House Committee on Human Services

Department of Aging and Disability Services
Commissioner Chris Traylor
June 30, 2010
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Interim Charge One:
Monitor the implementation of the Department of Justice settlement agreement, SB 643 (81R), and other reforms to services for persons with intellectual and developmental disabilities.
Baseline reviews have been completed by the settlement agreement monitors at all centers. The monitors will produce a written report of each baseline review within approximately 60 days of the visit.

As of June 25, 2010, nine final baseline reports have been received and are posted on the DADS website at: http://www.dads.state.tx.us/monitors/reports/index.html

Final reports for Denton SSLC, Lufkin SSLC, Richmond SSLC and San Angelo SSLC are expected to be posted by mid-July.

The first phase of compliance reviews is scheduled to begin on July 12, 2010, at Corpus Christi SSLC and be completed at all centers by mid-November. The monitors will produce a written report of each compliance review within approximately 45 days of the visit.
Baseline Reviews

• Positive themes identified from the baseline reviews include:
  ➢ Facility staff were open and honest in sharing successes as well as challenges in service delivery and settlement agreement compliance efforts.
  ➢ Staff are focused on improvement of services consistent with the requirements of the settlement agreement.
  ➢ Staff are knowledgeable of policies and procedures related to prevention, identification, reporting and investigation of abuse, neglect and exploitation of individuals.
  ➢ Data-based quality improvement efforts are in place at each of the facilities to help guide ongoing improvement initiatives.
  ➢ Policies and procedures are in place or are being developed/revised to address compliance requirements from the settlement agreement.
Baseline Reviews

- Common themes of challenge areas identified from the baseline reviews include:
  - Need to improve the interface between professional/clinical staff, residential and day program direct services staff, the individual and their family/legal guardian and others who work as a team to plan, organize, implement and evaluate program services for each individual receiving services at the facility.
  - Need to enhance functional communication skills development for individuals and use of augmentative communication devices.
  - Need to more accurately identify the risks and challenges that an individual faces in functioning at his/her greatest level of independence and how services and supports provided by the facility can best support that level of independence.
  - Need to increase staffing at all state supported living centers in the areas of behavioral services, functional communication and psychiatry.
  - Need to continue to increase direct care staffing and reduce turnover at all facilities (Austin and Lubbock identified with critical needs).
Challenges Unique to Specific Facilities

- Issues identified from the baseline review reports that were unique to one or more facilities include:
  - Austin SSLC – significant staffing challenges for residential direct service staff and nursing staff.
  - Mexia SSLC – challenges in planning and follow through of community placements. Staffing challenges resulting from the high number of allegations of abuse, neglect or exploitation that prove to be unsubstantiated through investigation.
  - Richmond SSLC – the need to consistently follow agency guidelines, policy and rules in the determination of seriousness of injuries.
  - Rio Grande State Center – significant staffing challenges for residential direct service staff and professional positions. Concerns about possible under-reporting of allegations of abuse, neglect and/or exploitation by staff.
Challenges and Corrective Actions Taken – Lubbock SSLC

• Significant staffing challenges for residential direct service staff and nursing staff
  ➢ Hired a highly experienced director who began work in Lubbock in May 2010.
  ➢ Aggressive recruitment of staff
    • Increase in fill rates for all staff increased from 81% in August 2009 to 90.21% in May 2010.
    • Contracted with a recruitment organization to assist with recruitment of RNs.
  ➢ Reconfigured staffing structures in several homes that were a particular focus of the baseline review to ensure consistent availability of tenured, trained residential staff.

• Challenges in grouping of residents
  ➢ With recent renovation and reopening of another residential building at the facility, individuals living in the home experiencing most significant issues were divided among two homes at the facility with adjusted staffing in each home to better meet the needs of the individuals.
  ➢ Staffing in each of these homes is being monitored closely to assure it is appropriate to meet both current and emerging needs of individuals residing there.
  ➢ Additional opportunities have been created for these individuals to be engaged in day and evening activities away from their homes with sufficient staff supports to assure these activities are engaging for them.
Corrective Actions Taken

• Revisions have been made to each facility’s formal plan of improvement to directly address challenge areas identified in the baseline review and to more closely correlate with the structure and format of the settlement agreement.

• Significant emphasis continues to be placed on staff recruitment and retention with special emphasis on residential direct service staffing.

• On June 1, 2010, DADS initiated a 10% increase in base pay for residential direct service staff at the Austin SSLC as a pilot program in response to the critical staffing challenges experienced at that facility.
Corrective Actions Taken

- Implementation of a statewide database to record and track information related to unusual incidents at each facility, including injuries to persons served, allegations of abuse, neglect and/or exploitation and other types of unusual incidents.

- Expanding the statewide quality assurance program focusing specifically on compliance with the federal ICF/MR regulations.

- As required by the settlement agreement, DADS is developing an annual summary report that identifies specific obstacles to individuals’ movement to more integrated settings, consistent with their needs and preferences. Information in this report will help focus attention on specific issues that may hinder or limit informed decision-making by individuals, families and/or legally authorized representatives.
Actual and Projected Census Trends
All State Supported Living Centers
FY2009 - FY2011

- Actual
- Projected
## Fill and Turnover Rates – FY2010
### All Positions

<table>
<thead>
<tr>
<th>Date</th>
<th>System Fill</th>
<th>System - Turnover</th>
<th>Linear (System - Turnover)</th>
<th>Linear (System Fill)</th>
</tr>
</thead>
<tbody>
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<td>Oct-09</td>
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<td>Nov-09</td>
<td>87.27%</td>
<td>33.95%</td>
<td></td>
<td></td>
</tr>
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<td>Dec-09</td>
<td>86.92%</td>
<td>33.20%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jan-10</td>
<td>86.72%</td>
<td>33.40%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Feb-10</td>
<td>89.93%</td>
<td>33.36%</td>
<td></td>
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</tr>
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<td>Mar-10</td>
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<td></td>
</tr>
<tr>
<td>Apr-10</td>
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<td>33.61%</td>
<td></td>
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</tr>
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<td>Jul-10</td>
<td>85.35%</td>
<td>33.95%</td>
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<tr>
<td>Aug-10</td>
<td>86.05%</td>
<td>33.20%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Note: The table shows the percentage of positions filled and those turned over from August 2009 to August 2010.*
Fill and Turnover Rates – FY2010
Residential Direct Service Staff

MRA Series Position Fill and Projected Annualized Turnover Rates
All State Supported Living Centers

System Fill  System - Turnover  Linear (System - Turnover)  Linear (System Fill)
Key Implementation Activities – S.B. 643

• Employee and volunteer fingerprint checks
  ➢ Fingerprinting of all current employees and volunteers was completed as of December 31, 2009 and will continue as new employees are hired and new volunteers begin service.
  ➢ Results from the employee fingerprint background checks identified 36 employees who had an absolute bar to employment or who had a potential bar to employment that, if verified as reported, would become a bar. Of the 36 employees in these two categories:
    • 29 are no longer employed due to either a voluntary or involuntary termination.
    • Seven individuals provided documentation proving that the charges against them were dropped or that there was not a court record of a conviction.
  ➢ From September 1, 2009 through May 31, 2010, 4,600 applicants were fingerprinted. 190 of those were disqualified as a result of the fingerprint check.
  ➢ DADS drafted a revised criminal history background check policy to be more definitive in its content and with the goal of increased consistency of implementation. The policy includes new crimes that DADS proposes adding to the list of bars to employment.
  ➢ These new bars were presented to the DADS Council in April and are open for comments from the public. The new bars will be finalized following the July council meeting.
Key Implementation Activities – S.B. 643

• Employee random drug testing
  ➢ Testing began statewide in October 2009.
  ➢ Each month, 2.1 percent of the employees at every center are selected at random and tested for illegal drugs.
  ➢ As of June 11, 2010, 2,448 employees have been tested.
    • 42 employees tested positive and were terminated.
    • 9 resigned in lieu of testing.
Key Implementation Activities – S.B. 643

• Video surveillance at State Supported Living Centers
  ➢ Corpus Christi SSLC cameras were the first to be operational in November 2009.
  ➢ The contract for installation of equipment at the remaining facilities was awarded in December 2009. The rollout schedule for the remaining facilities is as follows:
    ▪ May 2010 – September 2010: Lufkin, Lubbock, El Paso, Abilene
    ▪ September 2010 – January 2011: Richmond, Austin, Brenham, and Rio Grande
  ➢ Approximately 3,200 cameras will be installed in 335 buildings.
  ➢ Video surveillance cameras are currently operational at the Corpus Christi and San Antonio SSLCs.
  ➢ Cameras are expected to be operational at the Denton, Mexia and San Angelo SSLCs the first week of July.
Key Implementation Activities – S.B. 643

• Forensic Center For High-Risk Alleged Offenders – Mexia
  ➢ Modifications required to implement the forensic facility are scheduled to be completed and approved by June 30, 2010.
  ➢ Assessment tools to identify high-risk alleged offenders have been completed and tested.
  ➢ Twenty-three individuals at Corpus Christi SSLC have been identified as potential transfers to Mexia SSLC. Assessments of these individuals are currently underway to determine appropriateness of transfer.
  ➢ Transfers from Corpus Christi SSLC to Mexia SSLC are expected to begin in late July 2010 and to be completed by the end of September 2010.
• **Transfer of Case Management Functions**
  
  - Training for providers and MR Authority (MRA) staff was held in six sites around the state. Approximately 1,700 persons attended training.
  
  - As of June 1, 2010:
    
    - The case management functions for persons enrolled in Home and Community-based Services (HCS) program transferred from HCS providers to the MRAs.
    
    - The HCS handbook is posted on the DADS website. It outlines procedures for providers and for local authority Service Coordinators.
    
    - 18,086 individuals served in HCS program were assigned a service coordinator from their local MRA.

  - DADS will continue to work with providers, local authorities and other interested parties to address issues that may arise post transition.
Interim Charge 3
Determine the feasibility of instituting a comprehensive, single point of entry system to simplify and expedite the process of accessing long-term care services for the elderly and individuals with physical disabilities.
Single Point of Entry

• S.B. 943 and H.B. 1398, 81st Legislature, Regular Session, 2009, as filed directed the Health and Human Services Commission to develop and implement a pilot project in three sites to create a single point of entry system for long-term services and supports. These bills did not pass.

• A single point of entry would:
  - Advise consumers regarding their service options
  - Screen individuals to determine their service eligibility
  - Tentatively determine financial eligibility (Medicaid or other services)
    - Establish presumptive eligibility for Medicaid-funded community care services
  - Expedite, through a presumptive eligibility determination process, the delivery of supports to individuals who may otherwise access nursing facility services
Presumptive Eligibility

- Involves the screening of individuals for functional eligibility, including level of care decisions, and financial eligibility, and the authorization of services before an official determination of eligibility is made.

- Intended for programs such as:
  - Primary Home Care (PHC)
  - Community Attendant Services (CAS)
  - Day Activity Health Services (DAHS)

- Would not include expedited eligibility for programs where an interest list exists, such as:
  - Medicaid waivers
  - Title XX
  - In-Home and Family Support
Presumptive Eligibility

• Centers for Medicare and Medicaid Services (CMS) approval would be required to implement presumptive eligibility through a pilot project.

• Expediting service authorizations will have a significant fiscal impact.
Presumptive Eligibility - Costs

• Based on the fiscal notes for S.B. 943 and H.B. 1398, DADS’ cost to implement three pilot sites:
  - Biennial impact = $2.7 million in General Revenue (GR) ($5.8 million all funds) to cover cost of delivering services to individuals sooner than they would have otherwise realized. Without federal matching funds, the full $5.8 million would be GR.
  - Approximately $112,000 in GR would be needed to cover services for individuals who receive expedited service authorizations but who are later determined to be ineligible.

• Fiscal impact to implement **statewide** would be:
  - Total GR = $16.8 million
  - Total all funds = $45 million
Aging and Disability Resource Centers

- Aging and Disability Resource Centers (ADRCs) represent an integrated front door to services for older individuals and persons with disabilities.

- An ADRC is a direct access point to services. The primary objectives are:
  - Support older individuals and persons with disabilities by serving as a visible and trusted source of information and assistance regarding available programs, services and benefits
  - Help consumers navigate the system of services and supports and make informed choices
  - Connect individuals with programs that will help them remain independent and in their homes
Aging and Disability Resource Centers

• ADRCs serve as a “no wrong door” for consumers and local models may include the physical co-location of agency staff, staff connected through technology, or a combination.

• Key partner agencies include:
  - All three DADS front doors (DADS local offices, MRAs, and AAAs)

• And may also include:
  - HHSC benefits offices
  - Hospital discharge planners
  - Mental health authorities
  - Independent living centers
  - Other community organizations
Aging and Disability Resource Centers

ADRCs share common referral protocols and provide extensive training for community partners to facilitate referrals and service delivery.

• Eight ADRCs are currently operational.

• El Paso was awarded the ninth ADRC with implementation in June 2010.

• Goal is to have 20 ADRCs across the state by 2020.
## Aging and Disability Resource Centers

### ADRC locations

**2005**
- Alamo Service Connection: Bexar County
- Central Texas ADRC: Bell, Coryell, Hamilton, Lampasas, and Milam Counties
- Tarrant County ADRC: Tarrant County

**2008**
- Gulf Coast ADRC: Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Harris, Liberty, Matagorda, Montgomery, Walker, Waller, and Wharton Counties
- East Texas ADRC: Gregg, Harrison, Marion, Panola, Rusk, and Upshur Counties
- Lubbock County ADRC: Lubbock County
- Connect to Care: Dallas County
- North Central Texas ADRC: Collin, Denton, Hood, and Somervell Counties

**2010**
- El Paso: El Paso, Culberson, Hudspeth, Brewster, Jeff Davis, and Presidio Counties
Community Roundtables

- In 2007, in an effort to integrate access to DADS services in a way that makes the most sense to consumers, DADS expanded efforts to work with community partners.

- Part of this effort was a series of 16 community roundtables.

- Each community evaluated its specific strengths and challenges in streamlining its referral practices and other protocols.

- Based on the roundtables and evaluations, DADS and local partners took a variety of actions to improve practices and protocols.
Improving Access to Long-term Services and Supports

Results of Community Roundtables

• DADS provides statewide referral resources, including:
  ➢ Development of a comprehensive list of DADS services
  ➢ Creation of a common release of information consent form
  ➢ Access to an e-mail encryption software to facilitate electronic information-sharing between partners

• Local communities now collaborate more effectively by utilizing:
  ➢ Electronically-shared referral forms
  ➢ Formalized interagency training plans
  ➢ United marketing activities and outreach
  ➢ Referrals for a consumer with needs from more than one agency
Appendix
Additional Implementation Updates
• **Serious Event Definition and Notification Protocol**
  - DADS is working to develop a draft definition and notification protocol in conjunction with SSLC residents and residents’ family members/legally authorized representatives.
  - The draft definition for notifications will be provided to stakeholders by June 30, 2010, and a final definition will be created based on feedback from meetings with facility stakeholders.

• **Investigation Database**
  - Will allow analysis of abuse, neglect and exploitation data for state supported living centers, private ICFs/MR and home and community-based services group homes as well as regulatory investigations and surveys.
  - DADS and DFPS are developing the technical and program needs for the database.
  - DADS has prepared a statement of work which details the work and all of the deliverables to be provided by the selected vendor to implement and build the database.
  - The statement of work will be submitted to the Department of Information Resources for posting.
  - The solicitation for the database was sent to vendors on June 23, 2010. A vendor is expected to be selected by mid-July.
S.B. 643

• Annual Unannounced Inspections of Home and Community-based Services
  - Reviews began mid-September 2009.
  - 20 additional surveyors have been hired and assigned regionally across the state.
  - As of June 24, 2010, 6,926 annual reviews of home and community-based services homes were conducted; including 5,344 foster/companion care homes and 1,582 three- or four-person group homes.

• Investigation of Abuse, Neglect and Exploitation
  - DFPS is required to receive and investigate reports of abuse, neglect and exploitation at private ICFs/MR.
  - Rules in development at DADS and DFPS were developed to include the licensed ICFs/MR in this process. The implementation date was June 1, 2010.
S.B. 643

- Training Needs at Private ICFs/MR and in the Home and Community-based Services (HCS) Program
  - Based on research of best practices, DADS is reviewing all current mandatory training and identifying areas where additional or new training is needed within the various programs.
  - Once the review is completed, DADS will make recommendations and implement changes where needed to fill any training gaps within the various programs.
  - DADS conducted a provider training needs survey and received feedback from community ICF/MR, HCS, Texas Home Living, Community Living Assistant and Support Services, and Deaf-Blind Multiple Disabilities providers.
  - DADS is reviewing the results of the survey and will utilize this information in the development of the report that is due by December 1, 2010.
• Additional Waiver Slots for Persons at Risk of Institutionalization in ICFs/MR
  - 196 HCS slots for children/adults at imminent risk of institutionalization.
  - DADS obtained stakeholder input and finalized a process for distributing the waiver slots in November 2009.
  - As of May 31, 2010, twenty-two children and twenty-seven adults have been authorized enrollment into these slots.

• Study of Managed Health Care for persons with intellectual and developmental disabilities
  - HHSC awarded the contract to Health Management Associates on February 17, 2010.
  - Health Management Associates will complete the study and submit their report to HHSC by October 15, 2010.
Under the settlement agreement, three monitors were selected and each monitor has established a team. The monitors and their teams will:

- Conduct a baseline review to give the monitors and the state an accurate picture of the starting point for each facility and identify areas where service delivery improvements are required.
- Conduct compliance reviews every six months to ensure compliance with the elements of the settlement agreement.

The baseline and first compliance review visits to the SSLCs by the monitoring teams have been scheduled for 2010 as follows:

<table>
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<th>Facility</th>
<th>Date of Baseline Review</th>
<th>Date of First Compliance Review</th>
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</thead>
<tbody>
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<tr>
<td>El Paso SSLC</td>
<td>January 11</td>
<td>July 19</td>
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<td>Brenham SSLC</td>
<td>January 11</td>
<td>July 26</td>
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<td>San Antonio SSLC</td>
<td>February 8</td>
<td>August 16</td>
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<td>Abilene SSLC</td>
<td>February 22</td>
<td>August 2</td>
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<td>Rio Grande State Center</td>
<td>March 1</td>
<td>August 23</td>
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<tr>
<td>Lubbock SSLC</td>
<td>March 15</td>
<td>September 13</td>
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<td>Mexia SSLC</td>
<td>March 22</td>
<td>September 13</td>
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<td>March 29</td>
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<td>April 19</td>
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<td>Richmond SSLC</td>
<td>April 26</td>
<td>October 25</td>
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<td>San Angelo SSLC</td>
<td>May 10</td>
<td>November 15</td>
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Abilene SSLC – Fill and Turnover Rates

Abilene - Fill
Abilene - Turnover
Linear (Abilene - Fill)
Linear (Abilene - Turnover)
## Brenham SSLC – Fill and Turnover Rates

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<td>Sep-09</td>
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<td>Oct-09</td>
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<td>88.06%</td>
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<td>92.08%</td>
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<tr>
<td>Mar-10</td>
<td>93.48%</td>
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<td>Apr-10</td>
<td>94.25%</td>
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<td>May-10</td>
<td>93.48%</td>
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<tr>
<td>Jun-10</td>
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<td>Jul-10</td>
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</tr>
<tr>
<td>Aug-10</td>
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**Graph:**
- **Brenham - Fill**
- **Brenham - Turnover**
- **Linear (Brenham - Turnover)**
- **Linear (Brenham - Fill)**
Corpus Christi SSLC – Fill and Turnover Rates
Denton SSLC – Fill and Turnover Rates
Lubbock SSLC – Fill and Turnover Rates
Richmond SSLC – Fill and Turnover Rates

Richmond Fill
Richmond - Turnover
Linear (Richmond - Turnover)
Linear (Richmond Fill)
Rio Grande State Center – Fill and Turnover Rates

![Graph showing fill and turnover rates from Aug-09 to Aug-10. The graph displays percentages for each month.]

- Aug-09: 87.31%
- Sep-09: 84.55%
- Oct-09: 83.26%
- Nov-09: 82.52%
- Dec-09: 83.82%
- Jan-10: 84.99%
- Feb-10: 85.85%
- Mar-10: 80.85%
- Apr-10: 82.80%
- May-10: 79.92%

Legend:
- Rio Grande Fill
- Rio Grande - Turnover
- Linear (Rio Grande - Turnover)
- Linear (Rio Grande Fill)
San Angelo SSLC – Fill and Turnover Rates
Fill and Turnover Rates (MRA Positions)
By Facility - FY 2010
Austin SSLC – MRA Series
Position Fill and Projected Annualized Turnover Rates

Austin - Fill  Austin - Turnover  Linear (Austin - Fill)  - - Linear (Austin - Turnover)
Brenham SSLC – MRA Series
Position Fill and Projected Annualized Turnover Rates
Corpus Christi SSLC – MRA Series
Position Fill and Projected Annualized Turnover Rates

Corpus Christi - Fill
Corpus Christi - Turnover
Linear (Corpus Christi - Turnover)
Linear (Corpus Christi - Fill)
Denton SSLC – MRA Series
Position Fill and Projected Annualized Turnover Rates
Lubbock SSLC – MRA Series
Position Fill and Projected Annualized Turnover Rates
Lufkin SSLC – MRA Series
Position Fill and Projected Annualized Turnover Rates
Rio Grande State Center – MRA Series
Position Fill and Projected Annualized Turnover Rates
San Antonio SSLC – MRA Series
Position Fill and Projected Annualized Turnover Rates

![Graph showing position fill and projected annualized turnover rates for San Antonio. The graph includes bars for each month from August 2009 to August 2010, with turnover rates ranging from 48.34% to 97.46%. The graph also includes linear trend lines for both position fill and turnover rates.](image-url)
Examples of ADRC Consumers
Example 1 of ADRC Consumer

An older veteran with diabetes caring for his grandson is in need of:

- Assistance with paying for overdue visits to the doctor for both himself and grandson
- Prescription drugs
- Heat for his home
- Food
- Help understanding his Medicare benefits

The ADRC assists by:

- Working with the local Health and Human Services Commission office to enroll him in:
  - The expedited Supplemental Nutrition Assistance Program;
  - Medicaid for himself and Children’s Health Insurance Program for his grandson; and
  - The one-time Temporary Assistance for Needy Families cash benefit for grandparents.
- Negotiating with the local gas company on his behalf to restore his heat
- Explaining to him how Medicare works and securing the Low-Income Subsidy benefits to help with premiums
- Working with the local food pantry to secure immediate food
- Scheduling medical appointments for both him and his grandson
Example 2 of ADRC Consumer

A middle-aged woman caring for her 19 year-old son with Down’s Syndrome and her 79 year-old mother with Alzheimer’s disease, needs:

- Assistance paying for medical appointments and prescription drugs for all three family members
- Someone to provide support for her mother and son when she is unavailable
- Rental assistance
- Car repairs

The ADRC assists by:

- Guiding her mother through the enrollment process for Medicare Part D benefits and the Low-Income Subsidy
- Working with the MRA to secure supported employment and other services available to her son
- Working with the local DADS office to help enroll her mother in Medicaid and secure in-home support services and respite care
- Working with Catholic Charities to secure one-time rental and car repair assistance
- Working with the local Alzheimer’s Chapter to supplement additional respite services and caregiver support