

**Department of Health and Human Services**  
**Transitions To Community Living Update for the Appropriations Committee**  
**U.S. Department of Justice Agreement**  
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**Background**

Olmstead Supreme Court landmark decision came in 1999: Title II of the ADA (passed in 1990) prohibits the unjustified segregation of individuals with disabilities. In July 2010- Disability Rights Network made complaint regarding North Carolina's use of Adult Care Homes for individuals with serious mental illness.

US DOJ findings letter July 2011- The State's prioritization of investment in institutional settings at the expense of community-based settings. Many individuals with mental illnesses continue to live in long term care settings because there are not yet more appropriate alternatives available to them in their communities. On August 23, 2012 DHHS signed an agreement with the US DOJ to settle claims that the state of North Carolina had violated the American with Disabilities Act with respect to individuals currently residing in Adult Care Homes and state psychiatric facilities who were considered to have severe and persistent or serious mental illnesses.

In July just prior to the signed agreement North Carolina Department of Health and Human Services ("DHHS") created a transition team steering committee at the State level. The Transition team meets twice a month and has the mission to implement the settlement agreement. Initiative is called Transitions to Community Living Initiative. The structure includes working groups on In reach and Transition, Diversion, Housing, Services, Quality Management.

**In-reach and transition/discharge planning**

Requirement- within 90 Days of the signed Agreement – the state will work with LME/MCOs to develop requirements and materials for In-Reach and Transitions coordinators and teams. -Training Documents and Materials for In Reach and Transitions were drafted by mid November for a series of trainings on how to provide In Reach and the Transitions procedure. Trainings for In Reach and Transition: As of February 26<sup>th</sup> all LME/MCOs and state hospitals have been trained. Twice a month conference calls with all in reach and transition workers- this is for both training and technical assistance.

Within 180 days after the Agreement is signed, LME/MCO will begin to conduct ongoing in-reach to residents in adult care homes and State psychiatric hospitals. In reach has already began- by February 27<sup>th</sup> over 36 Adult Care Homes have been contacted and LME/MCO staff have started educating individuals in adult care homes about other living options. Coastal Care has 12 individuals who have already identified through in reach that they would like to move to independent living. To date we have 3 individuals in a DOJ housing Slot and 2 more approved to move.

**Diversion**

Beginning January 1, 2013 any individual being considered for admission to an adult care home must be screened by an independent screener to determine whether the individual has SMI/SPMI. PASRR screening began December 31<sup>st</sup>. PASRR completions to date: 212 screens level 1 screens in January and 359 screens as of February. Temporary rule took effect 3/1/2013.

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**US DOJ SETTLEMENT BUDGET**

	SFY 12-13 Partial Year	SFY 13-14	SFY 14-15	SFY 15-16	SFY 16-17	SFY 17-18	SFY 18-19	SFY 19-20
<b>US DOJ Settlement Requirements:</b>								
• Number of Community Based Housing Slots -	300	400	708	1,166	1,624	2,082	2,541	3,000
• Number of Supported Employment Slots -	100	250	708	1,166	1,624	2,085	2,500	2,500
• Number of individuals served by ACTT Teams	3,225	3,467	3,727	4,006	4,307	4,630	5,000	5,000
<b>COST SUMMARY:</b>								
• Community Based Housing Development and Support	2,860,000	4,830,280	7,314,557	10,880,790	14,438,105	18,037,117	21,686,474	25,378,374
• Community Based Services/Supports	2,359,270	5,274,545	8,902,601	13,416,374	18,031,049	22,667,662	27,164,452	29,951,500
• MCO In-Reach/Transition Coordination	1,010,938	2,487,500	2,487,500	2,487,500	2,487,500	2,487,500	2,487,500	2,487,500
• Consumer Screening	183,750	345,000	345,000	345,000	345,000	345,000	345,000	345,000
• DHHS Oversight and Quality Management	434,070	946,950	395,000	395,000	395,000	395,000	395,000	395,000
• Independent Reviewer	<u>250,000</u>	<u>250,000</u>	<u>250,000</u>	<u>250,000</u>	<u>250,000</u>	<u>250,000</u>	<u>250,000</u>	<u>250,000</u>
<b>Total</b>	<b>7,098,027</b>	<b>14,134,275</b>	<b>19,694,658</b>	<b>27,774,663</b>	<b>35,946,654</b>	<b>44,182,279</b>	<b>52,328,426</b>	<b>58,807,374</b>