December 22, 2014

Dear Transition Planning Team,

We are very disappointed with Michigan’s Statewide Transition Plan for Home and Community Based Settings. It appears there is a lack of knowledge of the issues involved, the enormity of the task and what is needed to truly come into compliance. The money spent on a sampling methodology to evaluate conformity to the HCBS rules serves what purpose? It will still be necessary to identify the providers in the pool, beyond those sampled, who are not in compliance.

Presumptions that some percentage of settings will be compliant is based on what? If it is from a provider self-assessment without even an accepted tool to base it on, it is very suspect. Anyone familiar with residential and non-residential settings can confirm that house rules or operation of the settings combined with staff attitudes and even their understanding of their responsibilities has at least as much to do with the violation of the rights of persons served and the lack of true opportunities for community involvement and interaction with persons without disabilities, as any other factor. We see nothing here that even recognizes this.

The issue of isolation of the setting, transportation to community opportunities at the time and in the fashion a person might want is ignored, as is colocation of settings. “Provider owned and operated” are not the only settings which will be found not to be Home and Community Based. Any prediction that all, most or anything but a small number of settings will meet the intent of the new rules, even when not provider owned and operated, is faulty.

Disenrollment from the HAB Waiver as a solution to settings which don’t comply with the rules is, at best, disingenuous and, at worst, evidence of a lack of commitment to Home and Community Based Services, the ADA and the Olmstead decision. Using the alternative Home and Community Based 1915(b) Waiver, especially as part of a (b)(c) combination, to fund those you disenroll, is shameful.

The plan is totally bereft of any “Action Items” which will address the unconscionable disparity between PIHPs and even CMHSPs within PIHPs. Persons served and their families are told, in many places, “we don’t do that here” when requesting Self-Determination or Self-Direction despite a State Policy in that regard. Living circumstances are very limited to group settings in some places, yet other options are available or even encouraged by other areas. Employment of persons served by the “system” continues to drop and some locales have no one in anything but segregated “readiness programs”. Many places are unfamiliar with true supported employment, let alone methodologies such as customized employment or discovery.
I see nothing here which will address situations such as:

- A twelve bed group home for men, a six bed group home for women both located on the grounds/campus of a large child caring institution otherwise isolated and considerable distance from any opportunities to interact with persons without disabilities who weren’t staff.
- Three licensed six bed homes linked to a common eating area (like a nursing home) where the residents wear uniforms to further stigmatize and distinguish them from persons without disabilities.
- A disability specific farm with a “community” center, distant from anyone but the residents with disabilities and their staff (referred to as “sidekicks”).
- A “group” home for 50 residents not just isolated but remotely located with no opportunity for community involvement except in a 25 passenger bus which rarely takes great numbers on an outing.

Most of us were very hopeful and optimistic following the promulgation of the new rules. We were pleased with viewing what an individual should be able to expect from HCBS rather than what didn’t meet the test for HCBS. The ineffective methodology and flawed solutions reflect, in part, the pitiful opportunities for input from advocacy organizations and those affected. Two stakeholder teleconferences/webinars were held. The first was a technological failure; and the second offered no plan, draft nor other information, so comments or input could hardly have been formulated, let alone, be forthcoming. Until the recent release of the Plan Draft, there was nothing to comment on. Now we can comment but engagement has been totally lacking. We have been limited to one opportunity to comment on a Draft Plan which will then be submitted, far, far short of engagement.

Sincerely,

Dohn Hoyle