

NATIONAL BULLETIN #1: Waiver Cuts and Service Reductions (June 2008)
Stop the Protocols Campaign

The following is a national call for help from the Tennessee advocacy community. It is offered to our national friends of how you can help us, what to look out for, and what dangers are coming down the road. The State of Tennessee is among the first in the country to attempt to significantly cut back and reduce services to Federally funded Waiver programs.

Protocols

1. The Tennessee Division of Mental Retardation Services (DMRS) is making severe and significant reductions and cuts in services in the Waiver programs for people with developmental disabilities. These reductions and cuts have caused major harm to people and will cause more harm with the August 1, 2008 effective date of newly formulated Waiver Protocols. These changes include the utilization of a “medical necessity” standard for the authorization and renewal of services. This standard is being used to:
 - a. Force anyone with an empty room in their current home to increase the number of roommates living in their homes or move to a larger home to accommodate more people.
 - b. Reductions in therapies including physical, behavioral, and nursing care.
 - c. Staffing cuts reducing the safety of people in the case of a need for evacuation during an emergency and decreased ability to be out in the community during the day.
 - d. Questionable changes in the individual assessment process resulting in the lowering of individual levels of need and accompanying reimbursement rates to agencies.
 - e. A 6% across-the-board cut in funding to providers for the first 5 months of 2008
2. These changes are intended to reduce federal and state funding by 16% through a change in service definitions called “the Waiver Protocols.”
3. The Waiver Protocols are being improperly implemented on August 1, 2008 without the approval of the Federal government as required by the Federal regulations and State assurances.
4. The right of appeal as required under the Social Security Act is not being provided to people whose services are being reduced through increases in the number of housemates, staff reductions and cuts.
5. Advocates in Tennessee have held marches, legislative days at the Capitol, meetings with State legislators, petitions, six public forums across the State with more than 50 people testifying, and filing appeals and complaints to limited avail.
6. Retaliation: People First of Tennessee was notified by TN DMRS that their State advocacy was being terminated for helping their members speak up (rescinded 6/2/08 as a result of collective advocacy efforts) and advocacy contracts required by the People First lawsuits for class members are being rebid at half the current reimbursement rate.

Call to Action

1. Place calls, emails, faxes and letter to CMS (Centers of Medicare and Medicaid)
Contact: (Gail Arden, Director of Elderly and Disabled Programs Group, 7500 Security Blvd., Mail Stop S-2-14-26, Baltimore, MD 21244-1850, Email: gail.arden@cms.hhs.gov Voice: 410-786-7810); (Theresa DeCardo, Associate Regional Administrator, Region 4, 61 Forsythe Street SW, Suite 4T20, Atlanta GA, 30303, Voice: (404) 562-7500 Fax: (404) 562-7162
2. Spread the word. Please distribute this email as widely as possible to encourage action and so that other states can be aware what could happen in their state and take action now to prevent this.
3. Please send an email of thanks to Wanda Willis for serving as the catalyst for restoring the People First contract. Send thanks to: Wanda Willis, Exec. Dir. of Tenn. Council on Developmental Disabilities. Email: Wanda.Willis@state.tn.us Voice: 615/532-6615
4. For more information, contact Mark Friedman 615-812-4950, mark@mtadvocacy.com