D12A02 Department of Disabilities

Operating Budget Data

(\$ in Thousands)

	FY 15 <u>Actual</u>	FY 16 Working	FY 17 <u>Allowance</u>	FY 16-17 Change	% Change Prior Year
General Fund	\$3,031	\$3,195	\$3,381	\$186	5.8%
Deficiencies and Reductions	0	0	-4	-4	
Adjusted General Fund	\$3,031	\$3,195	\$3,377	\$182	5.7%
Special Fund	180	281	280	-1	-0.2%
Adjusted Special Fund	\$180	\$281	\$280	-\$1	-0.3%
Federal Fund	5,611	8,606	9,078	471	5.5%
Deficiencies and Reductions	0	0	-3	-3	
Adjusted Federal Fund	\$5,611	\$8,606	\$9,075	\$468	5.4%
Reimbursable Fund	1,239	1,163	940	-223	-19.1%
Adjusted Reimbursable Fund	\$1,239	\$1,163	\$940	-\$223	-19.1%
Adjusted Grand Total	\$10,060	\$13,245	\$13,672	\$427	3.2%

- After adjusting for back of the bill reductions in health insurance, the fiscal 2017 allowance of the Maryland Department of Disabilities (MDOD) increases by \$426,821 compared to the fiscal 2016 working appropriation. An increase of \$181,968 in general funds and \$468,368 in federal funds is partially offset by a decrease of \$222,542 in reimbursable funds and \$973 in special funds.
- A 5.4% growth in federal funds is mainly due to an increase in the contract for the federal Promoting Readiness of Minors in Supplemental Security Income grant, while a 19.1% reduction in reimbursable funds is largely due to the expiration of agreements with State partners.

Note: Numbers may not sum to total due to rounding.

For further information contact: Jared S. Sussman Phone: (410) 946-5530

Personnel Data

	FY 15 <u>Actual</u>	FY 16 Working	FY 17 <u>Allowance</u>	FY 16-17 <u>Change</u>			
Regular Positions	25.80	25.60	26.60	1.00			
Contractual FTEs	8.00	4.10	<u>3.10</u>	<u>-1.00</u>			
Total Personnel	33.80	29.70	29.70	0.00			
Vacancy Data: Regular Positions							
Turnover and Necessary Vacancies, Ex	cluding New						
Positions		0.92	3.58%				
Positions and Percentage Vacant as of 1	12/31/15	0.00	0.00%				

- The allowance creates 1.0 new regular position. The position, in the Office of Individuals with Disabilities (OID), is for a Director of Health and Behavioral Health Policy.
- The allowance abolishes 1.0 contractual full-time equivalent position (FTE), a decrease of 0.5 FTEs in both OID and the Developmental Disabilities Council (DDC). The position in OID was moved to the Department of Budget and Management as part of a shared services initiative. The duties of the position in DDC have been incorporated into the duties of existing staff.
- Turnover expectancy in MDOD increases from 3.05% to 3.58% in fiscal 2017.
- As of December 31, 2015, MDOD has 0.0 vacancies. In order to meet the turnover expectancy of 3.58%, MDOD needs to maintain 0.92 vacant positions.

Analysis in Brief

Major Trends

Transportation: Both the Maryland Transit Administration (MTA) and the Washington Metropolitan Area Transit Authority (WMATA) have paratransit programs. In terms of reliability, WMATA saw no improvement in on-time services in fiscal 2015, while MTA reported a modest decrease.

Technology: MDOD oversees both the Maryland Technology Assistance Program and the Assistive Technology Loan Program (ATLP) that help Marylanders acquire assistive technology and medical equipment. The ATLP provides Marylanders with access to low-interest loans to purchase medical equipment and assistive technology. There was a significant decline in both applications and loans approved in fiscal 2015.

Issues

Achieving a Better Life Experience Act: The federal Achieving a Better Life Experience (ABLE) Act was signed into law in December 2014. Legislation passed in the 2015 session established a task force to develop a plan for implementing Maryland's ABLE program. MDOD chaired and staffed the task force for the six-month duration. The task force culminated in a report published in December 2015.

Recommended Actions

1. Concur with Governor's allowance.

D12A02 – Department of Disabilities

Operating Budget Analysis

Program Description

The Maryland Department of Disabilities (MDOD) is the principal State agency responsible for developing, maintaining, revising, and enforcing statewide disability policies and standards throughout the units of State government. MDOD focuses on increasing the capacity of Maryland communities to provide services in inclusive settings, creating a citizen-centered delivery system that allows consumers to make meaningful choices and maintain control of their lives, bringing into the service delivery system elevated expectations about the capacities of individuals with disabilities, incorporating accessible design into communities and technologies, and constructing a seamless, responsive, and coordinated service delivery system. As part of this work, MDOD directs the development and implementation of the *State Disabilities Plan*.

The department also provides information, referral services, and expertise on the law. In addition, MDOD administers the following programs:

- *Constituent Services Program:* Provides information, referrals, resource listings, and access assistance to individuals with disabilities, their families, and their caregivers.
- Attendant Care Program: Provides financial reimbursement for eligible individuals with chronic or severe physical disabilities who require attendant services.
- *Maryland Technology Assistance Program* (MDTAP): Provides technical assistance statewide for individuals with disabilities by making disability-related technology more readily available.
- Access Maryland Program: Brings State-owned facilities into compliance with State and federal access requirements for people with disabilities.

Key goals for MDOD are:

- that persons with disabilities improve their quality of life by acquiring assistive technology to work, operate businesses, excel in school, live in safe and accessible homes, enjoy independent transportation, and gain greater access to their communities;
- that persons with disabilities have community-based, self-directed, long-term services that enable them to live in the community;
- that persons with disabilities have access to reliable transportation options;

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- that persons with disabilities have access to integrated training and employment options in the community;
- that persons with disabilities have access to affordable, accessible housing in communities of their choosing; and
- that Maryland's State facilities and technology are accessible and universally designed to promote the independence and participation of people with disabilities.

Performance Analysis: Managing for Results

In its annual Managing for Results (MFR) submission, MDOD presents information not only on programs administered directly by MDOD but also on programs other State agencies oversee that serve individuals with disabilities. These MFR measures demonstrate MDOD's role as a coordinating agency and highlight key areas of service for individuals with disabilities, such as employment, housing, community-based services, and transportation.

MDOD also produces the *State Disabilities Plan* and *Annual State Progress Analysis*. The *State Disabilities Plan* is to be revised every four years as a result of Chapter 207 of 2010, and the most recent update was completed in 2012 and covered the period from 2012 to 2015. MDOD has not revised the plan for the four-year period covering 2016 to 2019. With no revised plan, this year's analysis will continue to use the 2012 to 2015 plan. **The Secretary should comment on when an updated** *State Disabilities Plan* will be published.

The 2012 State Disabilities Plan focuses on the following eight service areas:

- Employment and training;
- Community living;
- Housing;
- Education;
- Children, youth, and families;

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- Technology;
- Health and behavioral health; and
- Transportation.

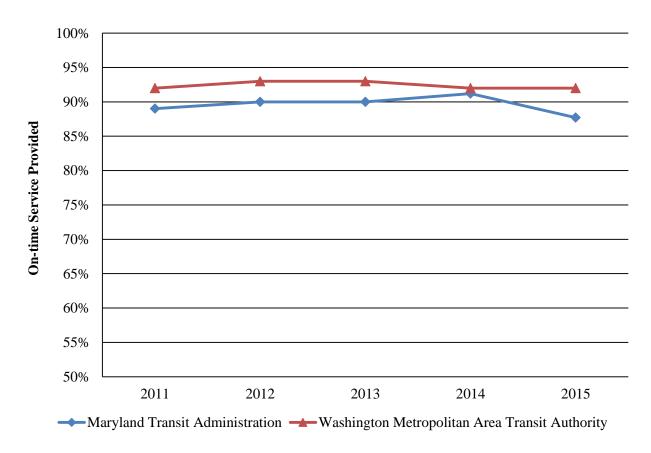
Each year, different aspects of MDOD's work are reviewed in the budget analysis. This year's focus is on transportation and technology.

1. Transportation

The department's vision for transportation is that "Marylanders with disabilities will access an array of reliable, cost-effective transportation options, enabling travel to destinations of their choosing at the same rate as their peers without disabilities." To accomplish this vision, MDOD has partnerships with both the Maryland Transit Administration (MTA) and the Washington Metropolitan Area Transit Authority (WMATA). Both MTA and WMATA have paratransit programs. These programs are "origin to destination" services for individuals with disabilities who are not able to ride fixed-route public transportation.

In terms of reliability, **Exhibit 1** shows rates of on-time paratransit service provided by MTA and WMATA. WMATA reported 92% of trips on-time in fiscal 2015, no change from the prior year. MTA reported 87.7% of trips on-time in fiscal 2015, a decrease from 91.2% in fiscal 2014.

Exhibit 1 On-time Paratransit Service Fiscal 2011-2015



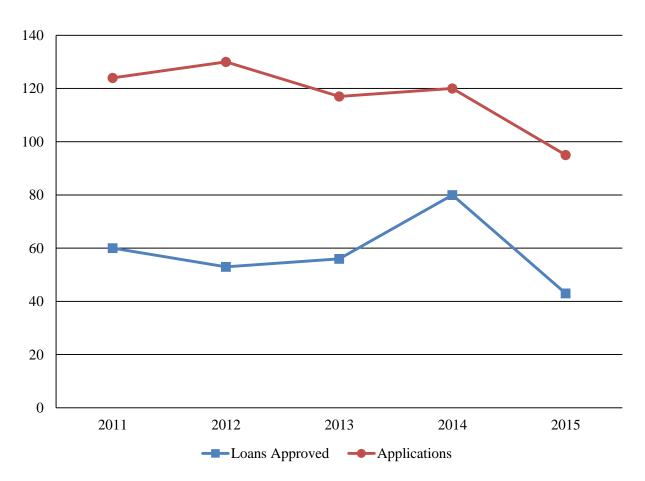
Source: Maryland Department of Disabilities; Governor's Budget Books

2. Technology

The department's vision for technology is that "Maryland citizens with disabilities will access State services and employment opportunities through the use of assistive technology and accessible information technology. People with disabilities will have increased options for assistive technology acquisition that is both accessible and affordable. In order to achieve this, the department lists a number of goals in the *State Disabilities Plan*. One of the goals outlined in the plan is to "Reduce financial barriers to acquiring assistive technology for eligible Marylanders with disabilities who are seeking independent living and employment opportunities." MDOD oversees the MDTAP and the Assistive Technology Loan Program (ATLP) that help Marylanders acquire assistive technology and medical equipment.

The ATLP provides Marylanders with access to low-interest loans to purchase medical equipment and assistive technology. **Exhibit 2** shows the number of loan applications processed and loans approved between fiscal 2011 and the estimate for fiscal 2015. There was a significant decline in both applications and loans in fiscal 2015. The rate of loan approval has decreased, as well. In fiscal 2014, 66.7% of loan applications were approved, while only 45.3% of applications were approved in fiscal 2015. **The Secretary should comment on why there has been a decrease in both loan applications and approval in recent years.**

Exhibit 2 Assistive Technology Loan Program Fiscal 2011-2015



Source: Maryland Department of Disabilities; Governor's Budget Books

Fiscal 2016 Actions

Cost Containment

The fiscal 2016 legislative appropriation included an across-the-board cut of \$65,000 in general funds in MDOD. The department held positions vacant in order to realize the cut. Although this cut was intended to be ongoing, it should be noted that MDOD has filled vacant positions resulting in additional personnel expenses in fiscal 2017. MDOD indicated that it would find other ways to reduce expenditures if turnover does not increase.

Proposed Budget

As shown in **Exhibit 3**, the fiscal 2017 allowance increases \$426,821 compared to the fiscal 2016 working appropriation. An increase of \$181,968 in general funds and \$468,368 in federal funds is partially offset by a decrease of \$222,542 in reimbursable funds and \$973 in special funds. This overall increase is after accounting for an across-the-board reduction for employee health insurance, based on a revised estimate of the amount of funding needed. This agency's share of these reductions is \$4,121 in general funds, \$366 in special funds, and \$3,058 in federal funds. It should be noted that there is an additional across-the-board reduction to abolish positions statewide, but the amounts have not been allocated by agency.

Within the Office of Disabilities (OID), the largest change is an increase of \$504,815 for spending related to the Promoting Readiness of Minors in Supplemental Security Income (PROMISE) grant. There are also large changes throughout MDOD due to the expiration of reimbursable fund agreements with the Division of Rehabilitation Services (DORS), the Department of Health and Mental Hygiene (DHMH), and the Maryland Department of Aging (MDOA).

Exhibit 3 Proposed Budget Department of Disabilities (\$ in Thousands)

How Much It Grows:	General <u>Fund</u>	Special <u>Fund</u>	Federal <u>Fund</u>	Reimb. <u>Fund</u>	<u>Total</u>
Fiscal 2015 Actual	\$3,031	\$180	\$5,611	\$1,239	\$10,060
Fiscal 2016 Working Appropriation	\$3,195	\$281	\$8,606	\$1,163	\$13,245
Fiscal 2017 Allowance	\$3,377	<u>\$280</u>	\$9,075	<u>\$940</u>	\$13,672
Fiscal 2016-2017 Amount Change	\$182	-\$1	\$468	-\$223	\$427
Fiscal 2016-2017 Percent Change	5.7%	-0.3%	5.4%	-19.1%	3.2%

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Where It Goes:

Personnel Expenses	
Regular earnings	\$111
Employee retirement	70
New position (1.0 full-time equivalent)	65
Employee and retiree health insurance	7
Social Security contributions	2
Turnover adjustments	-17
Reclassifications	-43
Office for Individuals with Disabilities	
Spending under the PROMISE Grant	505
Outreach and training materials	11
In-state conferences, training, and travel	-22
Technology Assistance Program	
Small agency grants	11
Assistive technology purchases	-32
Other Changes	
Realigning expenditures based on existing resources	-24
Elimination of contractual positions	-99
Expiring reimbursable fund agreements	-114
Other	-4
Total	\$427

PROMISE: Promoting Readiness of Minors in Supplemental Security Income

Note: Numbers may not sum to total due to rounding.

Personnel

Personnel costs in MDOD's allowance increase by \$194,112. The biggest driver of increased personnel costs is regular earnings in OID (\$164,469), due to the addition of 1 new position and the filling of positions that were held vacant to accomplish the fiscal 2016 2% across-the-board cut.

The new position in OID is a Director of Health and Behavioral Health Policy. MDOD identified four key areas where this position addresses a critical need for individuals with disabilities:

- the health care environment due to changes to the hospital reimbursement model;
- access to behavioral health services;

- access to supports and services for children and adolescents with mental disabilities; and
- substance disorders.

The allowance decreases contractual full-time equivalent positions by 1.0 (0.5 in both OID and the Developmental Disabilities Council (DDC)). The decrease in OID is due to the expiration of the DORS benefits planning agreement, which is discussed in the section on expiring reimbursable fund agreements. The position in DDC was eliminated due to the incorporation of all associated duties into the role of existing staff.

Promoting Readiness of Minors in Supplemental Security Income Grant

Fiscal 2017 will be the fourth year of MDOD's implementation of the federal PROMISE Grant. The five-year, \$31 million grant has a goal to reduce the disability community's reliance on Social Security Disability Income (SSDI) by increasing graduation and education outcomes. The target population is disabled children ages 14 to 16, 1,000 of which will receive services provided through the grant. MDOD is also recruiting 1,000 children to serve as a control group. This will allow MDOD to test the effectiveness of the program. The fiscal 2017 allowance includes \$7.5 million for the program.

As of the first week of January 2016, the program has enrolled 1,832 individuals, nearing the 2,000 person cap. At this point last year, enrollment was below 600 individuals. The department has begun to advise youth and families in all communications that they are nearing the cap.

Maryland was awarded supplemental funding of \$1.7 million by the U.S. Department of Education for two areas, specialized engagement and financial education. MDOD plans to add 7 specialized case managers to serve areas with the greatest need for engagement and ensure Maryland meets the goals outlined by the program evaluators. Additionally, MDOD found in the initial phase of the program that there is a large demand for more financial education. The department plans to increase staffing to meet the demand for more financial education and Maryland Creating Assets, Savings and Hope Campaign will connect participants to free tax preparation.

In fiscal 2015 and 2016 the goal for the program was to finish recruitment and continue through intervention services. The Secretary should update the committees on the current status of the PROMISE Grant and what is expected for fiscal 2017.

Expiration of Reimbursable Fund Agreements

The allowance decreases by \$114,425 due to the expiration of three reimbursable fund agreements with DORS for benefits planning; MDOA for counseling services; and DHMH to develop a training program.

Division of Rehabilitation Services Benefits Planning

The purpose of this project was to promote full employment and self-sufficiency of Social Security Income/SSDI beneficiaries served by DORS through the provision of financial benefits counseling. A contractual staff provided the counseling. In fiscal 2016, the contractual staff person became an independent contractor and now has a contract directly with DORS to provide this service.

Maryland Department of Aging Enhanced Options Counseling

MDOD oversaw a program designed to work with Centers for Independent Living (CIL) to access the infrastructure related to options counseling readiness of the participating CIL and to provide ongoing consultation and technical assistance. This was a one-year program that came to an end in December 2015.

Community First Choice Self-direction Training

This agreement called for MDOD to design and implement a self-direction training program for people with disabilities who receive daily support from a personal care attendant. Maryland planned to implement a program whereby Medicaid recipients would have been able to choose, manage, and pay independent attendant care providers of their choice. DHMH informed MDOD that the department would switch to an agency only model and the training program was no longer needed. The agreement came to an end in December 2015.

Issues

1. Achieving a Better Life Experience Act

The federal Achieving a Better Life Experience (ABLE) Act was signed into law in December 2014. The ABLE Act permits states to establish a savings program to pay for qualified disabilities expenses. The savings program is modelled after the college savings program.

Legislation passed in the 2015 legislative session established a task force to develop a plan for implementing Maryland's ABLE program. MDOD chaired and staffed the task force for the six-month duration. In December 2015, the task force published a report, which included nine legislative recommendations:

- Maryland should establish the Maryland ABLE Program to allow people with disabilities or their families to establish accounts to pay qualified disability expenses as authorized under the federal ABLE Act;
- College Savings Plans of Maryland should be the lead agency responsible for the development and implementation of the Maryland ABLE Program;
- a seat should be added to the existing College Savings Plans of Maryland Board for the Secretary of the Department of Disabilities;
- College Savings Plans of Maryland should have the flexibility to contract with third parties as needed;
- in addition to any allocations available from the State budget, College Savings Plans of Maryland should be allowed to charge reasonable administrative fees and identify alternative sources of funding;
- contributors to ABLE accounts should receive comparable tax benefits as 529 account holders;
- local and State means-tested programs should be required to exclude ABLE funds when considering applicants' eligibility or level of benefit;
- language should be included in the legislation that gives Maryland discretion in contracting with states to provide ABLE program services to residents in other states; and
- ABLE enabling legislation should be effective July 1, 2016, with a target operational date of October 1, 2017.

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There is no funding in MDOD's allowance for the ABLE program. There is, however, enabling legislation (HB 431) introduced in the 2016 legislative session, which establishes the ABLE program under the College Savings Plans of Maryland Board. The legislation requires the board to work in consultation with MDOD to develop the program. **MDOD should comment on what its role could be in the ABLE program.**

Recommended Actions

1. Concur with Governor's allowance.

Current and Prior Year Budgets

Current and Prior Year Budgets Department of Disabilities

(\$ in Thousands)

	General Fund	Special Fund	Federal Fund	Reimb. Fund	Total
Fiscal 2015					
Legislative Appropriation	\$3,141	\$182	\$7,894	\$1,617	\$12,835
Deficiency Appropriation	0	0	0	0	0
Cost Containment	-125	0	0	0	-125
Budget Amendments	14	8	7	0	29
Reversions and Cancellations	0	-10	-2,291	-379	-2,680
Actual Expenditures	\$3,031	\$180	\$5,611	\$1,239	\$10,060
Fiscal 2016					
Legislative Appropriation	\$3,096	\$173	\$8,592	\$1,006	\$12,868
Budget Amendments	99	107	14	156	377
Working Appropriation	\$3,195	\$281	\$8,606	\$1,163	\$13,245

Note: The fiscal 2016 working appropriation does not include deficiencies or reversions. Numbers may not sum to total due to rounding.

Fiscal 2015

The MDOD fiscal 2015 legislative appropriation was reduced by \$2.775 million. Of this, \$124,801 in general funds was reduced through Board of Public Work's cost containment actions. MDOD achieved the cost containment through increasing turnover.

Several budget amendments changed general, federal, and special fund appropriations to the MDOD budget resulting in a net increase to the budget of \$29,352. A budget amendment for the employee cost-of-living adjustment (COLA) increased the budget by \$19,589 (\$11,578 in general funds, \$784 in special funds, \$7,887 in federal funds). The department saw a small increase in special fund appropriations of \$7,500 from unanticipated training fee revenue and an increase in general fund appropriations of \$2,263 from realigning telecommunication expenditures.

Cancellations totaled \$2.68 million. MDOD canceled \$2,076,819 in federal funds that were originally intended for the PROMISE grant program due to lower than expected costs. An additional \$214,125 in federal funds as well as \$84,021 in reimbursable funds were canceled as a result of issuing less grants for training and technical assistance. MDOD canceled \$289,321 in reimbursable funds for two DHMH programs, the Money Follows the Person Peer Outreach and Supports Program and the Community First Choice Program, due to less than anticipated expenditures. Additionally, \$10,095 in special funds and \$5,297 in reimbursable funds were canceled due to lower than expected contractual salary expenses and contractual services expenses, respectively.

Fiscal 2016

To date, MDOD's fiscal 2016 budget has increased by \$376,630. The general fund appropriation increased by \$75,000 through an amendment that provides oversight for the Ethan Saylor Alliance. The award of a grant to coordinate the Urban Areas Security Initiative for emergency planning efforts in the National Capital Region with the grant partners in Washington, DC and Virginia added \$100,000 in special funds to cover the costs of a contractual employee to coordinate the grant. The special fund appropriation was increased by an additional \$6,380 to account for unanticipated revenue from a training consortium. The reimbursable fund was increased by \$81,250 through an amendment which supports a summer learning program for students with disabilities and by \$75,000 through an amendment which supports training for childcare providers. Additionally, an amendment which restored a 2% cut to employee salaries added \$35,000 (\$24,000 in general funds, \$1,000 in special funds, and \$14,000 in federal funds) to the budget.

Audit Findings

Audit Period for Last Audit:	March 14, 2012 – January 4, 2015
Issue Date:	July 2015
Number of Findings:	2
Number of Repeat Findings:	0
% of Repeat Findings:	0%
Rating: (if applicable)	n/a

- **Finding 1:** MDOD lacked controls to ensure that Attendant Care Program payments were made only to eligible participants.
- **Finding 2:** MDOD did not monitor a case management contract to ensure services were provided as required and payments were based on the contract terms.

^{*}Bold denotes item repeated in full or part from preceding audit report.

Object/Fund Difference Report Department of Disabilities

		FY 16			
	FY 15	Working	FY 17	FY 16 - FY 17	Percent
Object/Fund	Actual	Appropriation	Allowance	Amount Change	Change
Positions					
01 Regular	25.80	25.60	26.60	1.00	3.9%
02 Contractual	8.00	4.10	3.10	-1.00	-24.4%
Total Positions	33.80	29.70	29.70	0.00	0%
Total I obliving	22.00	25.70	25.70	0.00	0 / 0
Objects					
01 Salaries and Wages	\$ 2,283,561	\$ 2,559,079	\$ 2,760,736	\$ 201,657	7.9%
02 Technical and Spec. Fees	314,375	302,548	219,561	-82,987	-27.4%
03 Communication	31,491	44,335	39,291	-5,044	-11.4%
04 Travel	49,273	92,755	84,170	-8,585	-9.3%
06 Fuel and Utilities	7,709	9,812	8,218	-1,594	-16.2%
07 Motor Vehicles	26,812	27,580	28,020	440	1.6%
08 Contractual Services	5,115,389	7,776,594	8,308,975	532,381	6.8%
09 Supplies and Materials	28,689	50,238	48,582	-1,656	-3.3%
10 Equipment – Replacement	14,433	15,958	5,458	-10,500	-65.8%
11 Equipment – Additional	20,183	57,879	25,525	-32,354	-55.9%
12 Grants, Subsidies, and Contributions	2,033,172	2,174,354	2,013,601	-160,753	-7.4%
13 Fixed Charges	135,064	133,866	137,227	3,361	2.5%
Total Objects	\$ 10,060,151	\$ 13,244,998	\$ 13,679,364	\$ 434,366	3.3%
Funds					
01 General Fund	\$ 3,030,534	\$ 3,195,350	\$ 3,381,439	\$ 186,089	5.8%
03 Special Fund	180,289	280,510	279,903	-607	-0.2%
05 Federal Fund	5,610,610	8,606,419	9,077,845	471,426	5.5%
09 Reimbursable Fund	1,238,718	1,162,719	940,177	-222,542	-19.1%
Total Funds	\$ 10,060,151	\$ 13,244,998	\$ 13,679,364	\$ 434,366	3.3%

Note: The fiscal 2016 working appropriation does not include deficiencies or reversions. The fiscal 2017 allowance does not include contingent reductions.

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Fiscal Summary Department of Disabilities

	FY 15	FY 16	FY 17		FY 16 - FY 17
Program/Unit	Actual	Wrk Approp	Allowance	Change	% Change
1100 Office For Individuals With Disabilities	\$ 6,969,258	\$ 9,908,118	\$ 10,398,044	\$ 489,926	4.9%
1101 Attendant Care Program	1,308,167	1,418,147	1,442,799	24,652	1.7%
1130 Maryland Developmental Disabilities Council	1,175,761	1,261,022	1,147,676	-113,346	-9.0%
1160 Technology Assistance Program	606,965	657,711	690,845	33,134	5.0%
Total Expenditures	\$ 10,060,151	\$ 13,244,998	\$ 13,679,364	\$ 434,366	3.3%
General Fund	\$ 3,030,534	\$ 3,195,350	\$ 3,381,439	\$ 186,089	5.8%
Special Fund	180,289	280,510	279,903	-607	-0.2%
Federal Fund	5,610,610	8,606,419	9,077,845	471,426	5.5%
Total Appropriations	\$ 8,821,433	\$ 12,082,279	\$ 12,739,187	\$ 656,908	5.4%
Reimbursable Fund	\$ 1,238,718	\$ 1,162,719	\$ 940,177	-\$ 222,542	-19.1%
Total Funds	\$ 10,060,151	\$ 13,244,998	\$ 13,679,364	\$ 434,366	3.3%

Note: The fiscal 2016 working appropriation does not include deficiencies or reversions. The fiscal 2017 allowance does not include contingent reductions.