



Autism in Legislation

National and State Update

Barb Yavorcik, Executive Director
Autism Society of Ohio

Why am I Here?

Cari, 26

Michael, 23

- ❑ Diagnosed at 3
- ❑ HS Class of 2007
- ❑ Employed part time



 **AUTISM SOCIETY**

Improving the Lives of All Affected by Autism

Ohio

Autism In Legislation

- National Issues
- State Issues
- How you can get involved!

National Issues

- Health Care Reform**
- Combating Autism Act**
- Safer Chemicals Act
- Seclusion and Restraint Act
- Priorities for Congress

Federal Health Care Coverage

Affordable Care Act – Passed in March 2010

Insurers are:

- Prohibited from excluding coverage based on pre-existing conditions
- Prevented from selectively refusing to renew coverage;



Federal Health Care Coverage

- ❑ No longer be able to charge people different premiums based on their health status, gender or occupation
- ❑ Standardized annual out-of-pocket spending limit would be established so that no family would face bankruptcy due to medical expenses
- ❑ Annual and lifetime benefit caps are prohibited

Health Care Reform

- ❑ “Habilitative” and “maintenance services” are to be covered
- ❑ Coverage of “Behavioral health treatments,” such as ABA therapy, are to be covered



Health Care Reform

IN PLACE NOW:

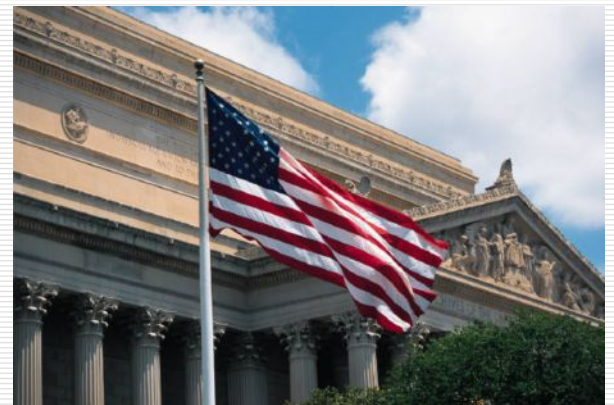
- Benefits extended for dependents up to age 26
- High Risk Insurance Pool – uninsured Ohioans with pre-existing conditions www.ohiohighriskpool.com
- Tax credits for small businesses that obtain health coverage for their workers



Ohio | Department of Insurance

Federal Health Care Coverage

- Health and Human Services (HHS) Secretary Kathleen Sebelius will have wide discretion on what is and isn't covered in creating the regulations associated with the bill.



- Autism Organizations will be part of helping to draft the regulations that would affect behavioral health and other sections that would affect individuals with autism

Federal Health Care Coverage

- ❑ What health insurance plans will be affected by this legislation is "to be determined", again through discretion of HHS development of regulations.
- ❑ For specifics, the feds may well look to the states that have already passed autism insurance coverage or behavioral health legislation.

Bottom Line – Federal Bill

- ❑ Good news for families with an individual with autism
- ❑ Parts of the law do not take effect until 2014
- ❑ For information on how health care reform will affect you, visit: www.healthcare.gov
- ❑ For information from Ohio, visit: www.healthcarereform.ohio.gov



Combating Autism Reauthorization Act

- ❑ **S. 1094 - H.R. 2005 - CARA**
- ❑ Reauthorize appropriations for:
 - the autism education, early detection, and intervention program
 - the developmental disabilities surveillance and research program
 - the Interagency Autism Coordinating Committee (IAAC)

Combating Autism Reauthorization Act

- ❑ Provided monies for research under NIH
- ❑ Authorizes the Interagency Autism Coordinating Committee (IACC)
- ❑ NIH develop a strategic plan around autism research



Combating Autism Act

- ❑ Provides monies to support activities currently underway at UCEDDs in Ohio
- ❑ Provides funding for state grants – Ohio just received one of these grants: early screening, pilot EI project, Family support, resource creation (\$300k/3 years)



Combating Autism Reauthorization Act

- ❑ Reauthorized in September and signed by President Obama on 9/30/2011
- ❑ ASA President Scott Badesch Present at signing!



Safe Chemicals Act of 2011

S.847

Update of the Toxic Substances Control Act of 1976

- Requires manufacturers to develop and submit a minimum set of data for chemicals they produce
- Requires all chemicals to be shown safe to enter or remain in commerce
- Ensures public access to reliable chemical information

Safe Chemicals Act of 2010

- ❑ Status: In committee in Senate, under discussion in House
- ❑ An “industry” version of the bill also expected to be introduced
- ❑ Fight between bills expected



Keeping All Students Safe Act

H.R. 1381

- Establish the first federal standards to protect students from misuse of restraint and seclusion and ensure the safety of everyone in the classroom
- Housing



Keeping All Students Safe Act

- Establish minimum federal safety standards in schools
- Limits physical restraint and locked seclusion
- Outlaw mechanical restraints
- Require schools to notify parents after incidents when restraint used
- Training on emergency behavior interventions



Preventing Harmful Restraint and Seclusion in Schools Act

- ❑ Status: In Committee in the House and not yet introduced in the Senate
- ❑ Actually passed in the House in the last session
- ❑ Controversial Amendment introduced in Senate last session on writing plans for restraint and seclusion into the IEP

Priorities for This Congress

- Budget Issues – Committee of 12
Medicaid, Social Security
- Elementary and Secondary
Education Acts Reauthorization
(NCLB)
- Safer Chemicals Act,
Environmental health
- Workforce Investment Act
Reauthorization



National Legislation

Know the issues

- Autism Society of America

www.vote4autism.org

- The ARC

www.thearc.org

Information on Bills, action alerts, legislative information, update on activity in Congress



National Legislation

- Information on Specific Legislation

Library of Congress – THOMAS Legislative Information on the Internet

<http://thomas.loc.gov/>

Enter bill number or topic and search

How to Find your Legislators

House Representatives

www.house.gov

And enter your ZIPCODE

Senators

www.senate.gov

And enter your state



Graduation Rate Calculation

- ❑ Part of Regulations created under No Child Left Behind (NCLB)
- ❑ Part of a school district's report card
- ❑ Uniform and more accurate measure of calculating high school that is comparable across states
- ❑ Students graduating in 4 years/number of students starting as freshmen

Graduation Rate Calculation

- ❑ Special education students attending high school beyond four (4) years will be considered “drop outs” for purposes of the new calculation and negatively impact a district’s graduation rate
- ❑ Schools will “push” to graduate special education students in four years



Graduation Rate Calculation

- Federal and Ohio Law guarantees a student's right to attend until age 22
- Be aware of this as you work on your student's IEP
- ASO collaborating with other organizations to protest this
- Draft a letter to your legislator
- Use talking points from article under News from ASO

Autism in Ohio



Initiatives – both completed and ongoing
– based on the work of the Legislatively
created Ohio Autism Taskforce

Ohio Autism Taskforce

- ❑ Created under Ohio HB95 in June 2003
- ❑ Composed of autism stakeholders from around the state including parents, doctors, educators, and state administrators
- ❑ Met for one year
- ❑ Created a report listing 43 recommendations
- ❑ Copies of the complete report is available at www.autismohio.org



Ohio Autism Taskforce

Recommendations included:

- School funding (including preschool)
- Employment Incentives
- Medicaid Buy-In
- Parents Manual
- Insurance Parity – Mental Health, Autism
- Early Screening
- Address Regional Disparity
- Autism Credential for Teachers

OAT Recommendations Realized

- Early Screening Pilot
- Medicaid Buy In
- Mental Health Coverage
- Ohio Center for Autism and Low Incidence (OCALI)
- Parent's Manual
- Transition Guidelines

Recommendations In Progress

Legislative:

- Autism Insurance Coverage

Administrative:

- Recently Update Service Guidelines
- Reducing Regional Disparity
 - CBDD County Collaborative
 - RAACs
 - Early Screening
- Family Advocacy Network
- Flexible Supports Waiver

Recommendations Revisioned

- OAT Report 7 years old
- Recommendations achieved, revised, deleted
- Process begun
 - OCALI Advisory Board
 - Reviewing Current Recommendations
 - Will have opportunity for public comment
 - April, 2012

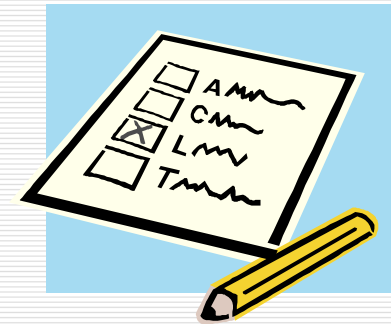
Ohio Legislative Issues

Ohio Budget Bill

Restructuring State Government

Effect of Elections - State

- Republican Controlled House
- Republican Controlled Senate
- Republican Governor
- Every Major Statewide Office (Auditor, Attorney General, Secretary of State, etc.) held by Republicans



Ohio Budget



- ❑ Passed June, 2011
- ❑ Fiscal year July, 2011 through June, 2012
- ❑ \$55Billion
- ❑ Cuts and restructuring in many areas affecting individuals with autism

Ohio Budget

- ❑ Management of the Transitions Waiver is moving from ODJFS to DoDD
- ❑ DoDD considering any and all options regarding the Transitions Waiver
- ❑ Management of Intermediate Care Facilities for the Developmentally Disabled (ICFDDs) is also moving from ODJFS to DoDD

 Ohio | Department of
Developmental Disabilities

Ohio Budget

- ❑ Significant reductions to subsidies to County boards of DD - the average reduction is 2.11% over two years combining federal, state and local \$\$.
- ❑ Medicaid recipients who do not have a Medicaid waiver will move to a Medicaid Managed Care plan



Ohio Budget



- ❑ Children with autism receiving Medicaid Services under Aged-Blind-Disabled (ABD) will be transitioned to a "managed" care plan
- ❑ Community Psychiatric Supportive Treatment (CPST) participants now subject to hourly cap levels per year and prior authorization requirement

Ohio Budget

- ❑ No cuts to optional Medicaid services - vision, dental, etc.
- ❑ Rate reduction in for nursing facilities
- ❑ Funding to community Alcohol, Drug Addiction and Mental Health Services (ADAMHS) boards significantly increased – but still only 1/2 of 2006-2007 level

Ohio Budget

- ❑ Autism Diagnosis Education Project received continued funding
- ❑ Help Me Grow program through the Department of Health was cut approximately 7%



Ohio Budget

- ❑ ODE's budget is only a one year budget while the General Assembly comes up with a new structure for funding schools
- ❑ Funding to Ohio's public schools is essentially cut due to loss of stimulus \$\$



Ohio Budget

- ❑ Special Education was essentially “flat funded”
- ❑ Funding to Educational Service Centers has been cut substantially
- ❑ Autism Scholarship now includes an educational component



Jon Peterson Special Education Scholarship

- ❑ Voucher for any special education student on an IEP
- ❑ Only K-12
- ❑ Funding is on a sliding scale based on education "category"
- ❑ Capped at \$20,000
- ❑ Number of participants is capped at 5% of the previous year's special education students

Jon Peterson Special Education Scholarship

- Waive right to FAPE
- Signed IEP, have been evaluated
- Enrolled in district of residence
- District remains responsible for IEP and re-evaluations
- ODE responsible for writing rules
- Will be available in the 2012-2013 school year

Ohio Budget

- Definition of Mobility

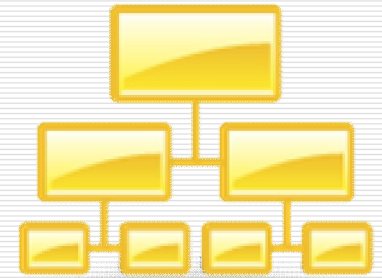
Impaired Person is expanded to include individuals with autism when considering their rights using service dogs

- Created Interagency Workgroup on Autism



Restructure Ohio Government

- Next order of business for Ohio General Assembly
- Combining Departments
- Movement of Services
- ASO will be involved and keep you up to date



Ohio Administrative Initiatives

Updating Service Guidelines

Reducing Regional Disparity

Family Advocacy Network

Flexible Supports Waiver (SELF Waiver)

Autism Service Guidelines

- ❑ Recently updated
- ❑ ASO worked with OCALI on this project
- ❑ Guidelines provide resources and guidance for service providers – especially educators – working with individuals with ASD
- ❑ Copy available at www.autismohio.org Click on “Resources”



Reducing Regional Disparity

- CBDD County Collaboratives
 - County Boards of DD working regionally to improve services
 - Pilot through DODD
 - Regional Autism Advisory Councils (RAACs)
 - Working within Counties to improve services
 - NW, SW
 - Early Screening Pilot
-

Autism Early Screening Project



- Continuing to work with the Ohio AAP
- Doctors trained in 25 Ohio Counties
- Training is ongoing
- Visit www.concernedaboutdevelopment.org for details.

Interagency Workgroup on Autism

- ❑ Created at Governor's behest
- ❑ Codified into Law in budget bill
- ❑ DODD taking the lead
- ❑ Convened in February, 2008
- ❑ Departments working collaboratively
 - Health, Mental Health
 - JFS, Education, Rehab Services
- ❑ Building on work of Taskforce
- ❑ Training, System Complexity, Resources

Family and Children First Council



- Family Advocates Network
 - Statewide network of advocates for families
 - ASO leading this effort with DD organizations
- Statewide Resources Webpage
 - “One Stop” website on resources and information for professionals and families
 - The RedTreehouse to be introduced October, 2011, www.redtreehouse.org

New Flexible Waiver

- ❑ \$25,000/per year for children
- ❑ \$40,000/per year for adults
- ❑ 100 slots for state funded for children with intensive behavior needs
- ❑ Services to include service brokerage, psychosocial services, community inclusion, respite, adult day services



New Flexible Waiver

- ❑ SELF Waiver – “Self Empowered Life Funding
- ❑ Approved by ODJFS
- ❑ Submitted and Re-Submitted to CMS
- ❑ Waiting for final approval
- ❑ Rules process in Ohio
- ❑ Target: April, 2012



Future Priority Initiatives

Preschool Funding

Increased allotment for autism

Incentives for Professionals

Incentives for Professionals, including teachers, SLPs, Administrators, social workers, direct care workers, psychologists

Incentives for Employers

Provide incentives to employers to hire and employ persons with autism and other developmental disabilities

Autism Society of Ohio

Taken the lead on Autism in Ohio

Using the Report of the Ohio Autism
Taskforce as a blueprint

Ohio Autism Coalition

Members

Representatives from:



- Each Autism Society of America Chapter in the state of Ohio
- Other autism advocacy organizations

Autism Society of Ohio Efforts

- Develop relationships with Ohio Departments (MH, H, E, DD, RSC)
- Provide information to Legislators
- Develop “action alert” system
- Post legislative information on website

Ohio Legislative Information

- ❑ Legislative Information on our website –

www.autismohio.org

- ❑ Legislative Action Alerts

- ❑ Legislative information in weekly DIGEST



Ohio Autism Advocacy Network

- ❑ Network of constituent Advocates in each Ohio House and Senate District
- ❑ Mobilize Grassroots efforts in a more coordinated way to support state level efforts
- ❑ Receive training on how to be an effective advocate
- ❑ Reference manual on legislative advocacy



Be a Part of the Process



- Register to Vote
 - VOTE!
 - Sign up for legislative alerts
 - Act on alerts!
 - Support your local Autism Society Chapter, Ohio Chapter
- www.autismohio.org
- Click on “Local Chapters”

We Need Your Help

Sign up for our mailing list!

To receive information –

visit www.autismohio.org and sign up in the “Stay Informed” section of homepage

- When you receive action alerts –
Act on those alerts!

We Need Your Help

Have more time? Sign up for the Ohio Autism Advocacy Network!

www.autismohioadvocacy.org

Team Members

- Visits
- Letters
- Contact

Team Leaders organize members and track information regarding effort

Send contact info to:
askASO@autismohio.org



We Need Your Help

Sign up for National Legislative Alerts!

- Visit www.autism-society.org and click on “Get Involved” at the top of the page





Questions?

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