

VI.C. Individual and Family Support Fund Recommendation for the Development of Regulations

The Department of Justice Settlement Agreement stipulates (page 6, Item 2),

The Commonwealth shall create an individual and family support program for individuals with ID/DD whom the Commonwealth determines to be most at risk of institutionalization, according to the following schedule:

- a. In State Fiscal Year 2013, a minimum of 700 individuals supported*
- b. In State Fiscal Year 2014, a minimum of 1000 individuals supported*

The Agreement further stipulates that there continue to be *a minimum of 1000 individuals supported* during each successive year through 2021.

The Attorney General's Office has recommended that DBHDS seek the adoption of regulations to administer this fund.

Accordingly, DBHDS sought and obtained emergency authority from the General Assembly for the Board to adopt regulations as to how this fund will be administered.

This fund will provide financial support to individuals and/or their families who are on the waiting list for either the Intellectual Disability Waiver or the Individual and Family Support Developmental Disabilities Waiver in one-time and/or monthly allotments in state general fund dollars. The total amount allocated by this year's General Assembly for this fund is just under \$3,000,000. We further anticipate that the fund will be allocated in amounts up to \$3,000 with an average per family amount of approximately \$1,600 per year.

Out of the fund, there will be administrative costs assigned to three additional staff positions that the Department will hire to administer the fund. These will be a manager for the fund and two clerical support staff, one for the Office of Developmental Services, and the other for the fiscal office.

A committee of stakeholders has assisted DBHDS staff in the development of the attached draft regulations. These regulations have been reviewed by the Office of the Attorney General and released on October 4, 2012, to the Board for consideration. Therefore, these regulations will be an agenda action item at the October 11th meeting. Your careful review of the attached draft regulations is of high importance.

The stakeholders committee will also consult on the development of the policies and procedures necessary to implement these regulations. Timeframe for enactment of regulations is critical, as the Agreement requires that at least 700 families receive assistance from this fund during the current fiscal year.

If you have any questions concerning these regulations or the program they are governing, please contact Lee Price, Director of the Office of Developmental Services at 804-786-5850.