

Testimony of
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Ohio House Finance Committee

Chairman Smith, Vice Chairman Schuring, Ranking Member Driehaus, and members of the Finance Committee, I am grateful for this opportunity to appear before you today. I am the father of a son with developmental disabilities and a member of the Seneca County Board of Developmental Disabilities.

I would like to begin my testimony by extending my thanks to the members of the Finance Subcommittee on Health and Human Services for the endless hours they spent listening to testimony from scores of individuals with intellectual or developmental disabilities, as well as parents, family members, caregivers and professionals working in the field. I was impressed not only by the sincerity of the committee members, but also by the compassion and sensitivity they demonstrated throughout the hearings. I feel that they truly understand the issues that we are so concerned about.

While the amendments to HB 64 do afford individuals some relief, with respect to sheltered workshops, it is a mixed result. Allowing sheltered workshops to continue to provide employment services for those individuals currently working there is definitely a step in the right direction, but, as I read it, it sounds as though it closes the door to new admissions. If that's correct, new graduates from the school program will be funneled directly into community employment and will not be able to choose to work at a sheltered workshop. Despite the Olmstead decision, it would appear that Employment First initiative is going to usurp their right of choice and will dictate where those individuals receive services.

While that alone presents challenges, unfortunately, the situation gets even more complex because there are federal issues at play here as well. As parents, family members, caregivers and professionals in the field, we need to ask for your help in preventing what could become the perfect storm and one that will have catastrophic consequences for individuals in Ohio and across the country.

A young man from our school program came with his family to offer testimony here in March. In the wake of recent events, let me share what his future may look like. Despite the myriad supports

available to him, John won't be able to find and retain a job in the community due to his challenges and severe anxiety issues. Along with his family and his team, he has indicated that he would like to work in our county board sheltered workshop. John will graduate in early May. If he enters the workshop right away, he may be grandfathered in and allowed continue to work there under the amended budget bill provisions. Otherwise, John will be forced to go through the unnecessary stress and embarrassment of multiple failed attempts at community employment before Vocational Rehabilitation will deem him "unemployable," thus making him eligible to apply to the workshop.

But the story doesn't end there. It was announced this week that on April 16, the U.S. Department of Education planned to enter into the Federal Register a draft rule which specifically forbids states or schools from entering into agreements with any entity to employ people with disabilities at less than minimum wage. By the very nature of the type work available in sheltered workshops, this rule will effectively close workshops across the nation because it will be financially impossible for them to comply with the minimum wage requirement.

Let's go back and see how this impacts John. When he wasn't successful in community employment, the workshop was his safety net. It afforded him a sense of dignity by allowing him to perform real work. It gave him a source income. And it offered him a place to go during the day. If the workshops are forced to close, John will be left without a job, without income, without activities to fill his day and without an opportunities to see friends. Without the workshop, John will likely spend his days at home.

The most obvious solution would be to give John a waiver so that he can receive day services in the 1:4 cohorts in the community. Sounds simple enough, but who is going to fund that waiver? If John were a unique case, the answer would be easy, but there are thousands of individuals just like John in Ohio, who, due to their personality, their behaviors and/or the nature of their disabilities, are not able to get and keep a job in the community. The proposed number of additional waivers will not satisfy the need across the state. Nationwide that number will be staggering.

Ladies and gentlemen, sheltered workshops and special education programs began in Ohio in the middle of the last century when most individuals with special needs were kept at home. However, because parents wanted something better for their children, they began to ask questions and explore the possibilities. Slowly programs began to emerge, sometimes operating in church basements or an empty room at a community center. It was a humble start, but families didn't give up. They envisioned a future for their children that allowed them to learn, to focus on their abilities,

to enjoy opportunities to socialize and to work. We can't afford to go backwards and have individuals to stay home for lack of available services.

The perfect storm I alluded to earlier is being precipitated by an unanticipated convergence of rules and laws including closing the front door to workshops, the federal rule requiring workshops pay minimum wage, Employment First mandates, and the impact of conflict-free case management. Parents and families are left to wonder what the future holds. The Department talks about a plan to offer day services that will afford individuals a variety of opportunities for community integration. While the concept may sound promising, too many parts of the plan have yet to be clearly defined. While the Department talks about 1:4 ratio for supervision, that number simply doesn't work for a great number of individuals. And for individuals who won't find full-time employment in the community, where is it that they will spend their non-working hours for day services? Perhaps the biggest question of all is transportation and it hasn't even been addressed yet. How are individuals going to be transported to and from all these locations? Even in our smaller community it would require a veritable fleet of wheelchair-accessible vehicles, not to mention the insurance, maintenance and fuel to keep them in operation.

All of these unanswered questions leave individuals, parents and family members trembling in fear. The future isn't clear. It's hard for us to plan or know what to expect next. We cannot allow ourselves to go back to the middle of the last century when individuals were kept at home because there weren't viable options. We might be more supportive if the Department could show us a successful working model in one county. It would be easier for us to embrace the plan if it were clearly laid out and explained, if the cost studies had been done and if the Department could offer definitive answers to our questions. We are being asked to let go of a workshop system that we know works and works very well, but we're not sure what is being offered in exchange.

As I mentioned in my testimony last month, CMS is trying to fix something that isn't broken and it's pressuring states, including Ohio, to make decisions that will take down robust and successful programs across the state. Here in Ohio individuals with developmental disabilities already have excellent employment options, but the key is that we offer individuals a choice between community employment and sheltered workshops. It should not be an either/or situation. It should be a choice individuals are invited to make and to reaffirm on a regular basis.

In Seneca County, in addition to offering our individuals opportunities for community employment if they so choose, we have an outstanding workshop program and I cordially invite each one of you

to come and see it for yourself. Were you to visit, you would walk away wondering why anyone at the state or federal level would want to limit individuals' access to those services.

As I see it, the question is whether we, citizens and legislators working together, are willing to push back against CMS and the federal government and defend what we have. It can all be lost with a few strokes of a pen, but, once it's gone, it will take years to rebuild. Every person who has given testimony on this topic in the recent months represents hundreds of family members and friends who are asking for your help and who will support your efforts one hundred percent to stand proud for Ohio. As you are aware, Wisconsin has taken that step for its citizens. Are we, as Ohioans, strong enough to stand up and be counted?

I thank you very sincerely for this opportunity.