

## Position Statement on Government as a Direct Service Provider for Persons With Intellectual and Other Developmental Disabilities

The Arc Minnesota believes that government should not provide residential and day programs to individuals with intellectual and other developmental disabilities. When government does act as the provider of these services, it must ensure that the conflicts of interest inherent in that role are minimized and that the rights of individuals with disabilities are protected.

### Position Statement

The Arc Minnesota believes that government should not provide direct care services to individuals with developmental and intellectual disabilities. The Arc Minnesota believes in inclusion in the community as envisioned by the U.S. Supreme Court's *Olmstead* decision and the Americans with Disabilities Act. The Minnesota Olmstead Plan seeks to provide full supports for full inclusion so that people with intellectual and developmental disabilities receive community-based supports, not government run supports.

Until government no longer provides direct services, it must ensure that the conflicts of interest inherent in that role are minimized and that the rights of individuals with intellectual and developmental disabilities are protected. It should also meet operational requirements commensurate with community-based licensing requirements.

Outside monitoring by a non-governmental entity is an essential check and balance to maintain appropriate services and asset allocation, as well as to protect the rights of the individual and evaluate the ongoing quality of services provided.

The Arc Minnesota supports the creation of a new statewide quality assurance program to provide this monitoring, as well as general monitoring of all statewide services and supports provided by private entities.

Private case managers or service coordinators should be appointed when a person needs assistance to advocate for his/her preferences and to ensure that his/her individual needs are being met.

Public guardianship should be replaced with a system that uses family members, relatives, friends, and private guardians, with appropriate monitoring.

Direct services provided by the government must comply with all laws and regulations that apply to non-governmental entities providing the same or

similar services, including limitations on aversive and deprivation procedures and funding rules. The same entity should not provide services for any individual for twenty-four hours per day. (See The Arc Minnesota's Position Statement on the Provision of Twenty-Four Hour Services to Persons With Intellectual and Other Developmental Disabilities.)

### Issue

In the past, the State of Minnesota cared for the majority of individuals with intellectual and other developmental disabilities in government-operated state hospitals. Today, most individuals are living in the community, and the State of Minnesota allocates and provides the funding for the care but generally does not provide direct care services.

However, some individuals with intellectual and other developmental disabilities live in the community in state-operated, community-based programs funded by state and federal Medicaid dollars and staffed by state employees. As with the state hospitals, there are inherent conflicts of interest when the same entity pays for and provides the care. The government role in ensuring that the needs of individuals with disabilities are met is in conflict with the government's interest in containing costs and with the government's role as the entity that allocates the resources available to provide the care. These conflicts loom larger when the government is also the guardian of the person using the services. It is these conflicting roles affecting the quality of care provided to individuals with intellectual and other developmental disabilities that are of concern to The Arc Minnesota.

*Approved by The Arc Minnesota Position Statements Task Force on July 29, 2014.*

*Approved by The Arc Minnesota Public Policy Committee on August 20, 2014.*

*Approved by The Arc Minnesota Board of Directors on September 13, 2014.*

*Approved by delegates at The Arc Minnesota Annual Business Meeting, November 14, 2014.*