



DATE: March 8, 2021
TO: Public Health Committee
FROM: Ben Shaiken, Manager of Advocacy & Public Policy, The Alliance
RE: S.B. 397 An Act Concerning the Department of Developmental Services' Level of Need Assessment.

Good morning Senator Abrams, Representative Steinberg, Senator Hwang, Representative Petit and distinguished members of the Public Health Committee.

My name is Ben Shaiken, Manager of Advocacy & Public Policy at the CT Community Nonprofit Alliance (The Alliance). The Alliance is the statewide association of community nonprofits. Community nonprofits provide essential services in every city and town in Connecticut, serving more than half a million people in need and employing 117,000 people across the State. They are an important part of what makes Connecticut a great place to live and work and an important piece of our economy.

Thank you for the opportunity to comment on S.B. 397 An Act Concerning the Department of Developmental Services' Level of Need Assessment, which would establish a task force to examine the Level of Need Assessment system and improve the utilization of that system.

In Connecticut, people with I/DD who are supported by the Department of Developmental Services (DDS) and community providers conduct assessments for services, using the "Level of Need Assessment and Screening Tool," referred to as the LON. Individuals are given an overall LON score between 0 and 8, with 8 being the highest level of need based on the assessment of a number of factors, including health and medical, personal care activities, daily living activities, behavior, safety, and more. The LON score is part of the information used to develop and annually update an Individual Plan (IP), which determines the appropriate levels of residential and day supports for the individual. The development of an IP is a collaborative process involving the DDS case manager, the individual, their family, private providers who are part of the individual's support team, and others.

Community providers offer a range of residential and day supports to people with I/DD. **The rates providers are paid for the services they deliver are directly tied to an individual's LON score.** Below is a table of the FY19 rate structure for Community Living Arrangements and Community Residential Supports (CLA/CRS), commonly known as group homes, to illustrate how LON scores impact the level of services and supports required, and therefore the amount of funding for residential placement.

CLA/CRS - Residential Initial Rates								
	LON							
Beds	1	2	3	4	5	6	7	8
1	\$26,519	\$35,348	\$70,623	\$94,165	\$123,621	\$189,330	\$204,437	\$218,286
2	\$26,519	\$35,348	\$70,623	\$94,165	\$123,621	\$129,916	\$143,345	\$160,212
3	\$26,519	\$35,348	\$70,623	\$94,165	\$107,594	\$121,895	\$139,148	\$157,694
4	\$26,519	\$35,348	\$70,623	\$79,227	\$92,905	\$107,206	\$134,742	\$155,176
5	\$26,519	\$35,348	\$59,898	\$71,673	\$84,722	\$103,429	\$132,853	\$152,658
6	\$26,519	\$30,716	\$54,023	\$67,056	\$81,575	\$99,652	\$129,077	\$146,364
7	\$22,491	\$28,198	\$49,106	\$60,252	\$70,244	\$87,063	\$115,228	\$140,068
8	\$21,232	\$26,939	\$44,790	\$57,104	\$66,467	\$82,027	\$108,933	\$132,514

Attached is the full FY19 Interim Rates, which illustrates how the LON score impacts nearly all reimbursement rates providers receive for the services they deliver.

The LON was developed as an objective assessment tool, but the fact that it is tied directly to rates leads to an inherent conflict between appropriate funding and an individual's assessed need. In an environment with limited funding and perpetual state budget cuts, decisions about new services offered to people not currently receiving them, and the rates paid for those services cannot be made without considering whether funding is available. While "availability of funding" is not a factor the LON tool evaluates when determining an individual's score, because the score is tied directly to rates, it inevitably leaks into the equation.

The LON can be an imprecise and imperfect way to assess people who have complicated and unique needs. Reducing the results of its questionnaire to a score of 0-8 and then tying that score to eligibility of services and provider funding creates challenges to the delivery of individualized services to each person based on their unique needs. For an assessment tool to be fully objective, it must be uncoupled from provider rates.

However, because the rates are directly tied to the payment private providers receive for services, any process seeking to make changes to the LON system should be open, thoughtful, planned, and inclusive of provider feedback. **The Alliance requests that any legislative proposal to change the LON system include language mandating that providers, family members and people with I/DD be a part of the decision-making process.** Too often across the country, states hire out-of-state consultants to redesign their rate structures and the recommendations they make have devastating effects on providers, the people who work for them and the people they support.

Further, we appreciate that S.B. 397 is a Proposed Bill, and if the Committee chooses after today's hearing, will be drafted into full legislation. **The Alliance also requests that the term "within available appropriations" is not included in such legislation,** should it be drafted. Since the current LON system is tied to rates, any changes to the system will impact the rate structure. Current rates are tied to the availability of funding rather than the true cost of delivering the service, and there is a waiting list of several thousand people with I/DD because of the lack of available funding. Because of how closely the LON is tied to funding, **it is impossible to change the LON in a way that will better serve the residents of Connecticut "within available appropriations," and mandating the change be cost-neutral may do more harm than good.**

Thank you for your consideration of this important issue.



**State of Connecticut
Department of Developmental Services**



Ned Lamont
Governor

Jordan A. Scheff
Commissioner

Peter Mason
Deputy Commissioner

FY20 Funding Guidelines

Effective 07/01/2019

*Residential budget of \$275,000 or higher need to be referred to the Deputy Commissioner

*A combination of Residential and Day budget totaling \$300,000 or higher need to be referred to the Deputy Commissioner

DAY SERVICES

Individualized Day		
Hourly Rate: Up to	\$34.00	
*The Hourly Rate for Individualized Day is negotiable		
URR REQUIRED		
Rate	Total Units	Annualized up to
\$34.00	1500	\$51,000

GSE/DSO Rates			
LON Overall Day or Behavior (Whichever is higher)	Annual Full-Time (Does not include transportation)	Per Diem Rate	Hourly Rate
1	\$12,528	\$55.68	\$9.28
2	\$16,740	\$74.40	\$12.40
3	\$20,898	\$92.88	\$15.48
4	\$23,004	\$102.24	\$17.04
5	\$25,056	\$111.36	\$18.56
6	\$27,162	\$120.72	\$20.12
7	\$29,268	\$130.08	\$21.68
8	\$31,320	\$139.20	\$23.20

Pro-Rated LON Based Rates for GSE/DSO					
LON	1 Day (45/yr)	2 Days (90/yr)	3 Days (135/yr)	4 Days (180/yr)	5 Days (225/yr)
1	\$2,506	\$5,011	\$7,517	\$10,022	\$12,528
2	\$3,348	\$6,696	\$10,044	\$13,392	\$16,740
3	\$4,180	\$8,359	\$12,539	\$16,718	\$20,898
4	\$4,601	\$9,202	\$13,802	\$18,403	\$23,004
5	\$5,011	\$10,022	\$15,034	\$20,045	\$25,056
6	\$5,432	\$10,865	\$16,297	\$21,730	\$27,162
7	\$5,854	\$11,707	\$17,561	\$23,414	\$29,268
8	\$6,264	\$12,528	\$18,792	\$25,056	\$31,320

DAY SERVICES CONTINUED

GSE/DSO 1:1 Rates - URR REQUIRED

LON Overall Day or Behavior (Whichever is higher)	1:1 Annual Rate Full Time (Does not include transportation)	Enhanced Staffing Hourly Rate	Enhanced Staffing Per Diem Rate	Annual Cost of 1:1 staff on Van	Enhanced Staffing Trip Rate (Individual would receive the transportation trip rate plus the enhanced staffing trip rate)
1	\$47,226	\$25.70	\$209.89	\$7,871	\$17.49
2	\$47,226	\$22.58	\$209.89	\$7,871	\$17.49
3	\$47,226	\$19.50	\$209.89	\$7,871	\$17.49
4	\$47,226	\$17.94	\$209.89	\$7,871	\$17.49
5	\$47,226	\$16.42	\$209.89	\$7,871	\$17.49
6	\$47,226	\$14.86	\$209.89	\$7,871	\$17.49
7	\$47,226	\$13.30	\$209.89	\$7,871	\$17.49
8	\$47,226	\$11.78	\$209.89	\$7,871	\$17.49

*AO & Grad transportation estimated cost is \$3,117

1:1 Titration Rates for Day	
LON	Annualized Rate for each hour of 1:1 supports
1	\$5,783
2	\$5,081
3	\$4,388
4	\$4,037
5	\$3,695
6	\$3,344
7	\$2,993
8	\$2,651

2:1 Titration Rates for Day	
LON	Annualized Rate for each hour of 2:1 supports
1	\$10,091
2	\$9,525
3	\$8,962
4	\$8,678
5	\$8,397
6	\$8,115
7	\$7,832
8	\$7,551

URR Required	
1:1 in Group Day Setting	\$55,097
2:1 Group Day Setting	\$87,194
Individual Day	\$51,000
Rate does not include transportation but DOES include 1:1 or 2:1 staff on the vehicle	

ISE	
Rate:	\$55.00 per hour
LON	Annualized Rate for each hour of
1	Maximum of 3 hours per week
2	Maximum of 4 hours per week
3-8	Maximum of 5 hours per week

Group Day Direct Care RN Enhancement Rate (Must be URR Approved)			
Group LON Rate	Nurse to participant ratio	1:1 Hourly Rate	Enhanced Nursing Oversight Rate
Individual would receive their group day rate plus the RN rate	1 to 1	\$71.56	\$0.00
	1 to 2	N/A	\$35.80
	1 to 3	N/A	\$23.84
	1 to 4	N/A	\$17.88
	1 to 5	N/A	\$14.32
	6 to 9	N/A	\$10.24
	10 or more	N/A	\$7.16

Group Day Direct Care LPN Enhancement Rate (Must be URR Approved)			
Group LON Rate	Nurse to participant ratio	1:1 Hourly Rate	Enhanced Nursing Oversight Rate
Individual would receive their group day rate plus the RN rate	1 to 1	\$57.04	\$0.00
	1 to 2	N/A	\$28.52
	1 to 3	N/A	\$19.00
	1 to 4	N/A	\$14.28
	1 to 5	N/A	\$11.40
	6 to 9	N/A	\$8.16
	10 or more	N/A	\$4.76

Residential and Day rates for transporting individuals to their day program	
<= to 7 miles	\$2,079
7.1 to 12 miles	\$4,158
12.1 to 16 miles	\$6,233
16.1 to 20 miles	\$8,312
20 miles and up	\$8,312

DSO Medical Rate at 80% Utilization (Must have a LON_HealthMedical_SubDomain score of at least 6 to qualify and URR approved)		
LON	Per Diem	Hourly
1	\$62.88	\$10.48
2	\$83.76	\$13.96
3	\$104.64	\$17.44
4	\$115.20	\$19.20
5	\$125.52	\$20.92
6	\$136.08	\$22.68
7	\$146.64	\$24.44
8	\$156.96	\$26.16

TRANSPORTATION

Accessible Trip rate for an additional person on the van (not a one to one)						
Residential and Day rates for transporting individuals to their day program	Transportation Annual Cost	Total authorized trips per year (2 per day)	Cost per trip	Enhanced Staffing Per Trip	Total trip rate with enhanced staffing	Total annual transportation cost with enhanced staffing
<= 3.5 miles	\$2,079	450	\$4.62	\$6.45	\$11.07	\$4,982
3.6 to 6 miles	\$4,158	450	\$9.24	\$8.60	\$17.84	\$8,028
6.1 to 8.5 miles	\$6,233	450	\$13.85	\$12.04	\$25.89	\$11,651
8.6 to 11 miles	\$8,312	450	\$18.47	\$17.19	\$35.66	\$16,047
11.1 to 13.5 miles	\$10,391	450	\$23.09	\$20.63	\$43.72	\$19,674
13.6 to 16 miles	\$12,470	450	\$27.71	\$25.80	\$53.51	\$24,080
16.1 to 20 miles	\$14,544	450	\$32.32	\$30.96	\$63.28	\$28,476
20 miles and up	\$14,544	450	\$32.32	\$30.96	\$63.28	\$28,476

Accessible Trip rate for one to one on the van (sitting next to the person on the van)						
Residential and Day rates for transporting individuals to their day program	Transportation Annual Cost	Total authorized trips per year (2 per day)	Cost per trip	1:1 Staffing Per Trip	Total trip rate with 1:1 staffing	Total annual transportation cost with 1:1 staffing
<= 3.5 miles	\$2,079	450	\$4.62	\$17.49	\$22.11	\$9,950
3.6 to 6 miles	\$4,158	450	\$9.24	\$17.49	\$26.73	\$12,029
6.1 to 8.5 miles	\$6,233	450	\$13.85	\$17.49	\$31.34	\$14,104
8.6 to 11 miles	\$8,312	450	\$18.47	\$17.49	\$35.96	\$16,183
11.1 to 13.5 miles	\$10,391	450	\$23.09	\$17.49	\$40.58	\$18,262
13.6 to 16 miles	\$12,470	450	\$27.71	\$17.49	\$45.20	\$20,341
16.1 to 20 miles	\$14,544	450	\$32.32	\$17.49	\$49.81	\$22,415
20 miles and up	\$14,544	450	\$32.32	\$17.49	\$49.81	\$22,415

Non- Accessible Trip rate for an additional person on the van (not a one to one)						
Residential and Day rates for transporting individuals to their day program	Transportation Annual Cost	Total authorized trips per year (2 per day)	Cost per trip	Enhanced Staffing Per Trip	Total trip rate with enhanced staffing	Total annual transportation cost with enhanced staffing
<= 7 miles	\$2,079	450	\$4.62	\$6.45	\$11.07	\$4,982
7.1 to 12 miles	\$4,158	450	\$9.24	\$12.90	\$22.14	\$9,963
12.1 to 16 miles	\$6,233	450	\$13.85	\$18.06	\$31.91	\$14,360
16.1 to 20 miles	\$8,312	450	\$18.47	\$23.22	\$41.69	\$18,761
20 miles and up	\$8,312	450	\$18.47	\$23.22	\$41.69	\$18,761

TRANSPORTATION CONTINUED

Non- Accessible Trip rate for one to one on the van (sitting next to the person on the van)						
Residential and Day rates for transporting individuals to their day program	Transportation Annual Cost	Total authorized trips per year (2 per day)	Cost per trip	1:1 Staffing Per Trip	Total trip rate with 1:1 staffing	Total annual transportation cost with 1:1 staffing
<= 7 miles	\$2,079	450	\$4.62	\$17.49	\$22.11	\$9,950
7.1 to 12 miles	\$4,158	450	\$9.24	\$17.49	\$26.73	\$12,029
12.1 to 16 miles	\$6,233	450	\$13.85	\$17.49	\$31.34	\$14,104
16.1 to 20 miles	\$8,312	450	\$18.47	\$17.49	\$35.96	\$16,183
20 miles and up	\$8,312	450	\$18.47	\$17.49	\$35.96	\$16,183

RESIDENTIAL SERVICES

I.H.S Hours for Own Home	
Hourly Rate	\$34.00
LON	Hours per Week
1	14
2	17
3	20
4	23
5	28
6	36
7	42
8	48
Safety Net	\$4,862

I.H.S Behavior Hours	
Hourly Rate \$121.20	
LON	Annual Hours
1-2	0
3-4	2
5-6	4
7	8
8	12

Personal Support	
Hourly Rate	\$34.00

I.H.S Cluster Hours for Own Home	
LON	Hours per Week
1	N/A
2	N/A
3	17
4	20
5	25
6	33
7	39
8	45

Health Care Coordination	
Health Care Coordination (\$71.71 per hour)	Authorized Hours of Service Per Year
+LON Score --health/medical score 4 or higher -- score of 6 or higher for combination of: health/medical and either the behavior (home) or psychiatric (home) domains, whichever is higher. Authorized hrs of service per year	
Score of 4-6	24 Hours
Score of 7-9	36 Hours
Score of 10-14	48 Hours

CLA/CRS - Residential Initial Rates								
Beds	LON							
	1	2	3	4	5	6	7	8
1	\$28,034	\$37,368	\$74,659	\$99,546	\$130,685	\$200,149	\$216,119	\$230,759
2	\$28,034	\$37,368	\$74,659	\$99,546	\$130,685	\$137,340	\$151,536	\$169,367
3	\$28,034	\$37,368	\$74,659	\$99,546	\$113,742	\$128,860	\$147,099	\$166,705
4	\$28,034	\$37,368	\$74,659	\$83,754	\$98,214	\$113,332	\$142,442	\$164,043
5	\$28,034	\$37,368	\$63,321	\$75,769	\$89,564	\$109,339	\$140,445	\$161,382
6	\$28,034	\$32,471	\$57,110	\$70,888	\$86,236	\$105,347	\$136,452	\$154,727
7	\$23,776	\$29,809	\$51,912	\$63,695	\$74,258	\$92,038	\$121,812	\$148,072
8	\$22,445	\$28,478	\$47,349	\$60,367	\$70,265	\$86,714	\$115,158	\$140,086

CLA/CRS - ONE TO ONE

L O N S C O R E	24 Hour One to One			16 Hour Awake One to One			Average Hourly Rates (Minimum of 7 hours of one to one per day)
	Raw One to One (138 hours per week * \$ 25.80 hourly rate *52 weeks)	Average Contribution from Person's LON funding towards the One to one staff	Additional Funding above the individual's LON for the one to one staff and to contribute to the regular staffing in the house	Raw One to One (82 hours per week * \$ 25.80 hourly rate *52 weeks)	Average Contribution from Person's LON funding towards the One to one staff	Additional Funding above the individual's LON for the one to one staff and to contribute to the regular staffing in the house	
4	\$181,116	\$24,170	\$156,946	\$110,011	\$16,902	\$93,109	\$21.87
5	\$181,116	\$29,536	\$151,580	\$110,011	\$20,121	\$89,890	\$21.12
6	\$181,116	\$33,560	\$147,556	\$110,011	\$22,536	\$87,475	\$20.56
7	\$181,116	\$42,950	\$138,166	\$110,011	\$28,170	\$81,842	\$19.26
8	\$181,116	\$52,339	\$128,777	\$110,011	\$33,804	\$76,207	\$17.95

CCH Annualized Amounts

	LON							
	1	2	3	4	5	6	7	8
Service Rate	\$1,422.77	\$1,422.77	\$4,543.42	\$4,543.42	\$8,615.62	\$8,615.62	\$8,615.62	\$8,615.62
Support Payment	\$2,690.88	\$4,490.88	\$3,501.96	\$7,002.00	\$10,973.04	\$10,973.04	\$17,973.00	\$17,973.00
Total DDS	\$4,114.00	\$5,914.00	\$8,045.00	\$11,545.00	\$19,589.00	\$19,589.00	\$26,589.00	\$26,589.00
CTV Rate	\$7,681.80	\$8,719.92	\$9,761.40	\$11,835.48	\$13,111.32	\$13,111.32	\$15,844.56	\$15,844.56
Total with CTV Rate	\$11,796	\$14,634	\$17,806	\$23,380	\$32,700	\$32,700	\$42,434	\$42,434

RESPITE

Service	Waiver	Procedure Code	Units/Smallest unit increment	Provider Rate	
Respite Agency, In home, Individual	EDS	5151 d	Per Diem	\$335.29	Per Day
	IFS/COMP	S 5151			
Respite Agency, In home, Individual	EDS	1404 z	Hour / 15 minutes	\$27.94	Per Hour
	IFS/COMP	S 5150			
Respite Agency, out of home, Individual	EDS	1402 z	Per Diem	\$365.68	Per Day
	IFS/COMP	S 5151			
Respite Agency, out of home, Individual	EDS	1406 z	Hour / 15 minutes	\$29.20	Per Hour
	IFS/COMP	S 5150			
Respite Agency, Group Rate 1	IFS/COMP/EDS	S 5151	Per Diem	\$142.16	Per Day
Respite Agency, Group Rate 1	EDS	5152 z	Hour / 15 minutes	\$10.58	Per Hour
	IFS/COMP	S 5150			
Respite Agency, Group Rate 2	EDS	5151 a	Per Diem	\$180.57	Per Day
	IFS/COMP	S 5151			
Respite Agency, Group Rate 2	EDS	5153 z	Hour / 15 minutes	\$13.76	Per Hour
	IFS/COMP	S 5150			
Respite Agency, Group Rate 3	EDS	5151 b	Per Diem	\$244.50	Per Day
	IFS/COMP	S 5151			
Respite Agency, Group Rate 3	EDS	5154 z	Hour / 15 minutes	\$19.10	Per Hour
	IFS/COMP	S 5150			
Respite Agency, In Home , 2 person	IFS/Comp/EDS	S 5151	Per Diem	\$209.56	Per Day
Respite Agency, In Home , 2 person	IFS/COMP	S 5150	Hour / 15 minutes	\$17.49	Per Hour
Respite Agency, Out of Home , 2 person	IFS/Comp/EDS	S 5151	Per Diem	\$239.95	Per Day
Respite Agency, Out of Home , 2 person	IFS/COMP	S 5150	Hour / 15 minutes	\$18.75	Per Hour

CCH Respite Rates - *Rates to be Reviewed at a later date

LON	LON Amount	Room and Board	Total Monthly	Annualized	Daily Rate
1	\$342.80	\$1,097.74	\$1,440.54	\$17,286	\$47.00
2	\$492.80	\$1,097.74	\$1,590.54	\$19,086	\$52.00
3	\$670.45	\$1,097.74	\$1,768.19	\$21,218	\$58.00
4	\$962.12	\$1,097.74	\$2,059.86	\$24,718	\$68.00
5 and 6	\$1,632.39	\$1,097.74	\$2,730.13	\$32,762	\$90.00
7 and 8	\$2,215.72	\$1,097.74	\$3,313.46	\$39,762	\$109.00

OVERNIGHT CAMP RATES

Residential LON of 1 or 2	\$142.16	Per Day	Includes transportation
Residential LON of 3,4, or 5	\$180.57	Per Day	Includes transportation
Residential LON of 6 or 7	\$244.50	Per Day	Includes transportation

OVERNIGHT CAMP - WEEKLY RATES

Residential LON	Weekly Rate	2 Week Rate	Comment
1 or 2	\$995.10		Attends at least 160 consecutive hours
1 or 2		\$1,990.21	Attends at least 308 consecutive hours
3, 4, or 5	\$1,264.02		Attends at least 160 consecutive hours
3, 4, or 5		\$2,528.05	Attends at least 308 consecutive hours
6 or 7	\$1,711.50		Attends at least 160 consecutive hours
6 or 7		\$3,423.00	Attends at least 308 consecutive hours
8	Negotiated		Attends at least 160 consecutive hours
8		Negotiated	Attends at least 308 consecutive hours
Rates includes Transportation		Use LON 5 if there is no completed LON	
Camp providers will be paid for individuals that leave camp early during the week a prorated daily amount. The amount of days to be paid will be calculated based on the total number of hours attended by the individual during the week divided by the standard 24 hours per day. Partial days greater than 12 hours will be paid the daily rate. Partial days less than 12 hours will not be reimbursed.			

EMPLOYMENT INITIATIVES

Career Plan (10 hours Maximum)			Working Interview (40 Hours Maximum)		
SEI Staffing	\$55.00	Per Hour	SEI Staffing	\$55.00	Per Hour
DSO/GSE (Group Day) Staffing	\$46.62	Per Hour	DSO/GSE (Group Day) Staffing	\$46.62	Per Hour
IDV Staffing	\$34.00	Per Hour	IDV Staffing	\$34.00	Per Hour
Completed Career Plan	\$784.77				
Intensive Job Placement/Training			Benchmark (only for those with annual ISE authorization)		
SEI Staffing	\$55.00	Per Hour	Job Start	\$2,000 Maximum	
DSO/GSE (Group Day) Staffing	\$46.62	Per Hour	3 Month	\$2,000 Maximum	
IDV Staffing	\$34.00	Per Hour	6 Month	\$2,000 Maximum	
Individual Wages (40 Hours Maximum)	\$11.25	Per Hour			