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## DISABILITY RIGHTS CENTER OF ARKANSAS

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Tom Masseau  
Executive Director

Health Services Subcommittee

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Testimony by Tom Masseau, Executive Director

Senator Caldwell, Representative Mayberry and members of the Health Services Subcommittee, thank you for allowing me this opportunity to provide comments from the Disability Rights Center of Arkansas regarding the Community First Choice Option.

I am Tom Masseau, Executive Director, of Disability Rights Center of Arkansas (DRC). DRC is a private nonprofit organization designated by the Governor to implement the federally authorized Protection and Advocacy systems. Our mission is to assist people with disabilities through education, empowerment and protection of their legal rights. We serve all Arkansans with disabilities of all ages. We provide services through information and referral, direct advocacy and legal representation. DRC also provides training and outreach throughout the state. During fiscal year 2013, DRC provided information and referral to over 1300 individuals and provided direct advocacy and representation to over 350 Arkansans with disabilities.

Every year, the DRC Board of Directors solicits input into the development of the agency priorities. This solicitation is accomplished through public surveys and analyzing the reviewing prior year's request for assistance. In Fiscal Year 2014, the Priorities established are as follows:

- Community Integration and Institutions
- Housing
- Employment
- Education
- Accessibility

The priority and objective that is most relevant today falls under the Community Integration and Institutions priority. This priority focuses on ensuring that individuals with disabilities will be free from abuse, neglect, and the unnecessary use of restraint and seclusion. It focuses also on the idea that individuals should receive quality support services, rights protection and be empowered to make choices in their lives.

Before I begin my comments, I want to thank Dr. Green and his staff for developing a plan that will end the community services waiting list and provide opportunities and choice for all Arkansans.

In 1999, the Supreme Court ruled in *Olmstead v L.C.* that public entities are required to provide community-based services to individuals with disabilities when, a) such services are appropriate; (b) the affected persons do not oppose community-based treatment and, (c) community-based services can be reasonably accommodated, taking into account the resources available to the entity and the needs of other who are receiving disability services. Essentially state and local governments need to provide more integrated community alternatives to individuals in or at risk of segregation in institutions or other segregated settings. (US Department of Justice, Civil Rights Division, "Statement of the Department of Justice on Enforcement of the Integration Mandate of Title II of the Americans with Disabilities Act and *Olmstead v L.C.*") Further, the *Olmstead* decision required each state to develop a plan that would place individuals with disabilities in less restrictive settings.

Following the *Olmstead* decision, former Governor Mike Huckabee formed the Governor's Integrated Services Taskforce. This taskforce was charged with assisting the state Department of Human Services in writing an *Olmstead* Plan. In 2003, the Taskforce completed its charge and developed The *Olmstead* Plan in Arkansas. The plan contained over one hundred recommendations for the state Department of Human Services and members of the Legislature to consider. The report highlighted the intent of the state's movement towards providing services in less restrictive settings. Enactment of the Community First Choice Option will help to fulfill some of the recommendations identified over eleven (11) years ago.

We acknowledge the state's efforts to eliminate the waiting list for services and are anxiously awaiting the implementation of the Community First Choice Option. I understand that it will take approximately 18 months to two years to completely eliminate the 2,800 individuals on the waiting list, but it shows there is light at the end of the tunnel.

Individuals want access to waiver services in the community. In fact over 2,800 individuals are on the waiting list for waiver services, as opposed to just around 50 waiting for services at the facilities. The Department of Human Services has invested two years of planning and input gathering from all constituent groups to design a comprehensive system that will serve all eligible Arkansans.

The State and Legislature needs to invest in providing community based services, as it is evident these are the services individuals are demanding. If we need another example, of why community based services is a good thing, then consider that the state is spending twice as much to provide services in the Human Development Centers (\$117,459 versus what is being spent on to provide waiver services in the community (\$59,126). The implementation of the Community

First Choice Option will save \$365 million of state general revenue the next 12 years. Additionally, the State will benefit from a 6% increase to the federal match rate for the program.

We are at a critical point in Arkansas. The State and Legislature should implement the Community First Choice Option to comply with Olmstead and ensure the 2,800 individuals on the community services waiting list receive services in the least restrictive setting.

Again, thank you for allowing me the opportunity to speak before you today and I would be happy to answer any questions you may have.