *Evans* stakeholders in attempting to reach agreement for moving forward with efforts to certify compliance with these remaining six disputed outcome criteria prior to the end of the calendar year. Details of how far we have come in this case are included in our written submission to this Committee.

Finally, our Disabilities Determination Division (DDD), which adjudicates Social Security Disability Insurance claims, completed 15,350 cases in FY 2014, and in FY 2015 to date, has cleared 5,751 cases. For FY

2015, the DDD accuracy record is second highest in the Mid-Atlantic region at 97.8%.

I cannot close my testimony without acknowledging the staff of DDS who have demonstrated tremendous commitment and dedication to the people we serve, which is evident by the accomplishments I have described here today. I am proud of what we have achieved together in my seven years with this agency. I also must express my appreciation for the hard work of our provider agencies on whom we must rely in delivering services and supports to some of our most vulnerable residents. This work is 24/7/365 and, while we still have work to do, we have come a long, long way.

This concludes my testimony. I am prepared to answer any questions you may have.

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