Potential Scope and Areas of Focus for OPEGA Review of

Independent Living Services Provided or Funded By State Agencies

Potential Scope of Review

The multiple programs delivered through State agencies, or supported by State-administered funding, that provide products or services to assist individuals with significant disabilities in living more independently in their homes and communities. These products and services will be referred to generally as Independent Living Services (ILS).

Possible Areas of Focus for Review

1. The extent to which the number and types of programs providing ILS, and the resources allocated and used in those programs, are aligned with the current and predicted needs of the eligible client population. For example, is the balance of services and resources focused on returning a recipient to work compared to those focused on other aspects of independent living, such as transportation, housing and home modifications, emergency planning and preparedness, community-based living, and assistive technology, reflective of the portion of the potential client population for whom work is a realistic goal?

2. The extent to which the resources used in providing ILS, across all programs, are expended on:
   - Administrative costs versus direct delivery of services
   - Products provided versus services provided

3. The extent to which resources are used efficiently in providing ILS within programs. For example, whether processes are in place to ensure products and services are obtained at lowest reasonable cost and administrative costs are minimized.

4. The extent to which programs providing ILS are in compliance with State and federal program and funding requirements.

5. The extent to which programs providing ILS are coordinated to ensure appropriate planning and distribution of resources, timely and effective fulfillment of client needs, and efficient use of resources.

6. The extent to which the network of programs providing ILS is effective in improving the independence of recipients.

State-Administered or Funded Programs Providing ILS

OPEGA asked the Maine Department of Labor (DOL) and Department of Health and Human Services (DHHS) to identify programs they administer, or fund, that provide products and services to assist people who have significant disabilities in living more independently in their homes and communities. The following programs were identified:

Department of Labor, Bureau of Rehabilitation Services (BRS)

- Division of Vocational Rehabilitation – administers two relevant programs:
    - Vocational Rehabilitation (VR) Program - helps people who have physical, mental, or emotional disabilities to get and keep a job.
    - Independent Living Services (ILS) Program – provides assistance with home modification, accessibility, employment counseling, and other services to enable people significant disabilities to live more independently in their homes and communities. Services in this program are provided through a contracted Center for Independent Living (Alpha One).
- Division for the Blind and Visually Impaired (DBVI) - provides many services to persons with severe visual impairments that prevent carrying out the activities of daily living, getting an education or a job.
- Division for the Deaf, Hard-of-Hearing and Late-Deafened - provides services for deaf, hard-of-hearing and late-deafened people of Maine.

Department of Health and Human Services, MaineCare

- Chapter 101, Section 12 – MaineCare Funded Consumer Directed Attendant Services
- Chapter 101, Section 19 – MaineCare Funded Home and Community Benefits for the Elderly and for Adults with Disabilities – Waiver. Services include:
    - Personal Emergency Response Systems (PERS);
    - Assistive technology devices and services;
    - Assistive technology transmission;
    - Assistive technology remote monitoring, and
    - Environmental modifications.
- Chapter 101, Section 96 – Private Duty Nursing and Personal Care Services
- Chapter 101, Section 18 - Home and Community-Based Services for Adults With Brain Injury
- Chapter 101, Section 20 - Home and Community Based Services for Adults with Other Related Conditions
- Chapter 101, Section 21 - Home and Community Benefits for Members with Intellectual Disabilities or Autistic Disorder
- Chapter 101, Section 29 - Support Services for Adults with Intellectual Disabilities or Autistic Disorder
- Chapter 101, Section 60 - Medical Supplies and Durable Medical Equipment

Department of Health and Human Services, Bureau of Elder & Adult Services

- Chapter 5, Section 61 – Adult Day Services
- Chapter 5, Section 63 – Home Based Care
  - Personal Emergency Response Systems (PERS);
  - Environmental modifications
- Chapter 5, Section 69 – Independent Support Services – Homemaker

Department of Health and Human Services, Office of Aging and Disability Services

- Chapter 11 – State Funded Consumer Directed Home Based Care

Estimated OPEGA Effort

Multiple Program Review

OPEGA is unaware of any current or planned Executive Branch efforts that would address the potential areas of focus outlined. A broad OPEGA review of the multiple programs providing ILS would be a significant review for OPEGA at a rough estimate of 2500 hours. Staffed at a level of 3 to 4 full-time resources, estimated duration of this project would be 6 – 10 months. These estimates could be impacted to a great degree by the scope and objectives of the review as approved by the Government Oversight Committee following OPEGA's completion of its Preliminary Research Phase.

As with any full review, OPEGA first performs Preliminary Research for the purpose of gaining sufficient understanding of the topic, and relevant areas of concern and risk, to make a recommendation to the GOC on what the specific focus of a more detailed review of the topic should include. OPEGA's recommendation might ultimately encompass one or more of the previously described Potential Areas of Focus or other areas not yet identified.

The Preliminary Research Phase of the broad review outlined would be roughly estimated at 750 – 1000 hours. Staffed at a level of 2 full-time resources, Preliminary Research would take an estimated 3 - 4 months to complete. For this project, the Preliminary Research Phase would likely include, but not be limited to:

- identifying the universe of Independent Living Services programs/components, functions and services statewide that fall within the defined Scope;
- developing an understanding of each program identified including: types of products/services provided, target population and eligibility requirements, delivery system including contractors, sources and amount of funding, State agency role and resources, State and federal rules and requirements, and client statistics and demographics;
- identifying boards, commissions, councils or other entities with advisory, oversight, and/or coordination roles associated with any identified program;
- developing an understanding of the specific roles, responsibilities and authorities of board, commission, council or other entity identified; and

- developing an understanding of the overall relationships and coordination between identified programs and relevant State agencies and non-State entities (i.e. boards, commissions, councils, contractors).

Also as with all full reviews, the GOC's consideration of OPEGA's Project Direction Recommendation (at the completion of Preliminary Research) provides an opportunity for the GOC to determine that it would like OPEGA to end its review. Options at that point include directing OPEGA to produce an Information Brief to report out on the information gathered to date. (GOC members can reference the documents behind Tab M in the back section of their Committee binders to be reminded of OPEGA's Review Process.) The Information Brief could include OPEGA's observations on potential areas of concern and risk, or opportunities for improvement, that should be considered further. The GOC could then refer that on to the relevant Joint Standing Committees or potentially suggest the creation of a select committee or commission to address the observations.

Individual ILS Program Review

An OPEGA review of ONLY the Independent Living Services Program administered by DOL would be estimated at 1200 – 1500 hours. Staffed at a level of 2 – 3 full-time resources, the expected duration would typically be 4 to 6 months. Potential Areas of Focus for this program-only review would be:

- Effectiveness of program in meeting its intent
- Compliance with requirements of the federal grant
- Timeliness of service provision
- Efficient and transparent use of resources
- Administration, oversight and delivery of program – structure, roles and responsibilities
- Coordination of ILS program with other State programs providing ILS services

Again, the resources and time required would be impacted by the GOC's decision on Project Direction following the Preliminary Research Phase. The project might also be somewhat expedited given the work already being done by DOL and DHHS as described below.

Current Executive Branch Efforts Regarding DOL's Independent Living Services Program

An individual is determined eligible for ILS Program services through an evaluation(s). The evaluation(s) takes into consideration any relevant case record materials available from the ILS Program or other sources. A special diagnostic study(ies) is conducted for purposes of determining eligibility for ILS only if already available information is not complete, relevant, or current. The evaluation(s) shall be sufficient in scope to determine which services will best meet the current needs of the individual for functioning more independently in family or community setting.

An individual is found eligible for the ILS Program if the evaluation(s) determines:

- the individual has a significant physical or mental disability which, for that individual, constitutes or results in a severe limitation(s) in ability to function independently in family or community setting;
- ILS may reasonably be expected to assist the individual to function independently in a family or community setting; and
- The consumer is able to direct the ILS service planning and selection with or without assistance.

Eligible individuals are served in the following priority order:

Priority 1 Status -- Those eligible adults who will lose their current level of independence and would be required to move to a more restrictive setting immediately and permanently, unless they receive the assistance of a specific service or set of services which the ILS Program can provide.

Priority 2 Status -- Those eligible adults who, with the assistance of a specific service or set of services which the ILS Program can provide, can immediately move to a less restrictive and more independent setting.

Priority 3 Status -- Those eligible adults who, with the provision of a service or set of services which the ILS Program can provide, will be able to overcome a specific barrier or set of barriers to independent living.

Priority 4 Status -- All other eligible individuals.

DOL and DHHS recently undertook a review of the Independent Living Services Program's current wait list clients (primarily Priority Status 3 and 4) to determine whether those clients' needs could be met under other programs, such as MaineCare or other Adult Protective Services programs the clients were already enrolled in. This review determined that many of the clients on the waitlist were already enrolled in programs that make them eligible to get some or all of their needs met under these or other programs.

The final results of this review are pending, but further potential actions to address issues already identified may be:

- undertaking rule changes regarding the sharing of information between DOL and DHHS;
- revising definitions for Priority Status 3 and 4 clients to better reflect the intent of the ILS program;
- reviewing the cases for those non-waitlist clients in Priority Status 1 and 2 who were served immediately, to ensure that there were no other resources that could have been used to either provide them with more services up front or free up additional funds for clients in Priority Status 3 and 4;
- suggesting language for the State Independent Living Plan, including language that would have the contracted Center for Independent Living (CIL), Alpha One, take a more proactive approach to reviewing clients and identifying additional resources to support individual client goals, and
- negotiating to include tighter performance standards in the next contract with the CIL, effective Oct. 1 2016.