

# OUR 50-YEAR HISTORY



**1967**

SB 169 creates County Boards of Developmental Disabilities

**1968**

- State Issue 1 enabled the General Assembly to issue revenue bonds for capital improvements in the state developmental centers and other institutional systems
- HB 970 created the Division of Mental Retardation within the Department of Mental Hygiene and Correction

**1970**

Public law 91-517 mandated the creation of state developmental disabilities advisory councils

**1972**

- HB 290 created the advocacy and protective services
- HB 494 Separated the Department of Mental Hygiene and Correction into the Department of Rehabilitation and Correction and the Department of Mental Health and Mental Retardation
- Governor Gilligan issued an executive order establishing Ohio's Developmental Disabilities Planning Council (ODDPC)

**1973**

HB 761 created the Purchase of Service (POS) system authorizing ODMR/DD to contract for community residential services

## 1974

OPRA was incorporated as the Ohio Association of Private Residential Facilities for the Developmentally Disabled by the corporate offices Hattie Larlham, Christopher Lohrman, Clayton Bender, and Oliver Seikel. Although there was no formal office or staff, the Articles of Incorporation identified the location of the corporate offices in Cleveland.

## 1975

- OPRA's 501c3 status was approved by the Internal Revenue Services. OPRA's first annual meeting was held in Columbus, Ohio where the association's first board officers and trustees were elected
- SB 336 created the Ohio Legal Rights Services (now Disability Rights Ohio); created parameters for institutionalization detention and discharge of persons with developmental disabilities; required habilitation plans and consent to treatment; defined civil and employment rights with people with developmental disabilities who are institutionalized
- *Sidles v. Delaney* federal class action suit was filed against the Department of Mental Health and Mental Retardation citing substandard conditions and lack of treatment at Apple Creek State Institute
- Cleveland, Warrensville, and Springview Developmental Centers open; Tiffin State Hospital began to admit persons with developmental disability

## 1976

- HB 1215 created Citizens Advisory Boards in developmental centers and established a Joint Mental Health and Mental Retardation Advisory and Review Commission
- The Ohio Association for Retarded Citizens (now the Arc of Ohio) filed the OARC v. Moritz class action lawsuit alleging systematic deprivation of services of persons residing in state-operated institutions who functioned at any level of developmental disability and also exhibited emotional disorders

## 1977

- Name of the corporation is changed to the Ohio Private Residential Association, as witnessed by the association president, Clayton Bender and secretary, Walter Zborowsky
- OPRA was awarded the first grant for staff training by the Ohio Developmental Disabilities Planning Council
- OPRA employed Linda Waddle as executive director on a part-time basis
- SB 71 created the ODMR/DD licensure system for residential facilities and established the rights of individuals with developmental disabilities to live in the community
- The Barbara C. v. Moritz class action lawsuit was filed against the Ohio Department of Mental Health and Mental Retardation alleging the residents of Orient State Institute were deprived of their rights, liberties, and services.
- Northwest Ohio Developmental Center opened

## 1980

- HB 900 separated the departments of Mental Retardation/Developmental Disabilities and Mental Health
- SB 160 provided reforms related to board membership and management of county boards of developmental disabilities
- HB 694 established a Joint Committee on Mental Retardation within both chambers of the Ohio General Assembly
- ODHS established the first Interagency Consortium to implement the ICF/MR Patient Assessment System created by HB 176
- The Marguerite W. v. Rhodes class action lawsuit was filed alleging the inappropriate placement by the departments of Human Services and Mental Retardation of persons from state institutions to nursing homes
- Fair Labor Standards Act Wage and Hour regulations were applied to staff in licensed community homes
- Youngstown Developmental Center opened

## 1981

- Orient Developmental Center Consent Decree was signed
- Gateways to Better Living, Inc. initiated legislation to challenge the state's interpretation of ICF/MR regulations to require registered nurses to administer medication to residents of group homes
- Montgomery Developmental Center opened

## 1982

OPRA's by-laws were amended to appoint two persons to the board representing relatives of individuals with developmental disabilities

## 1983

- OPRA published its first newsletter. OPRA employed Chris Lohrman as full-time executive director. OPRA's office was established at 36 W Gay Street, Columbus, Ohio
- HB 291 established the family resource services program and provided for allocations to be made to county boards of developmental disabilities
- ODMR/DD announced plans to close Orient Developmental Center
- A fire in Cincinnati group home kills 7 individuals. The Blue Ribbon First Safety Committee is formed

## 1984

- OPRA engaged in the Community Acceptance Initiative
- OPRA offered Family Provider Training via Ohio Developmental Disabilities Planning Council grant funding
- HB 235 prevented hiring of institutional direct care staff who had been convicted of certain felonies
- The House and Senate Select Committees on Deinstitutionalization were created to investigate the ODMR/DD closing of Orient Developmental Center and general deinstitutionalization and contracting practices of ODMR/DD
- ODMR/DD Blue Ribbon Fire Safety Committee report was prepared in response to Cincinnati group home fires; the report required sprinklers in all licensed settings
- ARC-Ohio initiated the Residential Monitoring Program with OPRA support
- Orient Developmental Center closed

## 1986

- OPRA conducted and published the first survey of staff salaries paid by member agencies
- SB 322 provided reforms for DD residential services which included:
  - Requiring county boards of DD to plan for residential services and approve providers for implementation of approved residential development with the county for residents with DD
  - Requiring residential service providers to disclose certain financial information and possible conflicts of interest
  - Allowing ODMR/DD to establish uniform prospective daily rates for certain state contracted purchase of service homes and requiring all providers to appoint an advisory board on general policies, contracts, and protecting client rights
  - Require the director of ODMR/DD to adopt rules for the inspection of residential facilities, training of personnel, certification and licensure requirements, and other necessary standards
  - Creating a process through the court of common pleas for the appointment of a receiver for a residential facility when such facility presents a substantial risk of physical or mental harm to residents of the facility and no other remedies are available
  - Creating a Legal Rights Commission which specifies how members will be appointed, their functions, and related responsibilities
  - Creating an ombudsman within the Legal Rights Commission to receive, investigate, resolve and mediate complaints from persons with DD and others related to their care and treatment within the service system and established standards
  - Establish a variety of rights for person with DD
  - Requiring ODMR/DD county boards of DD, and contract agencies to publish the list of individual rights, to train staff in these rights, and to establish mechanisms for resolving issues of persons with DD on violations of such rights
  - Requiring county boards of DD to provide case management services
- The 240-bed Gruter Foundation was decertified

## 1987

- OPRA adopted a position advocating salary parity for direct service staff of POS homes
- OPRA appointed Beverly Johnson as Interim Executive Director; employed Nancy McAvoy as OPRA Executive Director
- HB 499 required new ICFs to be licensed by ODMR/DD
- HB 231 a fixed responsibility in county boards of DD to assess and recommend to probate courts the availability of community resources to meet the needs of persons with DD subject to institutionalization; allowed a court to probate these persons to a county board of DD; restricted courts from ordering persons with DD to a state developmental center if the order would cause the center to exceed its ODMR/DD licensed capacity

## 1988

- OPRA conducted and published its second staff salary survey into legislative awareness survey
- OPRA completed the first audit of the association's fiscal functions
- SB 155 enabled county boards of DD to build school districts for excess cost for out of county residents and above average cost for in county residents; defined independent living arrangement it exempted it from ODMR/DD licensure requirements
- Cleveland Developmental Center closed

## 1989

- OPRA participated in hearings which led to the legislative recommendations for reforms in Ohio's long-term care reimbursement system
- OPRA was reorganized to 11 districts
- OPRA published its first Legislative Handbook
- OPRA participated in a national survey of community residential services conducted by David Braddock
- ODDPC awarded grant to OPRA to develop a method to assess staffing needs for individuals living in POS funded homes (R-SCAN)
- The federal fair housing amendment act of 1988 became effective, guaranteeing for persons with developmental disabilities that protection of federal fair housing laws from restrictive and discriminatory zoning laws
- HB 403 established reporting requirements of allegations of abuse, neglect, and exploitation of adults with DD; provided county boards of DD the authority and affixed their responsibility to remediate cases of abuse and neglect of these persons; required ODMR/DD to promulgate rules for informed consent for services; established standards for case management services
- HB 257 established reforms in community residential services through initiation of state funded, county board of DD administered supported living services; allowed two or more county boards of DD to form a residential services consortium
- ODMR/DD began aggressive implementation of a section 504 agreement to provide access to residential facilities for all Ohioans, regardless of handicapping conditions

## 1990

- OPRA-PAC was established
- OPRA offices were relocated to 199 S 5th St. Columbus, Ohio
- OPRA conducted and published its first Executive Directors Salary Survey
- OPRA joined other DD associations to develop a unified position paper for gubernatorial candidates OPRA was actively involved in resolving issues of delegated nursing, and admission, discharge, and transfer of individuals from ODMR/DD licensed homes
- SB 46 provided reform to guardianship services for persons with DD; allowed probate courts to appoint limited, interim, or emergency guardians; required each county to establish an indigent guardianship fund
- HB 697 established authority with county boards of DD for a linked deposit program; established a county board of DD Ethics Council; allowed two or more county boards of DD to establish a Regional Council of government; allowed a process of mutual consent of a county board of DD and residential services provider to transfer ODMR/DD residential services contracts to the county board for contracting as supported living; prohibited contracting for supported living housing with a provider of services except in limited circumstances
- ODMR/DD enter consent decree with Ohio Legal Rights stemming from the *Marguerite W. v. Rhodes* class action litigation
- The federal Americans with Disabilities Act was enacted, providing broad anti-discrimination protections for all persons with physical or mental impairments that substantially limited one or more major life activities

## 1991

- OPRA produced a videotape to enhance the image of community ICFs
- OPRA was appointed to a legislative committee to redesign the long-term care reimbursement system
- HB 569 changed the definition of developmental disabilities from a categorical to a functional definition based on substantial limitation in major life activity areas; Established the authority of county boards of D to institute waiting lists for services when requests for those services exceeded resources
- HB 298 allowed county boards of DD to buy and sell property for residential services
- Individual options waiver was approved by HCFA for persons with DD

## 1992

- OPRA established the QMRP network
- OPRA developed compliance strategies and training related to OSHA regulations governing bloodborne pathogens
- The Arc of Ohio and Ohio Association of Superintendents of County Boards of DD liaisons were appointed to the OPRA board
- HB 387 required criminal background checks for all final applicants for employment with county boards of DD in their contract agencies
- HB 904 reformed the long term care reimbursement system and established a prospective payment methodology for ICFs and NFs
- ODHS initiated a study of the ICF reimbursement system
- Broadview Developmental Center closes

## 1993

- ODMR/DD files relief from judgment in the consent degree stemming from the *Marguerite W. v. Rhodes* class action litigation (now *Sermak v. Manuel*)
- OPRA was granted amicus curiae status in the *Martin v. Voinovich* complaint
- HB 152 provided refinements and added specificity to the ICF payment system

## 1994

- OPRA initiated a state biennial budget strategy for community DD services
- HB 715 allowed direct service staff employed by ICF certified homes serving 15 or fewer or to administer medication to residents of the homes if the staff successfully completed an ODMR/DD approved training course; revised technical areas of the community ICF payment system
- HB 435 authorized reforms to the ODMR/DD purchase of service payment system including the calculation of rates based upon direct service staff resource needs of individuals with DD
- HB 694 provided person centered reforms for supported living; mandated the transfer of ODMR/DD administered supported living contracts to county boards of DD by July 1, 1995
- Capital Housing Funds moved to county board's housing boards away from private housing ventures for individuals with disabilities

## 1995

- Ohio Board of Nursing files rules governing medication administration in ICFs of 15 or fewer residents
- ODMR/DD and ODHS submit original RFR home and community-based services waiver to HCFA
- Nancy McAvoy resigns as OPRA as Executive Director
- Keith Hancock hired as new OPRA Executive Director
- ODMR/DD and ODHS asks HCFA to suspend their review of the RFW waiver

## 1996

- OPRA establishes a committee to research and study the impact of managed care on the MR/DD system. Managed care organizations begin creating programs for individuals with I/DD.
- OPRA adopts position to encourage ODMR/DD to move forward with the RFW waiver
- OPRA establishes its website [www.OPRA.org](http://www.OPRA.org)
- Administrative rule is developed, with OPRA, to structure the conversion of purchase of service funded homes to county board administered Supported Living. HB629 passes, revises County Boards of DD ethics language and revises background check provisions.
- OPRA and OSLA co-sponsor supported living “Best Practice Series”
- OPRA Board approves OPRA’s vision paper “Toward A Different Horizon”
- OPRA sponsors study comparing costs in ICFs, supported living, and POS facilities
- OPRA negotiates with ODMR/DD on revisions to the admission/discharge rule, licensure denial, and complaint resolution rules
- OPRA sponsors a seminar on managed care and subsequently develops a proposal to study the impact of managed care on the DD system
- ODMR/DD and ODHS submit revised residential facility waiver (RFW) to HCFA
- OPRA Board approves process to reorganize the association, governance, and name change
- OPRA opposes proposed policy by ODMR/DD to require POS providers to pay for an independent POS audit

## 1997

- HCFA approves residential facility waiver with a July 1, 1997, implementation date. OPRA develops a residential placement technical assistance guide. Purchase of services funding used to match federal waiver funding.
- OPRA and County Board Association contract with the NCOT accounting firm to develop a reimbursement system for the RFW. The proposal is not accepted by ODMR/DD for implementation.
- ODMR/DD establishes the “Vision Committee.” Stanley Aronoff is appointed chair. OPRA is appointed to the committee.
- OPRA Executive Director Keith Hancock resigns
- OPRA provides limited legal and technical accounting services to assist POS providers as they begin RFW contracting with County Boards
- OPRA board gives formal approval for the creation of the OPRA foundation and the Ohio Provider Resource Association. OPRA membership approves the restructuring proposal to 8 districts in September.
- OPRA adopts a new dues structure based on the size of the member’s budget
- OPRA approves a legislative plan for the 1998 elections



## 1998

- A HCFA review of California's home and community waiver results in suspended admissions and threatened funding
- Following many months of work with OPRA and OLRs, ODHS files revised rule on wheelchairs
- Maureen Corcoran begins as new OPRA Executive Director
- ODMR/DD begins county board accreditation pilot project
- HB 788 is introduced by representative Patrick Tiberi. Developed by OPRA, it addressed concerns related to clarifying current provisions of law related to burial accounts and adaptive equipment applications, and proposed an increase to the personal needs and clothing allowance for persons in ICFs
- ODHS establishes "Home Care Program" and waiver, consolidating the Disability and Medically Fragile Waiver and allowing capacity to serve an additional 2,000 individuals
- ODMR/DD and ODHS submit new "Consumer Supports" waiver to HCFA, which plans to expand current IO waiver for 7,000 individuals
- ODMR/DD issues report on the results of its consumer satisfaction survey, which examined satisfaction with developmental centers and other community services
- OPRA board retreat results in development of action steps for 1999
  - Develops a new vision statement and refines mission statement
  - Approved proposal for Local Administration Project
  - Focus on Direct Service Staff recruitment and retention
  - Approved proposal to evaluate statewide data availability
  - Effort to improve OPRA board governance
  - OPRA committee restructuring
- HCFA review of Illinois DD waiver results in suspended admissions
- ODMR/DD becomes a free standing cabinet level agency

## 1999

- July 25th, 1974, celebrates the 25th anniversary of OPRA's formation
- Kenneth Ritchey named as new ODMR/DD Director in new administration of Governor Bob Taft. The vision committee submits interim report.
- OPRA board implements a plan to communicate broadly with members regarding the OPRA strategic plan and issues related to the improvement of local administration
- ODMR/DD establishes a rules council, initiating comprehensive Review of administrative rules with input from all constituencies. OPRA organizes member input. A review of medication administration and delegated nursing is initiated. Abuse and incident monitoring identified by director Ritchey as a priority.
- HB 171 abuse registry bill is introduced by Senator Bob Spada.
- The US Supreme Court hands down a landmark decision under the ADA; Olmsted v. L.C., determining that "unjustified isolation of people with disabilities in institutions constitutes discrimination based on disability"
- State biennial budget passes, including statutory changes required to effect the provisions of HB 788 sponsored by Representative Tiberi and developed by OPRA
- OPRA offices move to 30 Spruce St., Columbus, OH.
- A new interagency agreement is signed between ODHS and ODMR/DD, identifying a plan for work on key Medicaid services. HCFA conducts an audit of Ohio's Residential Facility Waiver program.

## 2002

- The as introduced state budget included language to eliminate the ICF-IDD program.
- OPRA led statewide effort to remove the elimination of the ICFIID from state budget proposal is a success. Budget language creates a legislative task force to evaluate the impact of an elimination of ICFIID. State Representatives Hoops and Jordan chair the task force. The task force results in removal of the elimination of the ICFIID program due to excessive costs to Ohio in loss federal revenue and to individuals with disabilities

## 2003

- OPRA and three members file the lawsuit (Thompson v. Hayes) in the Franklin Court of Common Pleas against the state, certain county boards of DD, and the Ohio Association of County Boards of DD over contracting for services and lack of state-wideness.
- ODMR/DD implement new rate models for DD-home and community-based waiver services

## 2005

- ODMR/DD ends the CAFS program over concerns raised by the Centers for Medicare and Medicaid Services and Thompson litigation
- Springview Developmental Center closed

## 2006

Apple Creek Developmental Center closed

## 2007

- Governor Ted Strickland appoints John Martin as Director of ODMR/DD.
- HB 119 authorizes a new Medicaid eligibility category – Medicaid buy-In for Workers with Disabilities

## 2008

Mark Davis promoted to President after co-leading OPRA with Marueen Corcoran

## 2010

- Congress passes the Patient Protection and Affordable Care Act (Obamacare). The healthcare overhaul law was expansive and included provisions to direct the Secretary of the US Department of Health and Human Services to promulgate rules for Medicaid Home and Community-Based Services that ensure the program is responsive to the needs and desires of beneficiaries.

## 2012

- DODD Director Martin releases the “The Future of the ICF-IID Program: Values, Vision, Rebalancing, and Funding” and an effort to prevent additional Olmstead litigation against the state.
- Governor Kasich signs Executive Order 2012-05K designating Ohio as an “Employment First” state. The Executive Order established statewide collaboration and coordination by creating the Employment First Taskforce and Advisory Committee and made community employment the preferred outcome for people with developmental disabilities.
- Enrollment in Self-Empowered Life Fund (SELF) waiver begins.
- IMAGINE portal pilot program begins.

## 2013

- Controlling Board authorizes the Medicaid expansion eligibility category for able-bodied working adults under 138% of the federal poverty line

## 2014

- Centers for Medicare and Medicaid Services promulgate the Home and Community Based Services “Settings” rule.
  - Settings rule included conflict-free case management, requiring county boards to privatize their adult day services.
- DODD convenes workgroup to redesign the Adult Day Array services and funding structure.

## 2015

- ICF program moved from the Ohio Department of Medicaid to the Ohio Department of Developmental Disabilities
- Office of Health Transformation includes budget proposal to eliminate independent providers; provision is ultimately removed from the budget bill.

## 2016

- *Ball v. Kasich* class action lawsuit filed by Disability Rights Ohio in federal court over Ohio's reliance of ICFs with eight or more beds to serve people with I/DD.
- Passage of the 21st Century Cures Act which required electronic visit verification in certain Medicaid services, including some Home and Community-Based waiver services for people with developmental disabilities.
- Ohio Treasurer of State begins enrolling people in STABLE Accounts.

## 2017

- Montgomery and Youngstown Developmental Centers close
- Transitions DD waiver is closed, and enrollees were enrolled in other DODD-administered waivers.
- Adult Day Array Service Redesign finalized.

## 2018

- Governor Kasich signs Executive Order 2018-06K designating Ohio as a "Technology First" state to expand the use of technology for people with developmental disabilities.
- Mark Davis resigns as President and CEO
- OPRA hires Jeff Davis as President and CEO
- The Ohio Association of Adult Services leaves the OACB and merges with OPRA
- A redesigned ICF formula begins phase one of implementation. Implementation was completed over a number of years by ICF peer group.

## 2019

- Jeff Davis resigns as President and CEO to serve in Governor DeWine's cabinet as Director of DODD; Anita Allen serves as Interim President and CEO
- After an extensive search process, OPRA hires Peter Moore as President and CEO
- Budget passed with modest increase

## 2020

Beginning of the COVID-19 pandemic, shelter in place orders

## 2021

- HB 110, the state biennial budget, passed and included modest rate increases across all services and created the Joint Committee to Examine the Activities of the State's Protection and Advocacy System and Client Assistance Program (Disability Rights Ohio).
- DODD creates the Workforce Crisis Taskforce to strategize ways to bolster Ohio's Direct Support Professional workforce.
- Implementation of the ICF quality indicator program

## 2022

- OPRA reorganized into 7 districts.
- *Ball v. DeWine (Kasich)* class action lawsuit is settled and dismissed.
- DODD begins a comprehensive redesign process for Ohio's three developmental disabilities waivers

## 2023

- HB 33, the state biennial budget, created historic investment in services for people with DD, adding about \$1.5 billion into the system to support increased wages of direct support professionals and other staff.
- The Joint Committee Examine the Activities of the State's Protection and Advocacy System and Client Assistance Program released their report and recommendations, which included a recommendation to redesignate the state's P and A agency to a new entity.
- DODD contracts with Deloitte to modernize the waivers as part of their waiver redesign work

## 2024

- Centers for Medicare and Medicaid Services promulgate the Access rule
- The OhioISP must be used for all care planning by county boards of DD and ICFs
- Deadline for all county boards of DD to implement conflict-free case management and privatize their adult services.