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Interested Party Testimony on House Bill 166
House Finance Subcommittee on Health and Human Services
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Chair Oelslager, Ranking Member Cera, and members of the House Finance Committee, thank you for the opportunity to provide testimony in consideration of House Bill 166 ("HB 166"). Disability Rights Ohio ("DRO") is designated by the Governor under federal law as the protection and advocacy system and client assistance program for people with disabilities in Ohio. A nonprofit 501(c)(3) corporation, our mission is to advocate for the human, civil, and legal rights of people with disabilities in Ohio. Our thirteen member board is made up of a majority of people with disabilities from around the state who live, work, and play in a variety of settings.

HB 166, the state's biennial budget, provides additional financial resources to essential services for people with disabilities and mental illness in Ohio. DRO applauds the House for maintaining and increasing several of Governor DeWine's investments helping to address critical issues impacting Ohioans. This testimony will highlight six (6) budget proposals that when passed will provide additional supports to help people with disabilities and mental illness maintain their independence and live and work in their communities:

- 1. Direct Service Provider ("DSP") wage increase** for the Department of Developmental Disabilities ("DODD") from \$11.12/hour to \$13.00/hour. This additional increase proposed by the Finance Committee in DSP wages is critically needed as there is a shortage of providers in the DODD system. These individuals provide essential care to people with disabilities, including laundry, personal care, assisting in transportation, and accessing activities in the community. Without these essential services many individuals would not be able to live in their own homes and would be forced into much more expensive institutional care. This increase will help retain staff and ensure broader access to community-based services and supports.
- 2. Access to home and community-based waiver supports** from the Department of Medicaid ("ODM") through DODD are essential. The substitute bill further increases the investment in the waiver program enhanced by Governor DeWine's proposed budget. This continued investment will help support the three (3) DODD waiver programs administered by the County Boards of Development al Disabilities: Self-Empowered Life Funding Waiver; Level One Waiver; and Individual Option Waiver, which currently serve

40,000 individuals.¹ These enhancements will help provide for services like career planning, nursing services, and homemaker personal care services.

3. **Multi-System Youth** funding increases within the executive budget and further increased in the substitute bill are critically needed to help support youth receiving services from multiple state agencies building upon recommendations made by the Recovery Ohio initial report. Many of the children served by DRO are multi-system youth who need better coordination and availability of services like peer support programs and wraparound services. DRO applauds the Finance Committee for addressing the concerns of custody relinquishment for children to access needed services and requiring the Ohio Family and Children First Council to develop an action plan to implement the Joint Legislative Committee for Multi-System Youth recommendations. Further work in this area is necessary to implement recent changes in federal law to the IV-E program.
4. **Mental Health Services in Schools** funding increases proposed by the Governor, and maintained by the Finance Committee, are needed investments which will allow students to access mental health services and supports through coordination with behavioral health providers. These services promote the full continuum of care including peer mentoring programs and wraparound supports, to help stabilize youth, avoid unnecessary residential placement or hospitalization, and prevent youth from experiencing a crisis.
5. **Increased State Share for vocational rehabilitation funds** are necessary to drawdown the over \$131M in available federal matching dollars. The Opportunities for Ohioans with Disabilities Agency provides valuable services helping people with disabilities find employment services, however it is our hope the state could drawdown the full federal share. We are encouraged that the budget provides an increase in this funding but we know more needs to be done as the unemployment rate is double for people with disabilities.² We look forward to working with OOD to ensure these critical services enable people with disabilities to enter the workforce and maintain employment.
6. **Increased investments for mental health services in state prisons and juvenile correction facilities** is essential. The substitute bill maintains the additional funding to provide mental health services to inmates and while keeping those with mental illnesses out of restrictive housing. Further, the bill maintains additional funding to the Department of Youth Services for several programs ensuring youth access to mental health services through the System of Care initiative and RECLAIM Ohio. Both programs divert youth from the juvenile justice system and into community-based services.

¹ Department of Developmental Disabilities LBO Analysis of Executive Budget Proposal, 2019

²Bureau of Labor Statistics, U.S. Department of Labor, *Persons With A Disability: Labor Force Characteristics - 2018*. This report indicated unemployment for individuals with a disability 16-64 had an unemployment rate of 8.7% compared to 3.8% for those without a disability.

Again, DRO would like to applaud Governor DeWine and the Finance Committee in their efforts to enhance services for people with disabilities in Ohio through the state's biennial budget.

Finally, we draw the committee's attention to the provision of the substitute bill that creates section 5123.603 of the Revised Code. This amendment would establish extreme legislative oversight of a private entity, Disability Rights Ohio, by requiring a joint legislative committee to biennially review the designation of Disability Rights Ohio as the state's protection and advocacy system (P&A) and client assistance program (CAP) for people with disabilities.

As a non-profit that does not receive any state funds, Disability Rights Ohio is unclear as to why this level of government oversight is being proposed. Every state and territory has a P&A and CAP designated by their governor, but no other state has created this type of legislative proposal. In fact, Disability Rights Ohio left the state as an agency and was re-designated under Governor Kasich in order to maintain its independence and to improve our abilities to act as an independent, important check and balance on abuse and neglect against people with disabilities in Ohio.

Under federal law, redesignation can only occur by the Governor and then only if there is "good cause". Good cause decidedly does not include disagreement with advocacy priorities of the P&A. There are elaborate procedural requirements [42 USC § 15043(a)(4); 29 U.S.C. § 732(c)(1)(B)] including notice and hearing requirements. Federal grant authorities closely oversee and review the re-designation and transfer of the grants from the existing P&A to a new designee.

We have contacted our federal regulators to give the state technical guidance and address the potential issues this could create. The relevant department directors were not aware of the language, which potentially jeopardizes federal funding in other programs. This includes approximately \$105 million dollars per year of federal funding for the Ohio VR authority, the Opportunities for Ohioans with Disabilities, that is dependent on the existence of a properly independent and functional CAP.

The amendment to remove this language, HC2297 should be approved and time permitted to allow for appropriate discussion with federal regulators to address any funding concerns impacting other state agencies and DD Act funded entities. This would also allow us to meet with the proponent of the amendment to determine what specific concerns led to its inclusion in the bill.

Thank you for the opportunity to provide written testimony as an interested party on HB 166. If you have any questions or wish to discuss these issues further please reach out to me or Lisa Wurm, Director of Policy and Advancement at (614) 466-7264 x102 or lwurm@disabilityrightsohio.org.