

Moving from a Facility to the Community

People with disabilities have a fundamental right to live in the community rather than an institution or facility. To ensure that people have the means to exercise this right, there are programs available to help a person remain in, and transfer to, a residence in the community. The information provided below is intended to give a brief overview of these programs.

The Right to Live in the Community

People with disabilities have a fundamental right to live free from harm in the communities of their choice with the opportunity to participate fully and equally in society.

This right was recognized in 1999 by the U.S. Supreme Court in *Olmstead v. L.C.* In this case, the Court established that the unnecessary institutionalization of individuals is a form of discrimination under the American with Disabilities Act (ADA).

The *Olmstead* decision also established that states are required to serve a person with mental disabilities in the community, rather than in an institution, when:

1. The state determines that community-based treatment is appropriate;
 2. The individual does not oppose community placement; and
 3. Community placement can be reasonably accommodated.
- ✓ “Reasonably accommodated” takes into account the state’s available resources as well as the state’s obligation to equitably provide community-based care to other individuals in the community who have mental disabilities. Living in the community must be cost-neutral as compared to living in a facility.

For community-based services programs, generally a person must be able to be safely served in the community within the limitations of that program. Because the community living option must be cost-neutral, most programs will not provide 24-hour care to an individual. Most of the programs have an expectation that if someone needs 24-hour care,

the program will be supplemented by natural supports such as family or some group living environments, e.g., small group homes or alternative family living.

Transition Programs

I. Money Follows the Person: Money Follows the Person is a Medicaid-funded, state program which assists people in moving from *inpatient facilities* into the community, with supports.

❖ To qualify, you must:

1. Have lived in a hospital, skilled nursing facility or an intermediate care facility for people with developmental disabilities for *at least* 3 months, *excluding time spent in a rehabilitation facility solely for rehabilitation of an injury.*
2. Meet the CAP or the PACE program eligibility requirements.
3. Be a recipient of Medicaid services before the transition.
4. Choose to move to one of the following “qualified residences”:
 - Your personal home or apartment;
 - Your family’s home or apartment; or
 - If you are a CAP I/DD recipient, a group home with no more than 4 people.

❖ What are the benefits of the program?

1. Community-Based Funding for Supports: Participants receive personal supports and other services through Medicaid’s CAP I/DD or CAP DA program (which set aside a certain number of slots specifically for MFP enrollees) or the PACE program.
2. Transition “Start Up” Funding: Each participant may be eligible for up to \$3,000 for items and services needed to transition, including:
 - Security deposits
 - Utility start-up expenses
 - Furniture
 - Accessibility modifications
 - Other one-time items or services required to transition
3. More Options in Long-Term Support: Provides eligible residents of inpatient facilities an option to receive supports and services in their communities.

II. Independent Living Rehabilitation Program (IL): For people with significant disabilities, the Independent Living Rehabilitation Program (IL) helps people manage their own lives and take a more active role in the life of their family, home and community.

❖ What services does IL offer?

IL works with individuals to develop objectives and identify appropriate services, which may include:

- Guidance and counseling
- Rehabilitation engineering
- Home and vehicle modifications
- Independent living skills training
- Certain equipment purchases
- Assistance with leisure services
- Personal assistance services
- Registering a service animal (not legally required but may be helpful)

❖ To qualify, you must:

- Have a *significant* disability that severely limits your ability to live independently.
- Show that receipt of services will *significantly* improve your ability to live independently.

An individual's financial resources will be considered for eligibility of some services, but other services are available to eligible individuals without regard to financial need.

III. Centers for Independent Living (CIL): CILs are non-residential, non-profit organizations that are consumer-controlled and community-based. CILs provide programs and services for people with all types of disabilities and their families. Although different CILs may offer different programs and services, the common goal of CILs is to promote and support opportunities for people with disabilities to fully participate in an integrated community.

CILs in North Carolina		
ORGANIZATION	COUNTIES	LOCATION
Disability Partners www.disabilitypartners.org	<u>Sylva office:</u> Clay, Cherokee, Graham, Macon, Swain, Jackson and Haywood <u>Asheville office:</u> Buncombe, Henderson, Madison, McDowell, Polk Rutherford, and Transylvania	525 Mineral Springs Drive Sylva, NC 28779 828-631-1169 108 New Leicester Highway Asheville, NC 28806 828-298-1977
Disability Rights and Resources www.disability-rights.org	Cabarrus, Gaston, Mecklenburg, and Union	5801 Executive Center Drive Suite 101 Charlotte, NC 28212 704-537-0550
The Adaptables, Inc. www.theadaptables.com	Davie, Davidson, Forsyth, Stokes, Surry, and Yadkin	3908 Westpoint Blvd. Suite B Winston Salem, NC 27105 336-767-7008
Shabazz Center www.shabazzcil.org	Alamance, Caswell, Guilford, Randolph, and Rockingham	221 Commerce Place Suite D Greensboro, NC 27401 336-272-0501
Alliance of Disability Advocates www.alliancecil.org	Wake, Durham, Franklin, Johnston, and Orange	401 Oberlin Road Suite 103 Raleigh, NC 27605 919-833-1117
Eastern NC Center for Independent Living www.darcnc.org	Beaufort, Pitt, and Wilson	702 A John Hopkins Drive Greenville, NC 28734 252-355-6215
disAbility Resource Center www.drcwilmington.org	New Hanover and Brunswick	140-A Cinema Drive Wilmington, NC 28403 910-815-6658

IV. OPTIONS COUNSELING PROGRAMS: Community Resource Connections for Aging and Disabilities (CRCs) in North Carolina promote informed decisions about long-term services and supports. One way CRCs promote informed decisions is through Options Counseling, a process which helps individuals identify and understand their needs, and then make choices that fit well with those needs pursuant to their own preferences and desires. This process helps individuals achieve and maintain independence and control in their daily lives. Below is each

region's CRC if you are interested in Options Counseling:

COUNTY	CONTACT PERSON AND INFORMATION	
Forsyth County CRC	Jessalyn Bridges Senior Services, Inc. (336) 724-2040	
Northwest Piedmont CRC	Dean Burgess (336) 573-3658	
Chatham/Orange CRC	Gwen Phillips (919) 714-3109	
Mecklenburg County	Denise Bordeman (704) 537-0550	
Cabarrus County CRC	Michael Murphy	Chasity Schooley
Piedmont Triad CRC <i>Guilford, Montgomery, Rockingham, Randolph, Alamance, Davidson, Caswell</i>	Renee Griffin Piedmont Triad CRC (336)641-4680 Jenise Davis Guilford Co DSS (336)641-3000	Ellen Whitlock Senior Resources of Guilford (336)373-4816 Aaron Shabazz Shabazz CIL (336) 272-0501
CRC of the Great Smokies	Patsy P. Dowling Mountain Projects, Inc. (828) 452-1447	
Wake County CRC	Susan Reed (919) 856-5980	Gail Holden Wake County DHHS
Land of Sky CRC	Carol McLimans Land of Sky AAA (828) 251-6622	
High Country CRC	Glenda Luther Ashe Services for Aging, Inc. (336) 246-1525	
Lumber River CRC	Janet Campbell, (910)272-0121	

MEDICAID & MEDICARE PROGRAMS TO PROMOTE INDEPENDENCE

I. Community Alternative Programs (CAP): CAP programs are Medicaid home and community-based service waivers granted by the Center for Medicare and Medicaid Services.

Purpose: CAP programs provide for both medical and non-medical home and community-based services to prevent or delay institutionalization.

A. CAP for Persons with Intellectual and Developmental Disabilities (AP- I/DD)

❖ *To be eligible you must:*

1. Qualify for care in an Intermediate Care Facilities for the Mentally Retarded (ICF-MR) *and*
2. Reside in a:
 - Private residence, *or*
 - Domiciliary care facility

❖ *Services Provided Include:*

- Adult Day Health
- Augmentative Communication
- Community Transition
- Crisis and Crisis Respite Services
- Days Supports
- Home and Community Supports
- Home Modifications
- Individual and Caregiver Training and Education
- Long-Term Vocational Supports
- Personal Care Services
- Residential Support
- Respite Services

- Transportation
- Vehicle Adaptations

B. CAP for Disabled Adults (CAP-DA)

❖ *To be eligible you must:*

1. Be 18 years of age or older, *and*
2. Reside in a private residence.

❖ *Services provided:*

- Adult Day Health Services
- In-Home Aide Services
- Home management
- Personal care
- Home modifications
- Respite care

II. PACE (Program of All-Inclusive Care for the Elderly): PACE is a community-based program with medical care, social services, and personal care for individuals over the age of 55 who meet the criteria for round-the-clock nursing home care. Currently PACE programs serve a limited area in North Carolina. Elderhaus, Inc. serves New Hanover and northern Brunswick counties, Piedmont Health Senior Care serves Carrboro and Alamance counties, and St. Joseph's of the Pines in Southern Pines. Expansion of the PACE program to other areas is being explored but has not yet occurred. For more information about expansion, see <http://www.ncdhhs.gov/dma/services/pace.htm>.

Purpose: Allow senior citizens to remain at home, living independently and safely, for as long as possible.

Funding: PACE is sponsored by the Centers for Medicare and Medicaid Services.

Though Medicare and Medicaid covers the costs for most patients, individuals who are not eligible for Medicare or Medicaid may consider private pay as an option at about \$5,800 a month (compared to \$7,000 to \$8,000 for nursing homes).

Services: All PACE Programs are federally required to provide a comprehensive array of services including:

- All Medicaid-covered services
- Primary care services
- Social work services
- Restorative therapies
- Personal care and supportive services
- Nutrition counseling
- Medical specialty services
- Recreational therapy
- Transportation
- Meals
- Laboratory tests, x-rays, and other diagnostic procedures
- Acute inpatient care
- Nursing facility care

Disability Rights North Carolina is a 501(c)(3) nonprofit organization headquartered in Raleigh. It is a federally mandated protection and advocacy system with funding from the U.S. Department of Health and Human Services, the U.S. Department of Education, and the Social Security Administration.

Its team of attorneys, advocates, paralegals and support staff provide advocacy and legal services at no charge for people with disabilities across North Carolina to protect them from discrimination on the basis of their disability. All people with disabilities living in North Carolina are eligible to receive assistance from Disability Rights NC.

Contact us for assistance or to request this information in an alternate format.

Disability Rights North Carolina

3724 National Drive, Suite 100
Raleigh, North Carolina 27612

www.disabilityrightsncc.org

919-856-2195
877-235-4210 (toll free)
888-268-5535 (TTY)
919-856-2244 (fax)