

# NJCDD

NJ Council on Developmental Disabilities

# the Council

A publication of the New Jersey Council on Developmental Disabilities



## New Jersey Ranks Among the Worst in Spending on Community Services

In an information bulletin released in January, the U.S. Department of Health and Human Services' Administration on Developmental Disabilities (ADD), found that 35.5% (\$11.9 billion) of Medicaid's entire long term care expenditures for people with developmental disabilities were allocated to institutional services; while 64.5% (\$21.7 billion) was spent on community-based services.

Using data for FY 2008, the ADD's bulletin (#297) examines how well states are doing at ending discrimination against people with developmental disabilities by looking at spending patterns – specifically, the allocation of Medicaid Long Term Care expenditures between institutional versus community-based services.

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## New Leadership Arrives In Trenton

**Chris Christie is Sworn in as New Jersey's 55th Governor  
Kim Guadagno is Sworn in as First Lieutenant Governor**

During his inaugural address on January 19, Republican Christie spoke of the need for bipartisan effort and cooperation, and pledged to work with both General Assembly and State Senate leaders from the opposing political party. Throughout his speech, the new Governor spoke of the budget challenges ahead and the need for change. He called for transparency and accountability in spending.

“Problems have festered while too much of the time of our leaders has been spent assigning blame instead of assuming responsibility,” said Christie. “Today, we are taking a new direction. Today, a new era of accountability and transparency is here.”

One week earlier, new leadership was sworn in at the State Legislature. Senator Stephen Sweeney of West Depford became the Senate President, a position previously held by Richard Codey. Assemblywoman Sheila Oliver of East Orange became the Assembly Speaker, taking over from Joseph Roberts, who retired.

Leadership of legislative committees was also announced in late January. Of interest to advocates for people with disabilities: M. Teresa Ruiz will serve as chairwoman of the Senate Education Committee and Senator Jim Whelan will serve as vice-chair. Senator Loretta Weinberg is the chairwoman of the Health, Human



*“Today, we are taking a new direction. Today, a new era of accountability and transparency is here.”*

*-Governor Chris Christie*

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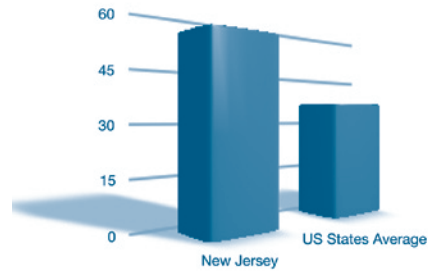
## New Jersey Spending on Community Services *continued from cover*

According to ADD, the allocation of Medicaid Long Term Care (LTC) expenditures demonstrates a State's commitment to provide citizens with developmental disabilities a choice between institutionalization and living in the community.

In the decade since the U.S. Supreme Court ruled in the Olmstead case against unnecessary institutionalization, states have shown a steady and progressive trend to reduce institutional expenditures and to increase community expenditures. Nationwide, between FY 2004 and FY 2008, there was a seven percent shift in allocation between institutional versus community services.

While the trend is toward community services, three states - New Jersey, South Carolina and Massachusetts - actually decreased their community expenditures by more than 5% between FY 2006 and FY 2008.

Seven states – Illinois, Arkansas, Texas, Louisiana, Mississippi, Washington DC and New Jersey - spent more than



FY 2008 Institutional Expenditures by States as a Percentage of all State Spending on Long Term Care for People with Developmental Disabilities (NJ, 54.6% vs. National Average, 35.5%)

50% of their Medicaid LTC in institutional care. Of those, Arkansas, Texas, Louisiana, and Mississippi are moving in the right direction, having increased their community expenditures more than 5% in the last two years

The ADD lists New Jersey, where 54.6% of the long-term care dollars are spent on institutions, as among the ten states ranked that consistently neglect DD expenditures in the community.



## Resource: Social Security Administration Launches "Choose Work" Website

The Social Security Administration (SSA) has launched the Choose Work web site for people receiving Social Security Disability benefits. The website includes short, informative videos and stories told by people with disabilities who have explored the Ticket and other Work Incentives, as well as local resources and other information for Social Security disability beneficiaries who want to return to work. For more information, go to: <http://www.choosework.net/>



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## New Leadership Arrives In Trenton *From cover*

Services and Senior Citizens Committee; Joseph Vitale is vice-chair. Fred Madden will chair the Senate Labor Committee, with Sandra Cunningham as vice-chair.

In the Assembly, Joseph Diegnan will serve as chairman of the Assembly Education Committee; Joan Voss will remain vice-chair. Assemblywoman Valerie Vainieri Huttel will chair the Assembly Human Services Committee; Assemblywoman Caridad Rodriguez will be vice-chair. Herb Conway will chair the Health and Senior Services Committee; vice-chair will be Connie Wagner.

As the Council's newsletter goes to press, the new Governor's cabinet is taking shape. Christie has appointed former Gubernatorial candidate Brett Schundler – a vocal advocate of school choice - as Commissioner of the Department of Education. Christie has asked Jennifer Velez, Commissioner of the Department of Human Services, to remain. He has

appointed Sussex County banker and businessman Hal Wirths Commissioner of the Department of Labor, and Lori Grifa, an attorney, as Commissioner of the Department of Community Affairs.

Also in late January, Governor Christie released 19 subcommittee reports, each with recommendations to improve and shrink state government. To read the reports, go to: [http://www.state.nj.us/governor/news/news/55\\_2010/approved/20100122a\\_reports.html](http://www.state.nj.us/governor/news/news/55_2010/approved/20100122a_reports.html)

The new leadership in Trenton faces one of the most challenging fiscal climates in New Jersey's history, and will likely be forced to cut millions of dollars from the state budget.

*“Jennifer Velez will stay on as Commissioner of the Department of Human Services, and former Gubernatorial candidate, Brett Schundler, will head the Department Education.”*

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**En español, por favor**

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## Nuevas autoridades llegan a Trenton

El 19 de enero el republicano Chris Christie juramentó como gobernador número 55 de Nueva Jersey y Kim Guadagno como el primer vicegobernador del estado.

Durante su discurso inaugural, Christie manifestó la necesidad de esfuerzos y cooperación bipartidarios y se comprometió a trabajar con ambos líderes del partido político de la oposición. Durante el desarrollo de su discurso, el nuevo gobernador habló sobre los retos presupuestales que tenían por delante y sobre la necesidad de un cambio. Hizo un llamado a la transparencia y a la responsabilidad en los gastos.

“Se han venido generado problemas mientras una parte muy significativa del tiempo de nuestros líderes se ha invertido en encontrar culpables en lugar de asumir

responsabilidades,” dijo Christie. “Hoy en día, estamos tomando un nuevo rumbo. Hoy, estamos frente a una nueva era de responsabilidad y transparencia.”

Una semana antes, las nuevas autoridades juramentaron en la Asamblea Legislativa Estatal. El senador Stephen Sweeney, de West Depford, asumió el cargo de presidente de la Cámara de Senadores, cargo que anteriormente ocupara Richard Codey. Sheila Oliver, miembro de la Asamblea de East Orange, fue elegida vocero de la Asamblea, sucediendo en el cargo a Joseph Roberts, quien se jubiló.

Asimismo, a fines de enero, se anunciaron los nombres de las personas que encabezaban los comités legislativos. Siendo de interés para quienes abogan por las personas

*Continúa en la página 6*

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## New Jersey Gets Funding Bonus for Boosting Enrollment in Children’s Health Coverage

New Jersey is among nine states to receive a performance bonus from the U.S. Department of Health and Human Services (HHS) for making significant progress in enrolling children in health coverage through Medicaid and improving access to children’s coverage through Medicaid and the state children’s health insurance program.

These programs typically serve a high number of children with disabilities.

HHS announced the award of more than \$72 million in “performance bonuses” to nine states that had met performance goals around enrollment and retention of eligible children, and documented significant increases in Medicaid enrollment among children over the course of the year. New Jersey received \$4.2M.

*The bonus was given for New Jersey’s progress in enrolling children in health coverage through Medicaid and improving access to the state children’s health insurance program.*

Performance bonuses are not the only federal incentive for states to maintain and expand Medicaid programs. A short-term boost in Medicaid reimbursement rates authorized by the American Recovery and Reinvestment Act (ARRA) also provided relief to states with suffering economies, enabling them to extend care to eligible children. The announcement follows the release of a study by the Kaiser Family Foundation’s Commission on Medicaid and the Uninsured, which credited federal programs with enabling States to expand access to care for low-income, uninsured children. In a 50-state survey, the Commission concluded that 26 states expanded and/or simplified their Medicaid and CHIP programs in 2009. A copy of the complete report can be found at <http://www.kff.org>.



## New legislation provides individuals with mental illness services in the least restrictive environment

Earlier this fall, Governor Jon Corzine signed legislation revising the state’s civil commitment laws to allow those with mental illness the opportunity for involuntary commitment to outpatient treatment as an alternative to an inpatient commitment. The bill is designed to help minimize time in the hospital and keep individuals with mental illness in the least restrictive environment.

Previously, state law provided only for commitment to treatment in an inpatient facility for those established by the courts to be dangerous to themselves, others, or property, and therefore, in need of hospital care. The new law provides for clinically appropriate treatment in the least restrictive environment for other people in need of mental health services who do not meet the threshold of in-patient care.

Supporters say the measure balances the preservation of personal freedoms with the state’s concerns for individual and public safety. Studies have shown that involuntary outpatient commitment has been highly successful in helping patients comply with their medication needs, reduce their hospital stays, and make progress on the path to recovery and productivity.

Currently, more than 40 states have laws for assisted outpatient treatment.

The state Department of Human Services has said it will identify the particular community-based treatment services needed to safely and adequately carry out the bill’s provisions and will work together with the Legislature to support the services identified to protect the severely mentally ill.



## New Report Emphasizes Cost-Effective Olmstead Principles Necessary for Health Care Reform and Civil Rights

The Bazelon Center for Mental Health Law has released a report asserting that implementing the principles of the Olmstead decision would have a dramatic impact on health care reform and the economy.

“Still Waiting... The Unfulfilled Promise of Olmstead,” details the current situation ten years after the U.S. Supreme Court’s decision in *Olmstead v. LC and EW*. Under that decision, the court said states have an obligation to provide care for people with developmental disabilities and mental illness in community settings, where medically possible.

The report, released in conjunction with the 10th anniversary of the Olmstead decision, asserts that no state adequately fulfills its obligations to provide community-based living for people with disabilities. It details how federal and state governments can use community-based services and supports for people with mental illnesses to save billions of dollars and improve healthcare outcomes.

In a call to action, Robert Bernstein, executive director of the Bazelon Center, described steps that Congress, federal agencies and the states should take to create community-based care models. He also described how Olmstead programs could guide healthcare reform and save billions of taxpayer dollars.

Among the main points of the report:

- States must determine how many people with disabilities are served in unnecessarily segregated settings and what community-based services are necessary to support reintegration and recovery, and then shift funding from institutions to community-based services.
- States continue to waste valuable resources by placing people with mental illnesses in costly,

*“Still Waiting... The Unfulfilled Promise of Olmstead,” details the current situation ten years after the U.S. Supreme Court’s decision in *Olmstead v. LC and EW*.*



ineffective institutional settings. The cost of a supportive apartment is one eighth that of state hospital care, just over a third of the cost in a board-and-care facility.

- Implementing Olmstead programs through health care reform would save taxpayers billions of dollars by making essential community services available to people with mental illnesses.

In 1999, the U.S Supreme Court ruled in *Olmstead* that under the Americans with Disabilities Act (ADA), public services for people with disabilities must be provided in the most integrated setting possible, giving them the opportunity to live independently in the community rather than in segregated institutional settings.

To view a copy of the report, visit: [http://www.bazelon.org/pdf/Olmstead\\_Call-to-Action.pdf](http://www.bazelon.org/pdf/Olmstead_Call-to-Action.pdf).

*The Bazelon Center ([www.bazelon.org](http://www.bazelon.org)) is the leading national legal-advocacy organization representing people with mental disabilities. It promotes laws and policies that can enable people with psychiatric or developmental disabilities to exercise their life choices and access the resources they need to participate fully in their communities.*

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## New Jersey Man Nominated to Federal Council

*“The real war is against prejudice, discrimination, lack of support and abuse,” Ne’eman said. “That’s a war in which, I’m proud to say, we don’t believe we should be taking any prisoners.”*

East Brunswick resident Ari Ne’eman has been nominated to serve on the National Council on Disability. The 22-year-old New Jersey native is the first person with autism to be nominated for a seat on the Council. If confirmed by the U.S. Senate, he also will be the youngest person to serve in more than two decades.

The National Council on Disability (NCD) is an

independent federal agency, composed of 15 members appointed by the President to promote policies, programs, practices, and procedures that guarantee

equal opportunity for all individuals with disabilities, and that empower individuals with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

President Obama submitted Ne’eman’s name in December, sparking mixed reactions on autism blogs and message boards. Ne’eman, who has gone on record against the views of some of the best-known autism-advocacy groups, says he is untroubled by his critics. “The real war is against prejudice, discrimination, lack of support and abuse,” Ne’eman said. “That’s a war in which, I’m proud to say we don’t believe we should be taking any prisoners.”



Ari Ne’eman,  
Nominated to Serve  
on the NCD

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## Nuevas autoridades llegan a Trenton *de pagina 3*

discapacitadas, M. Teresa Ruiz será la presidenta del Comité de Educación del Senado y el senador Jim Whelan se desempeñará como vicepresidente. La senadora Loretta Weinberg preside el Comité de Adultos Mayores, Servicios Humanos y Salud; Joseph Vitale es el vicepresidente. El Comité de Trabajo del Senado será presidido por Fred Madden, teniendo como vicepresidenta a Sandra Cunningham.

En la Asamblea, Joseph Diegnan se desempeñará como presidente del Comité de Educación; Joan Voss seguirá siendo el vicepresidente. Valerie Vainieri Huttel, miembro de la Asamblea, presidirá el Comité de Servicios Humanos; Caridad Rodriguez, miembro de la Asamblea, será la vicepresidenta. Herb Conway presidirá el Comité de Servicios a Personas Mayores y de Salud y Connie Wagner será la vicepresidenta.

Mientras el boletín del Consejo llega a la prensa, el gabinete del nuevo Gobernador está tomando forma. Christie ha nombrado al ex-candidato a Gobernador,

Brett Schundler –un defensor vocal de la elección de escuelas– como comisionado del Departamento de Educación. Christie ha solicitado a Jennifer Valez, comisionada del Departamento de Servicios Humanos, que permanezca en el cargo. Además, ha designado al banquero y hombre de negocios del Condado de Sussex, Hal Wirths, como comisionado del Departamento de Trabajo, y a Lori Grifa, abogada, como comisionada del Departamento de Asuntos Comunitarios.

También en enero, el gobernador Christie publicó 19 informes de subcomités, cada uno de los cuales contiene recomendaciones para mejorar y reducir los gastos del gobierno estatal. Para leer los informes, ingrese a: [http://www.state.nj.us/governor/news/news/55\\_2010/approved/20100122a\\_reports.html](http://www.state.nj.us/governor/news/news/55_2010/approved/20100122a_reports.html)

Las nuevas autoridades de Trenton enfrentan uno de los climas fiscales más desafiantes en la historia de Nueva Jersey y, probablemente, se vean obligadas a recortar millones de dólares del presupuesto estatal.



## Job Bias Claims on the Rise

The number of workers claiming job discrimination based on disability, religion or national origin surged to new highs last year, as federal job bias complaints overall stayed at near-record levels.

The Equal Employment Opportunity Commission (EEOC) reported that claims of discrimination based on disability rose by about 10 percent in 2009, to 21,451 claims, the largest increase of any category. The increase coincided with recent changes to the Americans with Disabilities Act, which made it easier for people with epilepsy, diabetes and other treatable conditions to claim they have a disability.

The EEOC received more than 93,000 discrimination claims during the 2009 fiscal year, a 2 percent decrease from the record set in 2008, but still the second-highest level in the commission's history.

Since the ADA was enacted in 1990, a series of Supreme Court rulings have excluded people with partial disabilities or impairments that can be treated with medication or devices, such as hearing aids, from its protections.

Recent legislation changed the ADA and directed courts to use a broader definition of disability.

The EEOC said the near-historic level of complaints overall may be due to a number of factors, including economic conditions, increased diversity and demographic shifts in the work force. Employees also may be more aware of their rights and could be taking advantage of changes at the EEOC that make it easier to file a discrimination charge.

For more information, go to: <http://www.eeoc.gov>

### Joseph P. Kennedy, Jr. Foundation Seeks Public Policy Fellows

The Joseph P. Kennedy, Jr. Foundation is seeking professionals and/or family members of persons with intellectual or developmental disabilities who are currently working or volunteering in the field of inclusive services and supports for people with intellectual and developmental disabilities for an intensive one-year Public Policy Fellowship in Washington, D.C. The purpose of the one-year Fellowship is to prepare both early career and veteran leaders to assume leadership in the public policy arena in their home state and/or nationally. The successful applicant will learn how federal legislation is initiated, developed, and passed by the Congress, as well as how programs are administered and regulations promulgated by federal agencies. Deadline for the 2010-2011 Kennedy Fellowship application is March 5, 2010 by 5:00 P.M. EST. For more information, go to <http://www.jpkf.org/>

### New Project Offers Legal Services to Children with Disabilities In Foster Care

The Education Law Center (ELC) has announced a new initiative to provide special education representation for children in New Jersey's foster care system. ELC's Foster Care Initiative focuses on direct representation, advocacy training, and systemic reform. ELC will handle special education matters, and represent biological, adoptive, foster parents or educational surrogates of children who are currently placed in foster care or other out-of-home placement under the supervision of the Division of Youth and Family Services (DYFS).

For more information, contact Lauren Michaels at [lmichaels@edlawcenter.org](mailto:lmichaels@edlawcenter.org) or at (973) 624-1815, ext. 15. Those seeking assistance on behalf of a child should call ELC's bilingual English-Spanish intake coordinator, Aimee Roche, at (973) 624-1815, ext. 14.



## February

26 Making the Most of Technology in an ABA Program for Individuals with Autism; and Developing Play Skills in Young Learners with ASDs: From Assessment to Intervention. Sponsored by Autism NJ. To be held in Clark, NJ, 9:00 a.m. - 3:00 p.m. Part of the agency's 2010 Professional Workshop series. For information, call 609-883-8100, or 1-800-4-AUTISM, or visit <http://www.autismnj.org>.

## March

19 Facing the Future XVIII Conference, sponsored by NJ APSE: The Network on Supported Employment and The Boggs Center. To be held in Somerset, NJ. For information, visit <http://rwjms.umdj.edu/boggscenter/>, or call (732) 235-9300.

## April

- 12-14 Disability Policy Seminar - Sponsored by The Arc of the United States, United Cerebral Palsy (UCP), American Association on Intellectual and Developmental Disabilities (AAIDD), Association of University Centers on Disabilities (AUCCD), National Association of Councils on Developmental Disabilities (NACDD), and Self Advocates Becoming Empowered (SABE). To be held in Washington D.C. For more information, please visit <http://www.disabilitypolicyseminar.org/>
- 16 Positive Behavior Support: Improving Quality of Life While Addressing Problem Behavior. David Rotholz, Ph.D., presenting. Sponsored by Elizabeth M. Boggs Center on Developmental Disabilities Lecture Series. To be held in Iselin, NJ at the Woodbridge Hilton, 9:30 a.m. - 12:30 p.m. For more information, email Carole Ramirez or call (732) 235-9307, or visit [http://rwjms.umdj.edu/boggscenter/dd\\_lecture/DD\\_lecture.html](http://rwjms.umdj.edu/boggscenter/dd_lecture/DD_lecture.html)
- 30 Think College: The Promise of Postsecondary Education for Students with Intellectual and Developmental Disabilities. Meg Grigal, Ph.D., presenting. Sponsored by Elizabeth M. Boggs Center on Developmental Disabilities Lecture Series. To be held in Iselin, NJ at the Woodbridge Hilton, 9:30 a.m. - 12:30 p.m. For more information, email Carole Ramirez or call (732) 235-9307, or visit [http://rwjms.umdj.edu/boggscenter/dd\\_lecture/DD\\_lecture.htm](http://rwjms.umdj.edu/boggscenter/dd_lecture/DD_lecture.htm)

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 The Council is a compilation of news from various sources, organized to inform people with disabilities about policies, programs, laws, trainings, and events. This publication and others published by NJCDD are available in alternate accessible formats. Please call the Council for more information.

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