

August 18, 2016

Commissioner Connolly
Statewide Transition Plan
NJ Department of Human Services
PO Box 700
Trenton, NJ 08625-0700

Dear Commissioner Connolly,

Thank you for the opportunity to provide input on the Department's Addendum to the Statewide Transition Plan (STP). As I'm sure you recall, there was a significant amount of passionate response to New Jersey's initial STP and so I believe that a two month comment period and three opportunities for oral public input will go a long way toward soliciting feedback from stakeholders and those directly impacted by the Home and Community Based Services regulations. As advocates, we appreciate that listening sessions will be hosted in the three regions of the State and that the Department is looking for input from those delivering and receiving services.

The Arc of New Jersey thanks you for making a number of changes to the initial transition plan. We believe that the first draft included a variety of provisions that did not acknowledge the unique needs of each individual with intellectual and developmental disability (I/DD) and would therefore have been difficult for community providers to implement. Specifically, we are pleased to see the removal of language that would have required individuals participating in day programs to spend a majority of their day in the community. We felt this standard was a one-size-fits-all approach that did not properly reflect served individuals' spectrum of abilities and challenges. We thank you for substituting language in the Addendum that focuses on community experience without tying this important concept to a specific figure or percentage.

In reference to the Statewide Transition Plan as a whole, The Arc of New Jersey wants to make it clear that we support integrated, community settings and we believe it is in those settings that people with I/DD live the fullest possible lives. Although language in the STP indicates that the Department would not fund settings that are presumed to have institutional-like qualities until served individuals are residing or receiving services there, we believe that instead of looking to be the exception, newly-constructed settings should instead aim for integration which is the essence of the HCBS rule. With that said, we also encourage the State to recognize that individuals with the most significant medical, physical and psychiatric challenges will require a different level of service than some of their peers who may have less intense needs.

The Arc agrees with the Department's intention, as stated on page 2, to move people living in group homes on the grounds of developmental centers into homes in the community. We believe that true community integration cannot be achieved in those current settings and that moving individuals off

those grounds will provide them more opportunities and experiences like their non-disabled peers. However, as the transitions take place, we ask the Department to make all necessary accommodations to ensure a smooth move. As you know, change can be challenging for those we represent and so we ask you and your staff to properly execute all necessary preparations and plans to confirm the well-being of the residents in those homes. In addition, if the individuals wish to remain together, the State should provide the necessary funding so that residents and their support staff can remain intact in their new community home. We urge the State to create a transition plan for each individual, which includes the input of families, guardians, staff, etc., and a transitional budget to assist in the implementation of the plan.

We thank you for the addition of language on page 3 which acknowledges the need to examine the capacities of each served individual instead of applying a rigid benchmark that would impact everyone. The requirements outlined will hopefully capture that differences and distinctive circumstances of every person. Also on page 3, we bring your attention to text that states: "The Support Coordinator will gather information about past and current community experiences and include this information in the 'Community Experience' section of the Person-Centered Planning Tool (PCPT). The Support Coordinator will also include ideas for community opportunities in the 'Ideas/To Do List' section of the PCPT." We agree that this is within the scope of the Support Coordinator's responsibilities, but we stress the need for proper training in order for this endeavor to be successful. We also want to see provider agency staff and family members included in this process as they are likely knowledgeable about local resources. The "Ideas/To Do List" should be generated by the team of people most involved in the individual's life. Furthermore, we believe the State must educate Support Coordinators and review with them the importance of these items in order for the individual to prosper in community experiences.

Finally, we point out bullet point number 2 which outlines the "Pathway to Meaningful Day" document that will be completed by the provider agency. We urge the Department to keep in mind the tremendous burdens currently placed on community provider organizations and the staff who are already taxed with a number of critically-important responsibilities. We ask that as you consider additional requirements, like the "Pathway to Meaningful Day" document, that you make any relevant processes and obligations as streamlined as possible in light of all the mounting duties facing providers and their employees.

In terms of housing, in our previous comments to the State we requested additional language be added to the plan that clearly grandfathered in current group home and apartment programs that may exceed the density limits. In the case of already existing programs, especially those built with HUD funding specifically for people with developmental disabilities, the State cannot deconstruct these edifices if they exceed the limitation of the Transition Plan. We ask the State to include that request in their Addendum.

On page 6, The Arc of New Jersey applauds the creation of a STP liaison to bolster communication, but we would like additional details about who will serve in this capacity and what the responsibilities of this position will entail. We would also like to know how this STP liaison will interact with stakeholders. It would be beneficial for community providers, as well as individuals and families, to have a designated staff person to contact on these matters; however the language included on page 6 infers it may be more of an internal role. With this in mind, we request further clarification to gain a better understanding of this position and the function this individual will play in the transition plan's implementation.

Also on the topic of more information, we would appreciate additional details about language from page 7 that states: "Under the new standards for day programs, the DHS will work with providers by offering technical assistance and support to become compliant with the standards..." This sounds like a positive offer of partnership between the state and the community provider agencies that serve individuals with I/DD, and we are eager to hear more specifics on this item. Also in terms of community integration, we ask the State to revisit the rates for community inclusion activities in light of the HCBS regulation, and the need for additional monies to offset the increased costs that stem from the provision of these services.

On page 10 of the STP Addendum, The Arc of New Jersey strongly urges the State to seek input from stakeholders as it pursues regulatory and licensing changes to comport with current Social Security rules regarding representative payees and to ensure individuals' rights regarding control of their resources are met. It would be greatly beneficial for all involved if stakeholders were engaged during this process instead of after it's completed so that regulatory and licensure changes are implemented as smoothly as possible for those most-impacted.

Finally, we support the Department's application of heightened scrutiny of settings that are presumed to have institutional like qualities as detailed on page 12. We agree that settings which could potentially isolate individuals with I/DD from the broader community must be carefully reviewed and scrutinized. We agree that a clear process must be put in to place as a safeguard against non-integrated settings. As part of that process, we ask the State to look beyond setting and also consider an individual's experience.

Thank you again for the opportunity to provide comment on this important issue. We urge you to continue to engage stakeholders as the plan is realized and implemented. Doing so secures a well-rounded outline for the future of people with intellectual and developmental disabilities living in New Jersey.

Sincerely,



Thomas Baffuto
Executive Director