


Government of the District of Columbia
Office of the Chief Financial Officer



Fitzroy Lee
Acting Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Fitzroy Lee
Acting Chief Financial Officer 

DATE: January 20, 2022

SUBJECT: Revised Fiscal Impact Statement – Developmental Disability Eligibility Reform Amendment Act of 2022

REFERENCE: Bill 24-268, Committee Print as provided to the Office of Revenue Analysis on December 20, 2021

Conclusion

Funds are not sufficient in the fiscal year 2022 through fiscal year 2025 budget and financial plan to implement the bill. The bill will cost \$533,000 beginning in fiscal year 2023 and a total of \$1.6 million over the financial plan.

Background

The bill amends the Department of Disability Services Establishment Act of 2006 so that individuals with a developmental disability will be eligible for services provided for the Department of Disability Services (DDS), regardless of whether they also have an intellectual disability. The bill defines developmental disability as a mental (other than mental illness) or physical impairment that manifests before the age of 22, is expected to continue indefinitely, and results in substantial functional limitations in 3 or more specified areas of major life activity.¹

DDS provides home and community-based services such as diagnosis, evaluation, treatment, day care, training, education, sheltered employment, recreation, counseling, protective and other social and socio-legal services, information and referral, and transportation. Currently DDS requires all persons receiving services to have an intellectual disability characterized by significantly below-average intellectual functioning. While some individuals with a developmental disability also have

¹ The specified areas are self-care; understanding and use of language; functional academics; social skills; mobility; self-direction; capacity for independent living; and health and safety.

an intellectual disability and therefore may currently be served by DDS, other developmentally disabled individuals do not have an intellectual disability.

The bill requires the Mayor to seek amendments to federal authorizations for Medicaid waivers on which DDS relies upon to provide program funding, within 90 days of the bill's effective date. DDS must update its program rules within 120 days of federal approval of its waivers.

The bill makes conforming edits to District law² so that individuals with a developmental disability will be afforded the same rights in how they receive services that individuals with an intellectual disability have. The bill also maintains eligibility for individuals currently receiving services.

Financial Plan Impact

Funds are not sufficient in the fiscal year 2022 through fiscal year 2025 budget and financial plan to implement the bill. The bill will cost \$533,000 beginning in fiscal year 2023 and a total of \$1.6 million over the financial plan.

DDS currently provides services to individuals with an intellectual disability through two programs authorized³ and partially federally-funded by Medicaid: the Home and Community Based-Services Waiver program and the Individual and Family Supports (IFS) Waiver. Approximately 2,000 people may be served in total between the two waivers. DDS expects that the bill's expanded eligibility will eventually cause approximately 1,000 new people to apply for services⁴. Because DDS services are subject to available slots provided through the Medicaid Waiver programs, the bill does not create a cost for services where applications exceed available slots. The DDS budget includes funding for approximately 58 IFS slots which are currently unfilled and could be filled by individuals newly eligible under the bill's provisions, while additional eligible disabled people would be placed on a waiting list for services⁵.

DDS estimates that the anticipated 1,000 new applications will be received over a period of several years so that DDS will receive and need to review approximately 200 additional applications annually through fiscal year 2027. DDS will require three new intake service coordinators and one new psychologist to review the new applications. Intake service coordinators will also need to quarterly review any applicants placed on waiting lists for DDS to periodically adjust priority.

² By amending the Citizens with Intellectual Disabilities Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1301.01 et seq.)

³ Authorized under §1915(c) of the Social Security Act.

⁴ Of all individuals with a developmental or intellectual disability, approximately 34% do not have an intellectual disability. Page 5, "Report and Recommendations: Analysis and Description of the Support and Service Needs in Washington, D.C.," prepared by the National Association of State Directors of Developmental Disability Services, September 30 2016.

⁵ Authorized slots increase by 20 each year throughout the financial plan.

The Honorable Phil Mendelson

FIS: Bill 24-268, "Developmental Disability Eligibility Reform Act of 2022," Draft Committee Print as provided to the Office of Revenue Analysis on December 20, 2021

Developmental Disability Eligibility Reform Amendment Act of 2022					
Total Cost					
	FY 2022	FY 2023	FY 2024	FY 2025	Total
Salary ^(a)	\$0	\$418,000	\$426,000	\$433,000	\$1,277,000
Fringe	\$0	\$105,000	\$106,000	\$108,000	\$319,000
<u>NPS</u>	<u>\$0</u>	<u>\$10,000</u>	<u>\$0</u>	<u>\$0</u>	<u>\$10,000</u>
Total	\$0	\$533,000	\$532,000	\$541,000	\$1,606,000

Table Notes:

(a) Salaries include one Grade 14 Psychologist and three Grade 12 Intake Service Coordinators.