

LIGAS DATA REPORT

August 15, 2012

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 second *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 15th and August 15th of each year. Unless otherwise specified in the body of this report, the data collected represents a time frame of June 15, 2011 through June 30, 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 July 26, 2012.

	FY12	FY13	FY14	FY15	FY16	FY17	Cumulative Total to Date
Living at Home	10887						
ICF/DD after 6/15/11	8						
ICF/DD on 6/15/11 with an Affirmative Statement To Move (2a)							
Total	671						
DD PAS 10	13						
DHS 1243/1238	181						
EFE Form	456						
OSG Request	8						
Other Guardian Request	13						
# At End of Fiscal Year	11566						

Individuals were added to or removed from the Class Member List as follows during FY12:

Additions	Number
Individuals in ICFs/DD on 6/15/11	448
Individuals in Community Settings	9
Total Additions	457

Removals	Number
Individual Moved Out of State	31
Determined Clinically Ineligible	6
Determined Financially Ineligible	3
Withdrew—Reason Not Given	27
Individual Deceased	24
Objector	1
Other	8
Incorrect SSN (Duplicate Record)	21
Ineligible Setting	24
Unable to Locate Individual	44
Submitted in Error	3
Total Removals	192

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.

Target Dates from Consent Decree:	12/30/13	12/30/15	6/30/17	Cumulative Total to Date
# of Class Members With Waiver Capacity Award Letters	115			
<ul style="list-style-type: none"> Total Class Members Who Have Moved to Waiver Services (per billing data) 	97			
Subtotal Who Received CILA Services	95			

Subtotal Who Received HBS Services	2			
Subtotal Who Received CLF Services	0			

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

Two 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>.

Ligas Benchmarks	1,000 6/30/13	500 6/30/14	500 6/30/15	500 6/30/16	500 6/30/17	Cumulative Total to Date
# of Class Members Selected From The Waiting List (PUNS)	1426					
Total Class Members With Waiver Capacity Award Letters	117					
Total Class Members Who Have Received Waiver Services (per billing data)	54					
<ul style="list-style-type: none"> Subtotal Who Received CILA Services 	4					
<ul style="list-style-type: none"> Subtotal Who Received HBS Services 	50					

ICFs/DD Resident Outreach

A Request for Proposals (RFP) was drafted and shared with the RFP development and review team for comment. Comments have been received and incorporated into the draft. The draft is now being finalized with the State’s procurement staff. Until such time as a contractor is selected and in place, there will not be any data to report under this section.

	FY12	FY13	FY14	FY15	FY16	FY17	Cumulative Total to Date
# 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

With input from the PAS/ISC agencies, new draft forms and procedures have been developed for the Transition Service Plans. These draft forms and procedures will be piloted beginning in September of 2012. Two PAS/ISC agencies have been selected for the pilot and will participate in a planning meeting with Division staff and the Monitor on August 23, 2012. In the meantime, there is not any data to report under this section. 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.

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

Crisis Services

The DDD continues to process service requests for individuals in crisis situations. With the assistance of the Monitor and input from the Plaintiffs, the DDD has developed an action plan to improve the timeliness of processing requests and ensuring service provision. Below is summary data regarding the requests processed during this reporting period.

	FY12	FY13	FY14	FY15	FY16	FY17	Cumulative Total to Date
Total # of Crisis Requests Received	343						
Total # of Class Members Approved	290						
# of Class Members Approved for CILA	205						
# of Class Members Approved for HBS	85						
Total # of Class Members Who Received Services	247						
# of Class Members Who Received CILA Services	173						
# of Class Members Who Received HBS Services	74						
Total # of Class Members Denied Crisis Approvals	53						

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.

	FY12	FY13	FY14	FY15	FY16	FY17	Cumulative Total to Date
# of Agreements Initiated	9						
Total # Licensed Capacity	144						
Total # of People to Move	125						
• Moved to CILAs	74						
• Moved to HBS	0						
• Transferred to Other ICFs/DD	3						
• Moved to Other Settings	0						
• No Selection Yet Made	48						

Eligibility Appeals

The DDD continues to process appeals of eligibility. With the assistance of the Monitor and input from the Plaintiffs, the DDD and Department of Healthcare and Family Services has developed an action plan to improve the timeliness of processing appeals. Below is summary data regarding the appeals processed during this reporting period.

FY12	FY13	FY14	FY15	FY16	FY17	Cumulative Total to Date

Total Class Members Submitting Appeals	57						
Subtotal Appeals Upheld	9						
Subtotal Appeals Denied	29						
Subtotal Appeals Pending	17						
Subtotal Appeals Withdrawn	2						

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
Contractual Agreements		
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	
Total Contractual	\$1,905,000	
DDD Additional Staffing		
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	
Total Staffing	\$1,681,809	
Direct Services		
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
Total Direct Services	\$35,274,450	
Total Estimated Budget	\$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 believes it can proceed with implementation 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.

Implementation Plan Updates and Amendments

There have not been any amendments or updates to the Implementation Plan since its submission to the Court on December 15, 2011. The DDD continues to consider possible changes to the PUNS selection process.