

Disabilities Concerns Subcommittee Meeting Sept. 17, 2020

Challenges to Disability Services During the COVID Pandemic

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Broad Range of Disabilities and Disability Services

- Disabilities: physical, cognitive/behavioral, sensory
- Publicly-funded services to people with disabilities, in addition to DD and special education [covered by other panels today]:
 - Community Benefit under Medicaid
 - Vocational Rehabilitation (DVR, NM Commission for the Blind)
 - Behavioral health
 - Governor's Commission on Disabilities
 - NM Commission on the Deaf and Hard of Hearing

Community Benefit (CB)

Overview

- Home and community-based services available to anyone on Medicaid who meets Nursing Facility Level of Care (NFLoC) but wants community services instead of nursing home
- Population affected: frail seniors and persons with disabilities
- No waiver slots needed; the benefit is available to all who need it
 - There are some "waiver" slots available – allows people from 139% to 225% of Federal Poverty Level who meet NFLoC to enroll in Medicaid and get CB
- Last year (2019): Over 25,000 adults received one or more CB services
- Some improvements have been made to assessment system, but:
- Still have the same issue that we brought to LHHS 4 or 5 years ago:
 - There is a wide array of services on the menu
 - Most (over 24,000) get personal care (attendant service, household help)
 - About 500 get assisted living
 - Many available services are provided to 20 or fewer
 - Some services are not actually provided to **anyone**

Impact of COVID

- Temporary provider rate increases have been provided for many other Medicaid providers and for DD waiver providers, recognizing the increased risks for workers, frequency of overtime work, and cost of providing PPE. But no consideration by HSD for CB providers
- Retainer payments to support agencies and their workers: More delayed and more limited for CB providers than what was offered to DD providers
- Reports from HSD: no reductions or problems in CB services due to COVID
- Have not received updated utilization data yet from HSD
- Advocates concerned that HSD has delegated too much authority to the MCOs and is not exercising as much oversight and control as it could and should

- Appreciate that HSD staff have been meeting with us to address concerns, but encourage LHHS to keep this on your radar screen for future hearings

Vocational Rehabilitation services

Overview – Division of Vocational Rehabilitation

- Mission is to assist people with disabilities to obtain employment
- Mostly federally funded with state matching funds; similar to Medicaid but cap on federal allotment
- Still part of PED, but may move to Workforce Solutions.
- Budget cut of \$1.7 million based on final adjusted budget for current year
- 38 vacancies in Rehab Unit that provides direct services to persons with disabilities (21% vacancy rate across all divisions)
- Average caseloads up to about 160 per worker (used to be 100 – 125).
- Order of Selection creates waiting list for all except those with most severe disabilities. DVR reports taking 638 people off waiting list in past year, but only about 30% of these received services. Others couldn't be found, uninterested, ineligible.
- Youth transition: contract with REC #5 was \$2 million, now \$1 million
- Good news: 6 new counselors with exclusive focus on youth transition

Impact of COVID:

- Many IPEs (Individual Plans for Employment) are on hold or behind schedule – e.g. uncertainty over college classes and schedules
- Particular challenges in on-line communication with persons with mental illness, brain injury
- Job market has presented far greater challenges than usual

Behavioral Health for children in CYFD custody and/or foster care

This issue was addressed in litigation filed several years ago and a settlement has been reached in this case, which is called *Kevin S.*

- Plaintiffs and defendants (CYFD and HSD) working together with national experts (“Co-Neutrals”) to achieve agreed-upon goals
- COVID19 has caused a delay in achieving some of the planned outcomes. Pandemic having a particular impact on the children and families most in need of services.
- Plaintiffs are pleased that state is working with Dr. George Davis on a screening tool to identify children in need, and in support of task force developing plans for the wraparound services that these children need. Also working on regulations to govern administration of psychotropic medication.
- Some of most immediate concerns involve returning NM children from out of state placements and enhancement of placements and services in NM