



Important Questions, Immediate Needs, and Great Opportunities for Adult Services

Informal Report on the Department of Justice Settlement with the Commonwealth of Virginia re: services for Virginians with Intellectual and Developmental Disabilities

by Mark Seymour, Director of Adult Services, Virginia Institute of Autism

Recently, I've been reading a review of the settlement agreement between the U.S. Department of Justice and the Commonwealth of Virginia. As you know, the Commonwealth entered into the settlement agreement when DOJ determined, among other things, that Virginians with intellectual and developmental disabilities are not receiving services in the most integrated, needs-based settings possible.

The settlement agreement has so far generated eight reviews, and it is the eighth one, which covers the period of October 7, 2015 through April 6, 2016 which I have been reading. You can find it on the DBHDS website or at [Eighth Report to the Court from Independent Reviewer](#). At more than 200 pages, it isn't a quick read...and in the interest of full disclosure, I've looked at each page, but some of them I skimmed!

Even without fully digesting each page, however, it is clear that a theme emerges in the document, and that theme takes the form of this *important question*: **why is it that individuals and their families do not have a greater array of community-based day, crisis, residential and employment-readiness programs from which to choose?** Page 6 of the review states it this way:

During the eighth review period, it was determined that the Commonwealth has not made significant progress on the Agreement's provisions related to providing more integrated day and residential programs for individuals in the community.

In fact, some of the ground which had been gained in earlier reports on the settlement agreement is now listed under the heading of "Lost Rating of Substantial Compliance":

Lost Rating of Substantial Compliance:

- *inadequate community-based capacity to support individuals with intense behavioral needs*
- *stays in each Region's crisis stabilization program in excess of 30 days are not allowed*

Still other areas are noted to be in a holding pattern:

Retained Ratings of Non-Compliance:

- *lack of integrated day activities and supported employment;*
- *an individual support planning process that is inadequately focused on helping individuals to learn new skills, to become more self-sufficient, and to become more integrated into their communities.*

Sounds like a problem...or an opportunity!

I vote for opportunity, and here's why: the findings of this report mirror what each of you, as parents and family members have expressed to me. You have asked for integrated, community-based day programming; you have wondered if your family member could receive employment support services; you have considered where to turn when a loved one has a crisis stabilization need; you have wrestled with the reality of your daughter or son's future housing needs.

The report calculates the sum total of these *immediate needs* and arrives at the following blunt conclusion:

It is the considered opinion of the Independent Reviewer that the Commonwealth has far too few service providers and qualified professionals available to meet the needs of the target population. Almost all stakeholders, at all levels of the system and in all geographic areas, identify the lack of adequate provider capacity as a major obstacle. The Commonwealth needs to significantly increase the number of providers with the expertise and experience to provide services to individuals with intense behavioral and medical needs, to individuals with Autism Spectrum Disorders, or to provide such services in integrated settings.

So, here are the *great opportunities* before us:

- **First**, we have the opportunity to serve the needs of adults and their families in the most innovative, effective, and person-centered program possible.

The field of providers licensed to provide day, consultation, and residential services could narrow, in spite of the stated need for more services. This narrowing of the field could come from increased regulatory scrutiny; enhanced scrutiny would be the result of previously lax regulatory oversight. In his second report, the independent reviewer made this finding, which he references in his most recent report:

...regulations are reported to set low standards, to be broadly written, to be too vague to be effectively enforced, and to have not kept up with changes in the field of practice.

What this means for VIA is that we must remain current on regulations, committed to our mission, and conscientious in our provision of services to adult learners and their families. This is our opportunity to be a resource to our present and future Academy families as well as other providers, and to be the provider of choice within our region!

- **Second**, we have the opportunity to set the bar for integrated day services. Currently, no threshold has been established, as noted by the reviewer:

The Commonwealth should establish baseline data, develop targets for the number and distribution of providers, and performance indicators for the provisions of Integrated Day Activities...This definition of integrated day activities assures that the activities are meaningful. It also assures activities are available at times so an individual will be able to have an active, community-based daily routine. Integrated Day Activities will include community education or training and recreation and volunteer activities. The definition is outcome focused.

Integrated day activities must be offered in the community, facilitate the development of meaningful relationships with typical individuals, and facilitate community inclusion.

Fortunately, the staff at VIA are already providing a variety of daily, meaningful, integrated community-based programs. This is our opportunity to be instrumental in the establishment of best practice!

- **Third**, we have the opportunity to engage in crisis prevention and assist individuals in community-integration through behavioral support services. Currently, the needs of individuals in crisis cannot be fully met, much less addressed preemptively on a large-scale basis as noted in the report:

DBHDS should assess and determine the need to develop additional community-based provider capacity to deliver needed behavioral support services in each Region... Focus group participants expressed concerns about the limited capacity throughout the service system. The areas of limited capacity include the insufficient number of Crisis Stabilization programs; the woeful lack of behavioral support professionals; and the shortage of residential, day, and respite providers.

VIA's Adult Services currently provides therapeutic behavioral consultation, and this is our opportunity to expand these services to additional families within the community!

- **Fourth**, we have the opportunity to partner with each of you in planning for residential needs. The current supply of residential providers is not necessarily geared toward individuals who may need behavioral support, as reflected in the report:

The development of new and additional provider capacity is critical to the Commonwealth's ability to sustain progress. The extent of the organizational changes that are needed, however, is more akin to developing a new industry to support scattered site housing for people with intellectual and developmental disabilities. The Commonwealth's HCBS waiver has provided incentives to provide congregate residential settings for individuals with average needs. As a result, while there are hundreds of ID and DD providers, there is a significant shortage of providers who serve individuals with intense medical and behavioral needs and service providers who provide supports to individuals in integrated settings.

Without a current housing opportunity at VIA, we are facing immediate needs while at the same time positioned to adapt to new regulations. This is our opportunity to engage in the start-up of an entirely new service!

- **Fifth**, we have the opportunity to explore the creation of job support services. As envisioned by DOJ, such services would be achieved through the cooperation of the provider, DBHDS, and DARS (Department of Aging and Rehabilitative Services). The report addresses these needs as follows:

The Commonwealth is to develop an employment implementation plan to increase integrated day opportunities for individuals in the target population including supported employment, community volunteer opportunities, and other integrated day activities.

The Adult Academy hosted a meeting of DARS representatives on June 27 to consider the possibilities of VIA becoming a DARS “vendor,” thus allowing us to provide and be reimbursed for these services. Such services may also require CARF (Commission on Accreditation of Rehabilitation Facilities) accreditation for adult services, and the Academy is already in conversation with CARF about this. This is our opportunity to expand services to include integration into the workplace!

So the outcome of the report, all 212 pages, isn't all bad. In fact, it's full of what appear to be great opportunities! I'll keep you posted on new developments.

Best to you,

Mark