

Fast Facts

MARTIN SETTLEMENT

Page 1

What Is The Martin Settlement?

After more than 18 years, the state of Ohio has decided to settle a long-standing class-action lawsuit that sought to allow individuals with disabilities confined to congregate care facilities to choose what service setting they prefer. Parties to the lawsuit have agreed to a plan that would end litigation and begin the process of allowing a limited number of individuals leave an institutional setting in favor of community-based care if they wish to move.

The Settlement proposes that 1500 new Individual Options (IO) Waivers be offered over the next two years. The proposal states that 600 waivers must be provided in 2008 and 900 waivers must be provided in 2009.

Why Does Ohio Need Martin?

The settlement puts Ohio one step closer to a full-choice model of services and supports. People with developmental and other disabilities must have the same opportunities and choices available to them as their peers without disabilities who seek a place to live—a personal haven, a place of comfort and safety—which has been chosen or selected by the individual or their family as their “home.”

The Ohio Developmental Disabilities Council is part of a national network of state councils that work toward changes in public policy so that people with developmental disabilities are provided opportunities to achieve their maximum potential. The Ohio Developmental Disabilities Council recognizes the right of adult individuals with developmental disabilities to make choices about where and with whom they live and how they will spend their time, and the role of families in making choices and decisions for their minor children.

Who Would Be Eligible?

The Settlement proposes that at least 200 waiver slots be made available to individuals residing in an Intermediate Care Facility for the Mentally Retarded (ICF/MR) and at least 80 waiver slots be made available to individuals residing in nursing facilities. Each resident of a state-run developmental center and an ICF/MR

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Action to Date

Judge Edmund Sargus signed the proposed settlement on March 5, 2007, giving the Ohio General Assembly three months to provide funding for 1500 IO waiver slots.

The state operating budget, was introduced with \$35 Million to provide the waivers under the settlement. The bill is currently being heard by the House Finance and Appropriations Committee.

For more information, contact:



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Fast Facts

MARTIN SETTLEMENT

Page 2

(Martin Settlement cont'd)

will be surveyed on their interest to move into a community-based residential setting. The remaining waiver slots will be allocated to county boards for MR/DD to serve individuals currently on the waiting list for waiver services.

What Would Ohio's Plan Look Like?

The IO Waiver provides individuals with disabilities the resources needed to live in a community setting with the services and supports they need to be independent. There is not a cap on the amount an individual may receive under an IO waiver, but participants are pre-screened using the Ohio Developmental Disabilities Profile (ODDP) to keep costs low.

The IO Waiver is funded under the Medicaid program, which is jointly funded by the state and federal government. Generally, Ohio's share, or match, is equal to 41 percent and the federal government pays 59 percent. However, under the IO waiver, Ohio's match is typically provided by county boards by taxes levied at the local level, but also from state funds.

The state match for the 1500 new IO Waivers should be provided by the state of Ohio.

How Much Will The Settlement Cost?

It is estimated the Settlement will cost the state \$35 million in match.

What Needs To Be Done?

The cost associated with the Settlement places a lot of pressure on the Ohio Department of MR/DD's biennium budget. There may be efforts to count the funding for this legal settlement against other programs that provide services for individuals with disabilities. The Martin Settlement should not negatively impact existing programs within the disability community or proposed growth for those programs.

More information can also be obtained online at www.ddc.ohio.gov.

Is there a DD Council Center for Public Policy in your area?

DD Council Centers for Public Policy are resource centers for advocates and policy makers to learn more about the issues and how people view them.

Athens/Marietta Area:
HAVAR Inc.
Contact: Scott Dennis
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3/26/07