

## **LIGAS DATA REPORT**

**February 9, 2016**

*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 eighth *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 2016 represents a time frame of July 1, 2015 through December 31, 2015.

## 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 December 31, 2015.

		<b>FY12</b>	<b>FY13</b>	<b>FY14</b>	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>
1	Living at Home	10,691	10,309	15,083	16,660	14,481	
2	ICF/DD after 6/15/11	27	41	131	221	200	
3	ICF/DD on 6/15/11 with an Affirmative Statement To Move (2a)	695	919	1,079	1,393	1,221	
3a	DD PAS 10	12	9	9	10	9	
3b	DHS 1243/1238	229	520	700	1055	969	
3c	EFE Form	432	363	331	290	220	
3d	OSG Request	7	6	5	4	2	
3e	Other Guardian Request	15	21	34	34	21	
4	# At End of Fiscal Year	11,413	11,269	16,293	18,274	15,902	

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

	<b>Additions in FY13</b>	<b>Additions in FY14</b>	<b>Additions in FY15</b>	<b>Additions in FY16</b>
Individuals in ICFs/DD on 6/15/11	351	243	329	74
Individuals in ICF/DDs after 6/15/11	16	94	70	11
Individuals in Community Settings	47	5,029	2,186	1,127
Total Additions	<b>414</b>	<b>5,366</b>	<b>2,585</b>	<b>1,212</b>

<b>Removals</b>	<b>Removals in FY13</b>	<b>Removals in FY14</b>	<b>Removals in FY15</b>	<b>Removals in FY16</b>
Individual Moved Out of State	35	15	13	234
Determined Clinically Ineligible	18	21	8	45
Determined Financially Ineligible	11	6	3	28
Withdrew—Reason Not Given	153	124	98	356
Individual Deceased	35	13	450	59
Objector	1	1	0	0
Other	6	3	0	2,441
Incorrect SSN (Duplicate Record)	17	0	6	12
Ineligible Setting	26	54	13	3
Unable to Locate Individual	167	74	54	362
Stay in ICFDD	89	31	47	31
Submitted in Error	0	0	1	0
Move to ICFDD	0	0	0	25
<b>Total Removals</b>	<b>558</b>	<b>342</b>	<b>693</b>	<b>3,596</b>

Note: Prior Fiscal Year numbers may change from previous reports due to updates made in class member types and effective dates. The total number of removals and additions will not reconcile to the net increase or decrease in class members due to some individuals changing class status from year to year.

Note: The relatively large increase in the number of removals reported as deaths during FY15 is due to an enhancement to the DDD's database which now enables the DDD to regularly and automatically identify individuals who have become deceased. This enhancement has captured reports of deaths not previously identified in the prior fiscal years.

Note: The reported increase in the number of removals during FY16 is due to an enhancement to the DDD's database which now enables updates to regularly and automatically identify individuals who have been closed on the PUNS waiting list. This enhancement has captured closures not previously identified in the prior fiscal years. The PUNS Integrity Project and the continued automated closures of PUNS are both factors in the reported reductions.

### Services for Class Members in ICFs/DD

The DDD informed 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. 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 ISC agencies of new class members as they are identified.

	<b>Target Dates from Consent Decree:</b>	<b>12/31/13</b>	<b>12/31/15</b>	<b>6/30/17</b>	<b>Cumulative Total to Date</b>
1	# of Class Members With Waiver Capacity Award Letters	610	684		1294
2	<ul style="list-style-type: none"> <li>• Total Class Members Who Have Moved to Waiver Services (per billing data)</li> </ul>	596	657		1253
2a	Subtotal Who Received CILA Services	581	652		1233
2b	Subtotal Who Received HBS Services	12	5		17
2c	Subtotal Who Received CLF Services	3	0		3

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

- \* The 12/31/13 Benchmark is 1/3 (297) of the known ICF/DD Class Members as of 6/15/13 (889).
- \* The 12/31/15 Benchmark is 2/3 (923) of the known ICF/DD Class Members as of 6/15/15 (1399).
- \* The 06/30/17 Benchmark is all of the known ICF/DD Class Members as of 6/15/17.

### Services for Class Members from the Waiting List

Four 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 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>Total</b>
1	# of Class Members Selected From The Waiting List (PUNS).	4311
2	# of Class Members in ICF/DDs after 6/15/11 who were part of a downsizing	98
3	Total Class Members With Waiver Capacity Award Letters	2523
4	Total Class Members Who Have Received Waiver Services (as reported by the ISC agencies and providers)	2501
5	Total Class Members Who Have Received Waiver Services (per billing data)	2489
5a	<ul style="list-style-type: none"> <li>Subtotal Who Received CILA Services(per billing data)</li> </ul>	586
5b	<ul style="list-style-type: none"> <li>Subtotal Who Received HBS Services(per billing data)</li> </ul>	1901
5c	<ul style="list-style-type: none"> <li>Subtotal Who Received CLF Services(per billing data)</li> </ul>	2

**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 entered into discussions with a potential vendor. The vendor, The Council on Quality and Leadership (CQL), is now under contract with the DDD, and planning and development activity is underway. CQL has assigned/hired a Project Director and Project Manager. The vendor has also hired individuals to conduct the initial phone contact and face-to-face interviews. With input from the Monitor, Class Counsel, and Intervenors, the vendor has developed an overall process description, a set of frequently asked questions with responses, a phone script for initial contacts, and meeting presentation materials. Geographic areas for the phase in of initial contact were selected. These areas are Madison and St. Clair Counties in the southern part of the State and the South and Southwest Suburbs of Cook County in the northern part of the State. CQL conducted training for the interviewers in September, with participation by DDD staff and the Monitor. An additional training session was held in January of 2014 for interviewers who were hired after the initial session. CQL has now initiated and completed outreach activity in all areas of the State. CQL’s contract ended on January 31, 2016.

		<b>FY12</b>	<b>FY13</b>	<b>FY14</b>	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>
1	Total Potential Class Members pending contact			2620	590	0	
2	# with Initial Phone Contact			546	1272	1624	
3	# Choosing Not to Meet w/Outreach Contractor			393	941	1264	
4	# Choosing not to Meet at this time, but Want Future Contact			29	32	20	
5	Total # Choosing to Meet w/Outreach Contractor			124	299	340	
5a	# Persons Completed Written Request for Community Services Through Outreach			32	83	121	
5b	# Undecided			18	36	18	
5c	# Pending			13	46	4	
5d	# Choosing ICF/DD			61	134	197	

## Transition Service Plans

An initial version of a standardized format and accompanying instructions was developed with input from the Monitor, Plaintiffs Counsel, ISC agencies, and other advocates throughout the system. Two ISC agencies piloted the draft process and materials with Class Members and providers in their areas. These two ISC agencies participated in a planning/training meeting with the Monitor and DDD staff on August 23, 2012 in order to begin the pilot. DDD staff and the Monitor reviewed the Transition Service Plans that were developed as the pilot was underway. Monthly conference calls were held among the two ISC agencies, Monitor, and DDD staff throughout the pilot. The standardized format and accompanying instructions were modified, based on the experience of the pilot, for Statewide implementation.

Training for all ISC agencies was held on April 16, 2013. This statewide training session was then followed with local training sessions for small groups of ISC agencies throughout the remainder of April and May. The training opportunities were conducted by DDD staff and the Monitor. Statewide implementation occurred on July 1, 2013: as of that date, Transition Service Plans are required for all individuals who move. A modified version of the Transition Service Plan has been provided for the ISC agencies for use with individuals who moved prior to statewide implementation of the Transition Service Plan format.

		<b>Total Plans Completed</b>
<b>1</b>	# with Transition Service Plan Completed	1589
<b>2</b>	# of Modified Transition Plans Completed	434
<b>3</b>	<b>Total to Date</b>	<b>2023</b>

## Crisis Services

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

		FY12	FY13	FY14	FY15	FY16	FY17	Cumulative Total to Date
1	Total # of Crisis Requests Received	343	298	424	486	250		1,801
2	Total # of Class Members Approved	290	274	397	461	239		1,661
2a	# of Class Members Approved for CILA	205	162	217	283	157		1,024
2b	# of Class Members Approved for HBS	85	112	180	178	82		637
3	Total # of Class Members Who Received Services	288	269	397	460	236		1,650
3a	# of Class Members Who Received CILA Services	203	159	217	282	155		1,016
3b	# of Class Members Who Received HBS Services	85	110	180	178	81		634
4	Total # of Class Members Denied Crisis Approvals	53	24	27	25	11		140



### 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 since the Consent Decree was approved. 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
1	# of Agreements Initiated	9	16	22	13	0		60
2	Total # Licensed Capacity	144	486	340	238			1208
3	Total # of People to Move	117	406	278	202			1003
3a	• Moved to CILAs	113	380	263	164			920
3b	• Moved to HBS	0	0	0	0			0
3c	• Transferred to Other ICFs/DD	4	3	8	4			19
3d	• Other	0	23	7	6			36
3e	• Move Pending	0	0	0	28			28

Note: Numbers and outcomes are recorded in the Fiscal Year in which the agreement was initiated.

### Eligibility Appeals

The DDD continues to process appeals of eligibility. Below is summary data regarding the appeals processed since the Consent Decree was approved.

		<b>FY12</b>	<b>FY13</b>	<b>FY14</b>	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>Cumulative Total to Date</b>
1	Total Class Members Submitting Appeals (Rows 2,3,4,5 = Row 1)	57	57	40	50	29		233
1a	Crisis Appeals	N/A	16	17	23	15		71
1b	Eligibility Appeals	N/A	41	23	27	14		105
2	Subtotal Appeals Upheld	9	22	6	18	8		63
3	Subtotal Appeals Denied	29	18	15	27	10		99
4	Subtotal Appeals Pending 0/Returned 6	17	11	13	2	6		49
5	Subtotal Appeals Withdrawn	2	6	6	3	5		22

## Ligas Spending / Budget Plan

updated 8/1/2015

	FY13	FY14	FY15	FY16 Projected
<b>PUNS Placements</b>	<b>\$16,063,150</b>	<b>\$49,069,580</b>	<b>\$71,443,415</b>	<b>\$78,718,807</b>
CILA (includes Residential, Day Program and ISSA)	\$3,289,717	\$11,717,483	\$21,630,595	\$24,704,132
Home Based Support Services (includes ISSA)	\$12,773,433	\$37,352,097	\$49,812,820	\$54,014,675
<b>Transitions from ICF/DD's</b>	<b>\$400,293</b>	<b>\$5,309,754</b>	<b>\$23,847,582</b>	<b>\$25,359,116</b>
CILA (includes Residential, Day Program and ISSA)	\$12,255,100	\$33,092,256	\$56,342,017	\$70,813,031
Home Based Support Services (includes ISSA)	\$169,285	\$319,033	\$398,605	\$410,897
Net ICF/DD change	-\$12,024,092	-\$28,101,535	-\$32,893,040	-\$45,864,812
<b>Staffing and Contract Costs</b>	<b>\$4,941,829</b>	<b>\$8,181,134</b>	<b>\$9,240,931</b>	<b>\$10,096,274</b>
Court Monitor	\$182,367	\$175,788	\$189,300	\$188,250
Personal Services (DD Division staff)	\$1,241,559	\$1,504,825	\$1,601,574	\$1,629,774
HBSS Fiscal Intermediary Costs	\$440,250	\$1,266,450	\$1,770,700	\$1,896,600
PAS /ISC for Assessments & Transition Service Plans	\$2,902,653	\$4,166,571	\$4,130,033	\$4,130,033
PUNS Integrity Project			\$307,364	\$1,771,368
Outreach Contract (Council on Quality /Leadership)	\$175,000	\$700,000	\$721,000	\$180,250
Other Consulting	\$0	\$367,500	\$520,960	\$300,000
<b>Total</b>	<b>\$21,405,272</b>	<b>\$62,560,468</b>	<b>\$104,531,928</b>	<b>\$114,174,198</b>

## Additional Budget Related Information

### ICFDD Services Cost

Overall spending for the ICFDD service system is described below:

	FY12	FY13	FY14	FY15	FY16 Projected	Change over 4 Yr.
<b>ICFDD Services Cost</b>						
ICFDD Spending (millions)	\$ 384.4	\$ 372.4	\$ 356.3	\$ 341.5	\$ 322.5	
Change from Prior Year (millions)		\$ (12.0)	\$ (16.1)	\$ (14.8)	\$ (19.0)	\$ (61.9)
Average Persons	6,292	6,156	5,715	5,203	5,012	
Change in persons from prior year		(136)	(441)	(512)	(191)	(1,280)

Source: Estimated liability per HFS reports, DHS Budget Office

### Adult Waiver services

Adult waiver "accepted claims" is described below:

	FY12	FY13	FY14	FY15	FY16 Projected	Change over 4 Yr.
<b>Adult Waiver services</b>						
Adult Waiver Claims (millions)	\$ 551.8	\$ 595.2	\$ 658.2	\$ 704.3	\$ 726.0	
Change from Prior Year (millions)		\$ 43.4	\$ 63.0	\$ 46.1	\$ 21.7	\$ 174.2
Unduplicated Persons (entire year)	17,566	18,621	19,508	20,874	21,500	
Change in persons from prior year		1,055	887	1,366	626	3,934

Source: Accepted Claims Report

### DD CILA Waiver services

As a subset of Adult Waiver services, spending for CILA, including Day program and ISSA services is described below:

	FY12	FY13	FY14	FY15	FY16 Projected	Change over 4 Yr.
<b>DD CILA Waiver services</b>						
Adult Waiver Claims (millions)	\$ 462.1	\$ 498.9	\$ 546.9	\$ 583.7	\$ 600.9	
Change from Prior Year (millions)		\$ 36.8	\$ 48.0	\$ 36.8	\$ 17.2	\$ 138.8
Unduplicated Persons (entire year)	9,709	10,149	10,650	11,392	11,700	
Change in persons from prior year		440	501	742	308	1,991

Source: Billing System - Client Type C

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

The original Implementation Plan was completed and filed with the Court with input from the Monitor, Plaintiffs, and Intervenors. Subsequent annual updates are completed each year. The original Implementation Plan and the subsequent update are posted on the DHS website at: <http://www.dhs.state.il.us/page.aspx?item=69861>.