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Network Communication Bulletin #193

To: All Providers

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Date: October 14, 2021

Subject: NCDHHS Releases Draft Olmstead Plan, Open for Public Comment through Oct. 27, Feedback for State Funded Service Definitions (Residential Supports and Supported Living Periodic)

NCDHHS RELEASES DRAFT OLMSTEAD PLAN, OPEN FOR PUBLIC COMMENT

The North Carolina Department of Health and Human Services today released a [draft of its Olmstead Plan](#) designed to assist people with disabilities to reside in and experience the full benefit of inclusive communities. **The plan is open for public comment through Oct. 27, 2021.** NCDHHS encourages all interested individuals and organizations to provide comment on this draft plan. NCDHHS will publish the final, two-year plan in December and begin implementing activities outlined in the plan in calendar years 2022 and 2023.

The Olmstead Plan will serve as a blueprint for the way that NCDHHS and its state government partners make decisions central to improving the lives of people with disabilities. The plan will seek to divert people from entering institutions and support those wishing to leave by offering an array of community living services and supports. Access to housing, employment, transportation and other aspects of community life are addressed in the plan.

The draft plan incorporates efforts already underway across NCDHHS to refine and re-define policies and programs so they more clearly align with the U.S. Supreme Court's imperative in the Olmstead v. L.C. ruling of community integration. It builds on the foundation of NCDHHS' Transition to Community Living and Money Follows the Person programs, and it expands the work addressing social determinants of health that is at the heart of [NCDHHS' Healthy Opportunities](#) initiative.

"This draft plan will commit North Carolina to a future where people with disabilities can access the array of publicly-funded services in their communities they need to live everyday life, side-by-side with friends, family and neighbors," said Dave Richard, NCDHHS Deputy Secretary for NC Medicaid. "Realizing the promise of the Olmstead ruling requires all of us working together."



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Throughout the past year, the NCDHHS Office of the Senior Advisor on the Americans with Disabilities Act and its contractor, the Technical Assistance Collaborative (TAC), have relied and built upon the insights, expertise and lived experience of the Olmstead Plan Stakeholder Advisory (OPSA) to develop the state's Olmstead Plan. The advisory's 36 external stakeholders have met quarterly and in committee for 15 months, advising NCDHHS on all aspects of the plan.

North Carolina's draft plan includes 11 priorities:

- 🌱 Strengthen individuals' and families' choice for community inclusion through increased access to home and community-based services and supports.
- 🌱 Address the direct support professional crisis. Implement strategies to recruit, train and retain the frontline staff who provide those daily services that allow people to live, work and thrive in their communities.
- 🌱 Transition people to more independent living situations from placements in institutional and segregated settings and provide needed supports in the community for individuals who are at risk of entering these settings.
- 🌱 Increase opportunities for supported education and pre-employment transition services for youth and competitive integrated employment opportunities for adults with disabilities.
- 🌱 Increase access to safe, decent and affordable housing.
- 🌱 Address gaps in services.
- 🌱 Explore alternatives to guardianship.
- 🌱 Address disparities in access to services.
- 🌱 Increase input to public policymaking from families and individuals with lived experience.
- 🌱 Increase access to transportation.
- 🌱 Use data for making quality improvements in the provision of services and for advancing the achievement of the plan's goals.

To submit public comment regarding the [draft Olmstead Plan](#), email ncolmstead@tacinc.org.

[Olmstead](#) v. L.C. is a U.S. Supreme Court case that laid the groundwork for people with disabilities to live their lives as fully included members of the community. The case addressed the Americans with Disabilities Act's "integration mandate." The integration mandate requires all public entities, including the state of North Carolina, "administer services, programs, and activities" for people with disabilities in the most integrated setting appropriate to the person's needs. In the Olmstead ruling, the Supreme Court also urged states to develop a "comprehensive, effectively working plan" for transitioning people to the community. NCDHHS has initiated the development of its Olmstead Plan under the leadership of the Office of the Senior Advisor on the ADA.

An Olmstead Plan cannot remedy every need and challenge a state faces in serving and supporting individuals with disabilities. NCDHHS' draft plan is intended to highlight how its current work, its future efforts and its use of resources are viewed through "an Olmstead lens" to achieve NCDHHS' mission under this plan to "assist people with disabilities to reside in and experience the full benefit of inclusive communities." For more information, visit www.ncdhhs.gov/about/department-initiatives/nc-olmstead.

You can also find this press release posted on the NC DHHS website at:

 [NCDHHS Releases Draft Olmstead Plan](#)

FEEDBACK FOR STATE FUNDED SERVICE DEFINITIONS (RESIDENTIAL SUPPORTS AND SUPPORTED LIVING PERIODIC)

The Division of Mental Health, Developmental Disabilities and Substance Abuse Services has posted for 45-day public comment at:

 [Public Comment Link](#)

State-Funded service definitions for Residential Supports (revised) and Supported Living Periodic (new) for your feedback. The public comment review period is from **September 21 TO November 6, 2021** to DMHIDDCONTACT@dhhs.nc.gov. Below you will find a brief summary of the proposed service definitions. *Please note that although the services mirror Medicaid funded services, there are differences noted.*

SUPPORTED LIVING PERIODIC – NEW DEFINITION

-  Supported Living Periodic provides a flexible partnership that enables an individual 18 years and older to live in their own home with support from an agency that provides individualized assistance in a home that is under the control and responsibility of the individual.
-  This service requires a NC Support Needs Assessment Profile (Level 2 or lower), Supports Intensity Scale (Level B or lower), or TBI Assessment requiring a low level of supervision and support in most settings, such as in the community, home, work, etc.
-  Supported Living Periodic may include the following the services and supports:
 -  Direct assistance as needed with activities of daily living, household chores essential to the health and safety of the individual budget management, attending appointments, and interpersonal and social skill building to enable the individual to live in a home in the community.
 -  Assistance with monitoring health status and physical conditions, and assistance with transferring, ambulation and use of special mobility devices.
-  This service may not exceed 28 hours a week.

- ♻️ Transportation to and from the residence and points of travel in the community as outlined in the PCP or ISP is included to the degree that they are not reimbursed by another funding source and not used for personal use.

RESIDENTIAL SERVICES – AMENDED DEFINITION

- ♻️ Residential Supports provides individualized services and supports to enable an individual 16 years and older to live successfully in a Group Home or Alternative Family Living (AFL) setting of their choice and be an active participant in the individual's community.
- ♻️ This service requires a NC Support Needs Assessment Profile (Level 2 – Level 4), Supports Intensity Scale (Level C – Level E), or TBI Assessment requiring a moderate to high level of supervision and support in most settings, such as in the community, home, work, etc.
- ♻️ The service includes learning and practicing new skills and improvement of existing skills to assist the individual to complete an activity to their level of independence.
- ♻️ Respite may also be used to provide temporary relief to individuals who reside in Licensed and Unlicensed AFLs, but it may not be billed on the same day as Residential Supports. Please feel free to share widely with your networks.
- ♻️ Transportation to and from the residence and points of travel in the community as outlined in the PCP or ISP is included to the degree that they are not reimbursed by another funding source and not used for personal use.

Any questions about this Communication Bulletin *that does not already have an email listed for questions from that specific section*, may be sent to the following email: NetworkManagement@TrilliumNC.org. These questions will be answered in a Q&A format and published on Trillium's website.