



April 27, 2021

Re: Testimony to Senate Health Committee

Dear Senator Huffman and Ranking Member Antonio,

Disability Advocacy Alliance is a grassroots organizations formed by parents, family members, and guardians who work to advance the rights of individuals with intellectual and developmental disabilities.

We write with concerns about Ohio's Protection & Advocacy (P&A) System for Individuals with Developmental Disabilities, Disability Rights Ohio (DRO). This organization is funded with federal tax dollars and was designated by Governor Kasich to protect the rights of Ohioans with developmental disabilities. We are concerned that DRO only protects the rights of individuals who are capable of living and working in community settings while it actively attacks the rights and the Medicaid supports of individuals who need intensive care in intermediate care facilities (ICFs) for individuals with intellectual disability and sheltered work settings.

Since 2014, DAA and families throughout the state have been fighting DRO's policies which seek to close ICFs. Most recently, Ohio families have had to fight a class action that DRO brought against Ohio's systems of ICFs and sheltered work settings. Families' efforts have been effective. In federal court, the class action that DRO brought was pared down from a class of 27,800 people to only about 200 people because the Court held that DRO had cast its net too wide. DRO had included people in the class who were actually harmed by the policies for which it was advocating. The Court saw this was happening and put a stop to it.

Regardless of families' advocacy, though, DRO keeps on the attack. Most recently, DRO has begun making uninvited visits with intellectually disabled residents of ICFs. Guardians are not informed of the visits and if guardians learn about them and object, DRO still makes the visits. These visits are fishing expeditions to try to manipulate vulnerable people who have been deemed incompetent by the probate court to move from their ICF—a complex decision that affects health care, residential supports, and social supports. These decisions should be made by guardians in consultation with their wards — not by uninvited strangers with an agenda.

In the 2020-21 budget, a proposal was made to require DRO on a biennial basis to report to the state legislature on its activities. We urge you to include this proposal in the 2022-23 budget. Such a policy would increase transparency, give DRO an opportunity to inform the state legislature about its activities, and give families the opportunity to testify as to how those activities affect their loved ones. We believe this important check and balance would add much needed protections for very vulnerable people.

Simply put, when an organization believes it can insert itself into the private decisions of individuals and families, it has become too powerful. We urge the Health Committee to act so that moms, dads, sisters, brothers, and grandparents can worry less that an unaccountable agency will try to manipulate and undermine their intellectually disabled family member. P&As were set up to protect rights, not override rights. We urge the state legislature to act on this important issue.

Sincerely,

A handwritten signature in blue ink that reads "Caroline Lahrman". The signature is written in a cursive style and is centered within a light yellow rectangular background.

Caroline Lahrman
Disability Advocacy Alliance
info@disabilityadvocacyalliance.org