



Memphis Center For Independent Living

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“Community Choices Act of 2007” SB1145 by Crutchfield. HB1370 by Kernell Summary Sheet

In the state of Tennessee, there are 6,700 elderly and disabled people trapped in nursing homes and other facilities who have expressed a desire to move out and join life in the community. The Community Choices Act of 2007 is a piece of state legislation that would allow thousands of institutionalized individuals to choose to live in the community without jeopardizing the vital support services they need to lead independent lives. Please support this effort to extend the right of freedom to thousands of Tennesseans who want to live in their own homes and communities.

Section 1 Names the bill “Community Choices Act of 2007”.

Section 2

- A. Directs the State Treasury to designate the cost of institutionalization for those in Intermediate Care Facilities for the Mentally Retarded (ICF-MR) and Level 1 and Level 2 nursing facilities.
- B. Directs the state to have the money used for support services follow the individual when an individual with an approved Pre-Admission Evaluation (PAE) moves out of an ICF-MR facility or a Level 1 or 2 nursing facility. **This is Money Follows the Person.** This means that when a person moves out of the institution, the money for the services they need to live in the community will come out of the appropriate institutional budget and go into the Home and Community Based Services (HCBS) budget.
- C. Allows the individual to use the current and future waivers, vouchers, agencies with choice, fiscal intermediaries, direct cash, and other service delivery systems that may be developed by the state to fund and administer their community-based services. This encourages TennCare to develop different systems to pay for personal assistants hired and managed directly by the consumer of the waiver if consumer chooses to use self directed services.

Section 3

- A. Directs the Bureau of TennCare to add fiscal intermediary and cash and counseling models to be used by the consumer to the STATEWIDE waivers. These are self directed systems that would allow the state to pay for personal assistants hired and managed directly by the consumer of the waiver if consumer chooses to use self directed services.

Section 4

- A. Directs TennCare to fund a Relocation System to provide Targeted Case Management for a minimum of 200 individuals over five years and contract with

Community Based Organizations (CBO) through grants, state contracts, or fee for services payment.

- B. Allows the CBO to ask for and receive data from the state on the number and contact information of people wishing to transition to the community in their service area.
- C. Provides for a \$2,000 Transition Cost Allowance for those receiving services to transition from the institution to the community.
- D. TennCare may seek waiver amendments, grants or other means to fund this project.
- E. Provides for consumer satisfaction surveys to ensure quality assurance standards for the CBO helping with the transition. The State must perform a cost benefit analysis for each person that transitions from a nursing facility comparing the cost of the nursing facility to the moneys spent for relocation services and HCBS services.

Section 5

- A. Sets up a Disability Services Advisory Board for the Commission on Aging and Disability, consisting of a majority of people with disabilities, nominated by a range of disability advocacy organizations and selected by the Governor. This board will advise the Executive Director of TCAD, the Governor, the Deputy Commissioner of TennCare and the General Assembly on issues and recommendations on the state of services by TCAD for people with disabilities. The Advisory Board would consist of three statewide waiver recipients, one representative from each of the five Centers for Independent Living, one representative from ADAPT of Tennessee, one representative from AARP, one representative from the Tennessee Disability Coalition, one representative from the ARC of Tennessee, two at large positions and two positions designated by the Executive Director of TCAD.

Section 6

Changes the state's Nurse Practice Act to allow non-nurses to perform services covered under Health Maintenance Activities, if needed and delegated by a practicing nurse.

Section 7 If the bill passes, it will take effect July 1, 2007.

For more information on this important legislation or transitioning from a nursing home and into the community, contact the Center for Independent Living in your area.

