

September 13, 2012

Disabilities Concerns Subcommittee

Testimony on Money Follows the Person

Good afternoon Mr. Chair and committee members. Thank you for including us on the agenda for today's meeting. My name is Nat Dean and I am from Santa Fe. I am a disability advocate/self advocate and a survivor of traumatic brain injury.

I hope that as my colleague provided you with some background of the Money Follows the Person Act of 2006 (see handout), Senate Joint Memorial 9 (see handout) and the Money Follows the Person Demonstration Grant New Mexico received (also referred to as MFP), that you have now gained some further perspective on what a program such as this could have meant to people like us and our community who deal with significant disabilities. We walk a stressful tightrope as we try to maintain our independence through access to home and community-based services to support our desire to live independently and live well with disability in our own homes and the community.

Sadly, the Human Services Department (HSD) made a decision to withdraw from the MFP Demonstration Grant in writing on May 31, 2012 without obtaining significant input from the community that this grant was designed to provide supports for. (See HSD withdrawal letter handout.) Despite the indication by HSD in October of 2011 to the distinguished Medicaid Advisory Board (MAC) that MPF would become a component in the Centennial Care Plan it sadly will not be so. I was present as a member of the public and signed up to provide stakeholder input.

Even more confusing to our community was the fact that in early June of 2012 HSD held a public hearing on proposed MFP regulations; which I was also present

at again as a member of the community. This hearing was held AFTER sending out their letter of withdrawal in May and there was no mention made at said hearing about HSD's plans to discontinue participation in MFP. The discovery of the withdrawal letter, uncovered at a later date, came as a shock.

When I speak of input from the community, I am talking about people like us who sit before you today. Some call us stakeholders; some call us self-advocates while others refer to us as consumers. Whatever we are called, we are the REAL folks who need to know that if the cards don't fall just right and the ducks aren't lined up in a row due to circumstances beyond our control, we don't want to fall through the cracks and lose the opportunity to live as independently as possible. For the purpose of this discussion I'll call us advocates.

In June of 2012 HSD issued a Fact Sheet (see handout) which stated that advocates had expressed concerns at a recent stakeholder meeting about the difference between Medicaid and MFP nursing home facility stay requirements of 30-days vs. 90-days, respectively, prior to receiving home and community-based services. The Fact Sheet's last sentence stated that we would be more interested in supporting a plan to fill waiver slots from the "c" waiver registry rather than supporting the MFP grant which HSD said would not result in a material savings for the state.

Such a statement is disturbing because of the fact that there was only one minimally advertised Stakeholder meeting held in March 2012 which introduced the MFP staff from HSD, announced MFP implementation plans and asked attendees to sign up for 'workgroups' to assist in the in MFP implementation efforts. Approximately five advocates were in attendance; I was among those, while the rest of the sizable audience consisted of service provider and agency representatives. Another 'stakeholder' meeting was scheduled for May 10, 2012,

which was cancelled and never rescheduled. This makes us wonder where such a statement could have come from or how it represented a significant segment of the disability community especially with so little outreach to advocates.

We know that New Mexico is a national leader in spending more of its Medicaid dollars on community services rather than nursing homes and state institutions. This does not really support a decision to withdraw from MFP when HSD's MFP grant application stated that there were still 5,700 individuals in institutions, many of whom could have been transitioned to home and community settings through the implementation of MFP. HSD originally projected the transition of 670 individuals over the five-year grant period. The June 2012 Fact Sheet generated by HSD about MFP indicated that only 75 persons per year would be taken off of the "c" waiver registry over five years. That could have been 375 persons over the five year period if MFP had been implemented in a timely fashion... **THREE HUNDRED AND SEVENTY FIVE PEOPLE JUST LIKE US!** There would have been plenty of facility residents meeting the 90-day requirement wanting to return to their community. As a matter of fact, the average stay quoted on the MFP grant application for New Mexico was indicated to be 76 days. As you've most likely heard earlier today, the CoLTS-C (D&E) waitlist stands at over 17,000. (See letter from DRNM's Jim Jackson to HSD dated June 22, 2012 handout.)

Could New Mexico's residents who might been provided with proper transition supports to reintegrate into the community by MFP experienced a higher quality of life? Yes, we believe so. We are looking at dangerous trends in how decisions are being made about us without us.

One personal story is that in 2008 a significant episode landed me in the hospital for several weeks and in subsequent home-based care for several months. If I had not received the support of the Traumatic Brain Injury Trust Fund of New Mexico,

home-based care and family back-up at that time I could have lost my footing, ended up in a residential or rehabilitation facility and not had a home to come back to. It's a painful reality that once we lose our residence it's next to impossible to come up with first and last month's rent, security deposits, establish utility accounts and acquire basic necessities on a meager income from SSI or SSDI. These are just a few examples of the kinds of supports MFP could have provided grantees in need.

We welcome any questions from the committee and would be happy to provide any documentation you might request. Thank you for your time and attention Mr. Chair and all committee members and to Senator Lopez. The three of us especially thank you for helping us to feel that the Roundhouse is our house by allowing us to appear before you this afternoon and throughout the process of following this issue over the years. I would now like to turn to Mr. Adam Shand for some closing comments.

