

Chairman of the House Finance Committee

Dear Chairman Ryan Smith,

The new wording in HB64 which clarifies " that the employer of record for a direct care worker must be either an Individual who self directs care or an agency, not the State of Ohio, is nothing more than **another guise to eliminate Independent Providers by the Kasich administration ,so that the most "vulnerable" of the disabled citizens of Ohio will be forced to bear the full burden of the State's responsibility to comply with the changes in federal labor laws.**

My Name is Peggy Cooley. I am the mother, legal guardian and advocate for my daughter, Kit. She lives with multiple special needs: cerebral palsy,(spastic quadriplegia), cortical blindness and a seizure disorder. She is 23 years old and lives at home with her father and me. Kit attends a wonderful vital and active adult day care program where she spends time with her 20 "friends" five days a week.

I am also an educated person. I received my masters degree from the University of Chicago MBA Executive Program: Class of XP54 1985.

This is the first time in the 23 years of advocating for my daughter that I have felt it necessary to share my educational information. I am sharing it now because the Kasich administration obviously thought that we, the disabled community, would be too " disabled" to see through this **entire charade** that has been orchestrated by the OHT department, under the direction of Governor Kasich, **to pass the entire burden of compliance to new federal labor laws onto the most vulnerable of the disabled citizens of Ohio. This burden includes** the loss of jobs for over 14000 Independence Providers, **the loss of the freedom for 16000 citizens to chose** who will provide their home health care needs. This burden **also threatens the livelihoods, health, safety and welfares of these** 16000 citizens and their families. **This burden also will result in a major shortage of the most qualified home health providers and increase the number of disabled citizens who will be forced to leave their homes and be institutionalized.**

This charade began with **the unfounded allegations of fraud among Independent Providers** and continues in **the ruse of being allowed " freedom of choice of our** home health providers" if we, the consumers, elect to participate in a self directed option added to our existing HCBS Medicaid waivers.

My daughter already enjoys every single benefit that this Executive Budget claims she would have if she elects to participate in a self directed waiver. These benefits are already provided for her on the DODD IO (individual options) waiver through her ISP(Individual service plan). Kit's ISP is 50 pages in length. This annual ISP was developed by me and Kit's CCBDD Support Administrator (SA). I already recruit, hire, supervise, train and fire Kit's providers. All services and supports are detailed in her ISP plan.

In addition, there is a Cost Projection Report included in Kit's ISP that shows the amount of supports authorized during each span. It shows the providers that I have selected, how much service they can provide and bill for, as well as the cost of all units of service. The ISP provides details about how these services should be delivered.

Fraud preventive measures are built into the system, contrary to what the OHT would have you believe about the total lack of fraud oversight over IPs . Kit's SA visits Kit at her adult activity center: Kit's SA has face to face meetings with me in our home. IPs also have annual compliance reviews. There is always a follow up call from the compliance officer to request my input about the IP's performance. Kit's Independent Providers are listed on Kit's ISP as well as how many hours are allocated to each IP to bill.

I attended the ARC hosted meeting in Columbus, along with 520 other participants to learn what the "Employer Authority" would entail. We were informed that there would be two options to chose from under "Employer Authority". One option is known as Common Law Employer Authority, and the second option is known as Co-Employment Employer Authority. **Both of these options are very confusing, complex and unrealistic** options for consumers with complex I/DD needs and their legal guardians. As a parent of a multiple handicapped child, I am simply unable to take on more responsibilities and

challenges than I already have !!! Because I **cannot realistically chose the "Employer Authority"** this means that I will lose Kit's providers, many of whom have been with us for over a decade. **I am terrified that Kit will then have to be placed in an institution.**

I respectfully ask that this House Committee and any other state lawmakers be provided the opportunity by the DODD and the ODM to sit through the same presentation that I and 519 other participants sat through at the Hollywood Casino in Columbus on March 26th, 2014. With **the mistrust of the Kasich administration** that currently exists within the disabled community, I would suggest that a group that represents the disabled community also be present at this presentation.(IPs, consumers, guardians, members from each of the county boards of developmental disabilities, etc.)

In the Executive Budget it states that less than one percent of Ohioans receiving Medicaid HCBS (home and community based services) are formally enrolled in self-direction. Again, I respectfully suggest that this committee take a look at all of the **many problems stemming from MyCare Ohio**. The SELF waiver has only been able to add 24 consumers to the self directed option over the past two and a half years !! This program is still be tested to see if it even works for these 24 people.

I would also like to point out that the Ohio Department of Medicaid and the DODD are facing some major challenges ahead of them in the transfer of over 2000 TDD waivers over to IO waivers. 1000 of these TDD waiver consumers have been identified as requiring nursing services. It is my understanding that there is currently no nursing services available on the IO waivers. To get a feeling for **the train wreck that lies ahead**, please take note that it took **almost 8 months to transfer one** person from a TDD waiver to an IO waiver. That one person is my daughter. I could have never made it through this process without the amazing support of the CCBDD staff. Now imagine adding a self directed waiver to all of the existing DODD IO waivers and the DODD Level One waivers and the 2000 TDD waivers into this mess. This amounts to **reckless endangerment for the 16000 Ohioans who have been diagnosed as having complex/multiple disabilities,**

In the Executive Budget (HB64) Greg Moody makes the statement that "Ohio Medicaid has the authority to add the self-directed option to any waiver". While this may be true, the U.S. Secretary of Labor also sent a letter to Governor Kasich cautioning him that **whatever measures the State of Ohio takes to comply to the changes in the labor laws, that careful attention must be given to the legal rights afforded to individuals with disabilities.**

Thank you for providing me this opportunity to "shed some light" on this budget proposal and to be able to **express my concern that my daughter's legal rights not be denied her by the Kasich Administration, as a result of the changes in the federal labor law.**

Respectfully submitted,

Peggy Cooley