

## **LIGAS DATA REPORT**

**February 15, 2013**

*Paragraph 33 of the Ligas Consent Decree: ...Not less than every six (6) months, Defendants shall provide to the Monitor, Plaintiffs, Class Counsel, Intervenors and Intervenors' Counsel and make publicly available, a detailed report containing data and information sufficient to evaluate Defendants' compliance with the Decree and Defendants progress toward achieving compliance...*

This is the third *Ligas* Data Report. Per the *Ligas* Consent Decree, the Division of Developmental Disabilities (DDD) will produce reports of data and information regarding implementation of the provisions of the *Ligas* Consent Decree every six months. The due dates for these reports will typically be February 15<sup>th</sup> and August 15<sup>th</sup> of each year. Unless otherwise specified in the body of this report, the data collected for FY 2013 represents a time frame of July 1, 2012 through December 31, 2012.

**Class Member List**

The DDD is maintaining a centralized, master class list as described in the *Ligas* Implementation Plan. Individual records are categorized into three separate areas: individuals living at home in the community, individuals living in an ICF/DD who were admitted after June 15, 2011, and individuals living in an ICF/DD who were there on June 15, 2011 (the date of the Court’s approval of the consent decree). Written statements documenting a desire to be a part of the class are obtained for each individual in the latter category. Individuals are added to or removed from the class list as appropriate. The table below provides a summary of the class list as of January 15, 2013.

	<b>FY12*</b>	<b>FY13</b>	<b>FY14</b>	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>Cumulative Total to Date</b>
Living at Home	10694	10439					
ICF/DD after 6/15/11	21	21					
ICF/DD on 6/15/11 with an Affirmative Statement To Move (2a)							
<b>Total</b>	<b>668</b>	<b>770</b>					
DD PAS 10	12	10					
DHS 1243/1238	186	334					
EFE Form	448	403					
OSG Request	8	8					
Other Guardian Request	14	15					
<b># At End of Fiscal Year</b>	<b>11383</b>	<b>11236</b>					

Individuals were added to or removed from the Class Member List as follows during FY13:

<b>Additions</b>	<b>Number</b>
Individuals in ICFs/DD on 6/15/11	171
Individuals in ICFs/DD after 6/15/11	8
Individuals in Community Settings	20
<b>Total Additions</b>	<b>199</b>

<b>Removals</b>	<b>Number</b>
Individual Moved Out of State	23
Determined Clinically Ineligible	12
Determined Financially Ineligible	6
Withdrew—Reason Not Given	88
Individual Deceased	20
Objector	1
Other	5
Incorrect SSN (Duplicate Record)	10
Ineligible Setting	23
Unable to Locate Individual	108
Stay in ICF/DD	50
<b>Total Removals</b>	<b>346</b>

\*The numbers for FY12 were incorrect in the last *Ligas* Data Report issued in August of 2012. In developing this current report, it was discovered that the Division’s reporting mechanism for some of the data in this section was counting the number of electronic records as opposed to the number of individuals. The FY12 numbers are corrected here.

### **Services for Class Members in ICFs/DD**

The DDD informed PAS/ISC agencies of the confirmed class members residing in ICFs/DD as of June 15, 2011, and instructed the agencies to complete eligibility determinations and facilitate the choice and selection process. PAS/ISC agencies are now reporting to the DDD on a monthly basis progress made in assisting the individuals with their options. The DDD continues to inform the PAS/ISC agencies of new class members as they are identified.

<b>Target Dates from Consent Decree:</b>	<b>12/30/13</b>	<b>12/30/15</b>	<b>6/30/17</b>	<b>Cumulative Total to Date</b>
# of Class Members With Waiver Capacity Award Letters	216			
<ul style="list-style-type: none"> <li>Total Class Members Who Have Moved to Waiver Services (per billing data)</li> </ul>	157			
Subtotal Who Received CILA Services	151			
Subtotal Who Received HBS Services	4			
Subtotal Who Received CLF Services	2			

Please note that the above data includes individuals who are moving due to ICF/DD downsizing and closure agreements.

### Services for Class Members from the Waiting List

Three selections have been completed from the PUNS database (the Division's waiting list) since the approval of the Consent Decree using the criteria specified in the *Ligas* Implementation Plan. The Class Members selected have been notified and the PAS/ISC agencies have been instructed to complete eligibility determinations and facilitate the choice and provider selection process. A set of tables is maintained that provides summary information regarding the results of the selections. These tables are available on the Division's website at <http://www.dhs.state.il.us/page.aspx?item=41142>.

<b>Ligas Benchmarks</b>	<b>1,000 6/30/13</b>	<b>500 6/30/14</b>	<b>500 6/30/15</b>	<b>500 6/30/16</b>	<b>500 6/30/17</b>	<b>Cumulative Total to Date</b>
# of Class Members Selected From The Waiting List (PUNS)	3112					
Total Class Members With Waiver Capacity Award Letters	514					

Total Class Members Who Have Received Waiver Services (as reported by the PAS agencies and providers)	328					
Total Class Members Who Have Received Waiver Services (per billing data)	268					
<ul style="list-style-type: none"> <li>Subtotal Who Received CILA Services</li> </ul>	28					
<ul style="list-style-type: none"> <li>Subtotal Who Received HBS Services</li> </ul>	240					

**ICFs/DD Resident Outreach**

With input from the Monitor, Class Counsel, and Intervenors, the DDD issued a Request for Proposals (RFP) to secure the services of a contractor or multiple contractors to contact all Potential Class Members residing in ICFs/DD; however, the DDD did not receive any bids in response to the RFP. After consultation with the State’s procurement staff to ensure all regulations are appropriately followed, the DDD is now in discussions with a potential vendor. Until such time as a contractor is selected and in place, there will not be any data to report under this section.

	<b>FY12</b>	<b>FY13</b>	<b>FY14</b>	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>Cumulative Total to Date</b>
# of Adults in ICFs/DD							
# of Individuals who Excluded Themselves from the Class by Having Objected to the Decree Prior to its Approval or by Submitting a Written Request to be Excluded Prior to Compilation of the Initial Class List							

Total Class Members (2a)							
Total Potential Class Members							
# with Initial Phone Contact							
# Choosing Not to Meet w/Outreach Contractor							
# Choosing not to Meet but Want Info Sent							
Total # Choosing to Meet w/Outreach Contractor							
# Persons Completed Written Request for Community Services Through Outreach							
# Undecided							
# Pending							
# Choosing ICF/DD							

### **Transition Service Plans**

The DDD is finalizing the development of its process for completion of a Transition Service Plan for each class member seeking services in a Community-Based Setting. An initial version of a standardized format and accompanying instructions was developed with input from the Monitor, Plaintiffs Counsel, PAS/ISC agencies, and other advocates throughout the system. Two PAS/ISC agencies are piloting the draft process and materials with Class Members and providers in their areas. These two PAS/ISC agencies participated in a planning/training meeting with the Monitor and DDD staff on August 23, 2012 in order to begin the pilot.

As the Implementation Plan is being revised, 41 Transition Service Plans have been developed and submitted for review by the DDD and Monitor. Monthly conference calls have been held among the two PAS/ISC agencies, Monitor, and DDD staff throughout the pilot. The standardized format and accompanying instructions are now undergoing final revisions, based on the experience of the pilot, for Statewide implementation.

Training for all PAS/ISC agencies is scheduled for April 16, 2013. Local training sessions for small groups of PAS/ISC agencies will be held throughout the rest of April and May. A webinar session will also be made available. These training opportunities are being conducted by DDD

staff and the Monitor. The DDD will begin reporting data in this section after the statewide implementation targeted for July 1, 2013. In the meantime, per the *Ligas* Implementation Plan, PAS/ISC agencies are following the processes described in the DD PAS manual to assist individuals in obtaining needed services.

	<b>FY12</b>	<b>FY13</b>	<b>FY14</b>	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>Cumulative Total to Date</b>
# with Services Implemented Prior to Transition Plan Completion							
# with Transition Service Plan Completed							
# with Transition Service Plan Under Development							
<b>Total to Date</b>							

### **Crisis Services**

The DDD continues to process service requests for individuals in crisis situations. Below is summary data regarding the requests processed during this reporting period.

	<b>FY12</b>	<b>FY13</b>	<b>FY14</b>	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>Cumulative Total to Date</b>
Total # of Crisis Requests Received	343	153					496
Total # of Class Members Approved	290	136					426
# of Class Members Approved for CILA	205	92					297
# of Class Members	85	44					129

Approved for HBS							
Total # of Class Members Who Received Services	247	132					379
# of Class Members Who Received CILA Services	173	89					262
# of Class Members Who Received HBS Services	74	43					117
Total # of Class Members Denied Crisis Approvals	53	17					70

### Voluntary ICFs/DD Closure/Downsizing Agreements

The DDD continues to work with ICF/DD providers that wish to downsize or close their facilities on a voluntary basis. The information below summarizes the agreements underway during this reporting period. Please take note of the following issues involving the data in the table below:

- Included in the FY12 numbers are persons who were part of closure/downsizing agreements that were in process at the time of the approval of the Consent Decree on June 15, 2011. Therefore some individuals may have moved prior to that date and were not included in the Class as they already had community-based services prior to the approval of the Consent Decree.
- It is a rare occurrence, but it is possible that some individuals who are part of closure/downsizing agreements are determined to be ineligible for the Adult Developmental Disabilities Medicaid Waiver. In such instances, the individuals are funded in community-based services with only State funding and are not eligible for membership in the *Ligas* Class.
- In comparing this data with that in the section entitled “Services for Class Members in ICFs/DD”, note that the data source for whether an individual has moved is different between the two sections. This section uses self-reported information from the ICF/DD providers regarding the status of their closure/downsizing agreements; the section entitled “Services for Class Members in ICFs/DD” uses billing data. Typically, there is a greater lag time in the billing data.



	<b>FY12</b>	<b>FY13</b>	<b>FY14</b>	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>Cumulative Total to Date</b>
# of Agreements Initiated	9	3					12
Total # Licensed Capacity	144	287					431
Total # of People to Move	117	232					349
• Moved to CILAs	82	20					102
• Moved to HBS	0	0					0
• Transferred to Other ICFs/DD	3	1					4
• Moved to Other Settings	0	0					0
• No Selection Yet Made	32	211					243

### Eligibility Appeals

The DDD continues to process appeals of eligibility. Below is summary data regarding the appeals processed during this reporting period.

	<b>FY12</b>	<b>FY13</b>	<b>FY14</b>	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>Cumulative Total to Date</b>
Total Class Members Submitting Appeals	57	25					82
Subtotal Appeals Upheld	9	11					20
Subtotal Appeals Denied	29	8					37
Subtotal Appeals Pending	17	4					21
Subtotal Appeals Withdrawn	2	2					4

## Budget for Ligas

The Governor's introduced budget for FY13 included \$38.9 million in increased funding to the Division of Developmental Disabilities for items related to *Ligas* Consent Decree implementation. This \$38.9 million includes:

Budget Category Description of Expense	FY13 Proposed Amount	Comments
<b>Contractual Agreements</b>		
RFP ICF/DD Outreach	\$200,000	
Eligibility Determinations	\$450,000	
Increased PUNS Enrollment Processing	\$16,000	
Transition Service Plans Development	\$160,000	
New ISSA Services	\$679,000	
Person-Centered Planning Training	\$200,000	
Transition Service Plan Reviews & Consult	\$110,000	
Family Liaison	\$90,000	
<b>Total Contractual</b>	<b>\$1,905,000</b>	
<b>DDD Additional Staffing</b>		
Strategic Planning—Ligas Compliance Coordinator	\$108,277	
Data Support	\$93,408	
Quality Management—clinical reviews	\$653,856	
Transition Services—facilitate and monitor	\$373,632	
Appeals	\$79,004	
Rate Setting	\$93,408	
Medicaid Waiver—post payment reviews	\$280,224	
<b>Total Staffing</b>	<b>\$1,681,809</b>	
<b>Direct Services</b>		
PUNS Selection	\$26,401,140	1,000 additional individuals; 300 annualized from FY12 and 700 phased in during FY13; one-half CILA and one-half HBS; average annual cost for CILA \$49,429, plus \$2,500 one-time start-up; average cost for HBS \$25,740

ICF/DD Transitions	\$8,873,310	400 individuals; 200 annualized from FY12 and 200 phased in during FY13; average annual cost for CILA \$49,429, plus \$2,500 one-time start-up
<b>Total Direct Services</b>	\$35,274,450	
<b>Total Estimated Budget</b>	\$38,861,259	

The new funding for Ligas Consent Decree Implementation remains in the final budget passed by the General Assembly and signed by the Governor; however, the appropriation line containing this funding was reduced overall by 4%. At this point in time, the Division is implementing the consent decree as planned, managing the 4% reduction through a slower than anticipated phase-in of the direct services.

Spending for the ICF/DD program remains constant. In FY11 ICF/DD spending totaled \$392.8 million, with 6,427 being served at the end of that fiscal year. Spending for FY12 is estimated to be \$388.0 million, with a projected 6,350 being served at the end of the fiscal year. The FY13 introduced budget included \$390.0 million for an estimated 6,300 individuals in ICFs/DD. As noted above, the appropriation line containing this funding, however, was reduced overall by 4%.

Spending for the Waiver program in FY12 is estimated to be \$652.2 million. 18,710 individuals were served in FY11; 20,000 are projected to be served by the end of FY12; and 20,500 are estimated to be served in FY13.

The Governor's Budget Address for FY14 is scheduled for March 6, 2013. The DDD will provide information from the Governor's Proposed Budget, as it relates to *Ligas* funding, to the Monitor, Plaintiffs, and Intervenors as the information is available.

### **Implementation Plan Updates and Amendments**

The first annual update of the *Ligas* Implementation Plan has been completed with input from the Monitor, Plaintiffs, and Intervenors.