



Alliance for the Betterment of  
Citizens with Disabilities

---

**Empowering People: Providers Shaping Policies**

New Jersey Division of Medical Assistance and Health Services  
New Jersey 1115 Comprehensive Medicaid Waiver Demonstration

Post-Award Public Session  
August 29, 2023  
Respectfully Submitted by Cathy Chin, Executive Director

On behalf of ABCD, thank you for the opportunity to provide comments for consideration.

Behavior Supports

DHS is to be commended for ramping up the mental health service system for individuals with IDD. What you have done and are in the process of doing is tremendous.

One area which would be instantly enriched through the diversification of service providers is behavior support. CMS stipulates that the provision of behavior support be determined by DHS. In addition to BCBA's, licensed professionals like social workers, psychologists, psychiatrists, and psychiatric nurse practitioners are qualified to assess, develop, and evaluate behavioral support plans in addition to monitoring, training, and supervising bachelors, and master's level staff. Since competency and quality would not be compromised, why not round out this segment of the care spectrum to infuse more:

- Pragmatism in the Service of Care. There are not enough BCBA's in the state. As a result, providers are probably paying more than they should for the services, plan approvals are delayed, and providers are out of compliance.
- Broad Based Treatment Efficacy. DHS recently noted that "studies show that too many systems of care for people with IDD continue to focus on controlling and managing challenging behavior without adequate consideration of the potential for underlying mental health or medical conditions as the causes of the behavior."<sup>1</sup> Tapping various professions will expand the talent pool, treatment modalities, and care models and help DHS make inroads into addressing the concern it has raised.

In addition, the definition of behavior support in the community needs to be expanded in the Waiver language to include the development of therapeutic interventions. Applied Behavioral Analysis is a credible and applicable tool which often provides a necessary framework for preventing problem behavior and supporting the needs of individuals by teaching prevention strategies, replacement skills and new ways to respond. But sometimes consciousness, free-will and internal

---

<sup>1</sup> DHS Response to OLS Questions, p.42 [https://pub.njleg.state.nj.us/publications/budget/governors-budget/2024/DHS\\_response\\_2024.pdf](https://pub.njleg.state.nj.us/publications/budget/governors-budget/2024/DHS_response_2024.pdf)

influences can go unrecognized unintentionally. With all due respect, government is making it more difficult for us to solve our current mental health crisis by disincentivizing agency's ability to hire the right professionals for our heterogenous population. Consistent with DHS's enrichment of the resource landscape, amending the definition of BS will help to ensure opportunities for care and intervention across domains — Each providing “a tool” but not, “the tool.”

### Transportation to and from Day Hab

Results from ABCD's FY23 survey of our membership.<sup>2</sup>

#### Vans R' Us

To date, an average of 24% of day hab revenue was spent on transportation compared to 24, 22 and 17% for FedEx, UPS, and Amazon whose primary function is transport and delivery.

#### Safety Net Day Habs

Despite the original rate setter's effort to distill the formula, by failing to account for all variables, they distorted it. When transport included at least 58% of people in wheelchairs living in densely populated areas, over 52% of day hab revenue was spent on transportation.

#### A Tell

The percentage of people transported to and from day hab ran the gamut from 0-100 %. Normally as policy translates down and into the field, each person interprets the guidelines more rigidly (better safe than sorry). But here we have the opposite. Perhaps field agents were signaling, this policy is unfeasible.

#### A Fanciful Solution

The current requirement that 50% of all DH participants be transported looks fair on its face. But it can be legitimately danced around by ambulatory individuals (no pun intended) and families with means all in the name of choice.

The original rates were backed into and had no new money, the brunt of which would ultimately be borne somewhere in the system. You tried something, it didn't work. Let's stop tying ourselves up in knots – we need branch and root reform. An agency providing transportation should be paid for either the total number of miles or amount of time with a wheelchair add on; calculated in advance at the plan meeting. If you don't provide much or any transportation, you can come out of the garage.

---

<sup>2</sup> ABCD Position Paper, *Transportation in Day Habilitation*. Updated September 2023. Available in September/October of 2023 at [www.abcdnj.org](http://www.abcdnj.org)