



Commonwealth of Kentucky Cabinet for Health and Family Services

FOR IMMEDIATE RELEASE

Contact: Doug Hogan
502-564-7042, ext. 3467

CHFS, Protection & Advocacy Reach Agreement Regarding Personal Care Homes

Focus on Community Services, Supports for Individuals with Serious Mental Illness

FRANKFORT, Ky. (Oct. 25, 2018) The Cabinet for Health and Family Services (CHFS) and Kentucky Protection and Advocacy (P&A), an independent state agency that advocates for the legal rights of people with disabilities, today announced they have reached an agreement regarding delivery of community supports and services to eligible individuals with serious mental illness. This agreement should allow more individuals to transition safely from institutional settings to community housing.

In August 2013, P&A was prepared to file a federal lawsuit to ensure compliance with the Americans with Disabilities Act (ADA), the Rehabilitation Act, and the United States Supreme Court's *Olmstead* decision. Many individuals with serious mental illness faced a lack of housing options apart from personal care homes and state psychiatric facilities. Personal care homes are long-term care facilities that provide care for persons who do not require the intensive medical care normally provided in a hospital or nursing home, but who do require care beyond solely room and board. The signed arrangement, which is a Second Amended Settlement Agreement (SASA), allows CHFS and P&A to redefine the goals and responsibilities to address many of the concerns identified by P&A in a 2012 report about personal care homes.

That report helped to create the Interim Settlement Agreement (ISA) on August 15, 2013 and the subsequent Amended Settlement Agreement (ASA) on October 19, 2015, both of which attempted to ensure appropriate community-based care and services for individuals with SMI. While the full vision of ISA and ASA was not met, the Cabinet and P&A agreed to renegotiate terms that represent more objective, measurable goals for meeting the needs of these individuals.

“The Cabinet is pleased with the progress that has been made to improve and enrich the lives of so many individuals,” said Wendy Morris, Commissioner of the Department for Behavioral Health, Developmental and Intellectual Disabilities “We look forward to furthering these efforts, as we focus on a sustainable, quality-focused continuum of services and supports for individuals with serious mental illness.”

Kentucky Medicaid now covers more mental health services, such as assertive community treatment (ACT) and peer support; a new community-based placement category was added to Kentucky’s Supplemental Programs administered by the Department for Community Based Services to assist these individuals; and a regulation was promulgated to support Community Mental Health Centers (CMHC) in their work to inform people living in institutions about community-based housing options.

“The latest Agreement shows that the Cabinet recognizes that recovery is possible and that the best place for recovery to occur is in the community. We will continue to monitor the rollout of this agreement and to advocate for long-term systemic change.” Jeff Edwards, Director of P&A stated. “The expectation is for Kentuckians with mental illness to receive services and supports that allow them to live fully included lives.”

Today, more than 925 individuals with a serious mental illness are living successfully in the community with full tenancy rights, having received supported housing assistance and other supports and services from the Cabinet under the terms of the prior agreements. The new Agreement includes several new performance-based measures to ensure quality and sustainability.

Several agencies within the cabinet play important roles in the agreement, including the Department for Behavioral Health, Developmental and Intellectual Disabilities(DBHDID),

the Department for Community Based Services (DCBS), the Department for Aging and Independent Living (DAIL), and the Department for Medicaid Services (DMS).

Additional information is available at <http://chfs.ky.gov/>.

###

The Cabinet for Health and Family Services is home to most of the state's human services and healthcare programs, including the Department for Medicaid Services, the Department for Community Based Services the Department for Public Health, the Department for Aging and Independent Living and the Department for Behavioral Health, Developmental and Intellectual Disabilities. CHFS is one of the largest agencies in state government, with nearly 8,000 full- and part-time employees located across the Commonwealth focused on improving the lives and health of Kentuckians.