



**Ohio Department of Mental Retardation and Developmental Disabilities**

**Ted Strickland, Governor**

**John Martin, Director**

To: County Board of MRDD Superintendents  
Martin Settlement Waiver Contacts  
COG Directors

From: John L. Martin, Director

Date: September 12, 2007

Subject: Selecting Individuals to Receive Martin Settlement Funded IO Waivers

The purpose of the Martin v. Strickland settlement is to increase the availability of community services and supports for individuals with mr/dd by providing 1,500 additional Individual Options (IO) waivers over the next two years. In order to further our mutual interest in serving our constituents in an equitable and accountable manner, and also fulfill the terms of the settlement, the Ohio Department of MR/DD (ODMRDD) has established the following guidelines for the selection of individuals for these waiver opportunities.

***"Base" Waiver Allocation***

The "base" waiver allocation may be used to support individuals living in any setting (community and institution). For these waivers, the selected person's position on the IO waiver waiting list maintained by the County Board of MR/DD must be considered. Accordingly, an individual enrolled on an IO "base" waiver must be selected using one of the following alternatives.

- Select the individual at the top of the IO waiting list based on the individual's date of request for IO waiver services without regard to any priority category.
- Select individuals twenty-two years of age or older who are living with elderly caregivers (60 or older);
- Select individuals under twenty-two years old who have at least one of the following service needs
  - severe behavior problems for which a behavior support plan is needed
  - an emotional disorder for which anti-psychotropic medication is needed
  - a medical condition that leaves the individual dependent on life-support medical technology
  - a condition affecting multiple body systems for which a combination of specialized medical, psychological, education, or habilitation services are needed;
- Select individuals who have intensive needs for in-home or out-of home services using criteria established by the county which may include, but is not limited to:
  - Individuals twenty-two years of age or older with severe behavior problems for which a behavior support plan is needed

- Additional individuals from institutional settings including nursing facilities, developmental centers or community based ICFs/MR or
- Individuals on a service substitution list.

If a county board does not select the person at the top of the waiting list based on date of request (bullet #1), and instead selects someone from one of the targeted populations described above, the county board must select the individual at the top of the waiting list (based on date of request) **within** the targeted population. A county board must obtain approval from ODMR/DD if it wishes to select a targeted population that is not mentioned above.

In addition, when selecting individuals for the waivers, bear in mind the following information:

When enrolling individuals for the IO waivers associated with the Martin Settlement, the county board may choose from amongst the alternatives listed above for each individual enrolled. For example, one waiver could be used to enroll the person at the top of the waiting list, the second waiver to serve an adult living with an elderly caregiver, and a third could be an individual from an institutional setting.

The emergency enrollment IO waiver option continues to be available to county boards using local matching funds. Only individuals that are demonstrated to be at risk of immediate institutionalization if not for the use of a Martin Settlement funded waiver will be considered to be in an emergency situation that is eligible to receive a state funded IO waiver.

The “base” waivers that are not used to serve currently institutionalized individuals are to be used to serve individuals who have been waiting for significantly more services than they are now receiving through the county board's support. Therefore, individuals who are already receiving supported living or adult services from the county board should not be given priority over any other individual on the waiting list. Individuals now receiving services through the Level One waiver are eligible for enrollment on Martin Settlement funded IO waivers when they require significantly more waiver services than currently available through the Level One waiver.

***Allocation Specifically for Residents of Nursing Facilities, Developmental Centers (DC) or Other ICFs/MR***

The settlement agreement requires 40 individuals from nursing facilities to be enrolled in IO waivers per year in state FY 08 and state FY 09, and 100 individuals from DCs or ICFs/MR to be enrolled per year in state FY 08 and state FY 09. The allocation methodology developed by ODMR/DD includes specific expectations of county boards in order to meet this requirement.

While an individual's waiting list date can be considered as a factor when assigning these “earmarked” waivers, it is recognized that some individuals living in institutional settings are not registered on a county board waiver waiting list. This fact should not preclude a person from being considered for enrollment on a Martin Settlement funded IO waiver. Furthermore, all current residents of these institutional settings may be considered for IO waiver enrollment irrespective of their prior response to the survey of interest in waiver enrollment that was conducted by the ODMRDD in spring 2007. (In other words, if a person did not respond to the survey, or responded that they did not wish to use a waiver if one were available, they still could be considered for a waiver if desired.)

**Local Planning is Critical**

ODMRDD wants to provide the county boards the flexibility to identify and serve the needs of individuals living in or desiring to return to their specific communities. With that in mind, please consider the following suggestions:

- Work collaboratively with other county boards and institutional facilities through this process. If a person lives in County A, but wishes to move near family in County B, a waiver could be used from the allocation of either county board. In order for this relocation to be successful, communication is imperative between the county boards and with the ODMRDD.
- Each county board is encouraged to tell self-advocates, parents, guardians, providers and other constituents the target group(s) identified for receipt of Martin Settlement funded IO waivers. County boards are encouraged – though not required – to develop a mechanism for public input into the planning process.
- DCs will contact the county boards in their catchment areas to offer support for the planning process of each community. Please consider this to be another helpful resource as you move forward.

We very much appreciate the interest and enthusiasm that has been demonstrated by county board staff during the initial planning period for Martin Settlement implementation. In the event that you have any questions related to the information contained in this memo, or related to the implementation process in general, please contact Nancy McAvoy at [nancy.mcavoy@dmr.state.oh.us](mailto:nancy.mcavoy@dmr.state.oh.us)

Thank you for your attention to this information.

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