



April 10, 2020

Governor Mike DeWine  
77 South High Street  
Columbus, Ohio. 43215

Dear Governor DeWine,

I saw something the other day that put the COVID-19 crisis into perspective. Two young girls practiced gymnastics while social distancing. They were on opposite sides of the street, but managed to coordinate a routine which they performed in unison and then pretended to bow to an imagined audience. It was adorable, but bittersweet as it was a sign of the times. Even our youngest citizens are making adjustments and sacrifices for the common good.

More sacrifices are on the horizon. You announced that the state of Ohio will experience a dramatic reduction in revenues due to restricted commercial activity during the COVID-19 outbreak. You've acted proactively by asking cabinet members to propose immediate cuts in spending of 20% – \$14 billion in cuts overall. Concurrently, the crisis continues to cause Medicaid rolls to increase and the cost of Medicaid services to rise, adding additional financial burdens to the state. The crisis also exacerbates an existing workforce shortage of caregivers who serve Ohioans accessing Medicare and Medicaid long term services and supports.

As the outbreak has caused young children to give up school, sports, and play dates, and many adults to lose jobs, your order to cut spending acknowledges that the state of Ohio must abandon past practices that are not in keeping with new realities. As such, we urge you to reconsider the proposed settlement of the *Ball v. Kasich* lawsuit. The settlement seeks a redesign of the Intermediate Care Facility (ICF) system that is opposed by Ohioans who access ICFs. It puts the ideological goals of an outside agency above the needs, choices, health, and welfare of your constituents with intellectual and developmental disabilities (I/DD), many with underlying medical conditions. We respectfully submit that a period of health crisis and economic downturn is not the time to push forward costly and unpopular system change that ultimately reduces and/or removes the health care of Ohio's most vulnerable citizens. Reconsideration of the settlement will save the state as much as \$100 million per year in perpetuity. Out of touch settlement policies include:

1. Options counselors contracted to encourage families to leave ICFs. An overwhelming majority of ICF families have refused to respond to counselors' phone calls, refused counseling when reached, or refused to move their loved ones from ICFs after receiving counseling.
2. 700 new exit waivers to leave ICFs. Hundreds of exit waivers - estimated to be as many as 900 - already exist and have been *under*-subscribed since 2015. The state can save \$70 million per year by not adding 700 *more* exit waivers to its existing, under-utilized allocation of exit waivers.
3. Financial incentives to providers to convert, downsize, and close ICFs. Families oppose closing and downsizing ICFs because such policy curtails their loved ones' access to health care, especially care that is *only* possible in large ICFs. Downsizing also drives up the cost of care as there is less sharing of resources in small settings.

On a separate, but related note, Disability Rights Ohio (DRO), the agency that filed the *Ball* suit, has contacted you to request involvement in crafting protocol to prevent health care rationing on the basis of disability. DRO has little credibility in this regard. We submit to you that litigation against health care providers that serve disabled people (i.e. ICFs) causes health care services for people with disabilities to be rationed, (e.g. incentives to convert, downsize, and close ICFs). When an ICF downsizes or closes, disabled individuals lose health care – care that is life-sustaining.

For these reasons, we urge you to withdraw from the proposed *Ball* settlement. Now more than ever, Ohio's Medicaid system must address the practical realities of Medicaid beneficiaries' health and welfare needs - not the ideological priorities of an outside party.

Thank you for your administration's tireless work during the present crisis. We look forward to hearing from you regarding our concerns.

Sincerely,

A handwritten signature in blue ink that reads "Caroline A. Lahrmann". The signature is written in a cursive style and is positioned above a light beige rectangular background.

Caroline A. Lahrmann  
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CC: Lieutenant Governor John Husted  
Director Maureen Corcoran, Department of Medicaid  
Director Jeff Davis, Department of Developmental Disabilities  
Director Amy Acton, Department of Health  
Senate President Larry Obhof  
Speaker of the House of Representatives Larry Householder  
Joint Committee on Medicaid  
Senate Finance Committee  
House Finance Committee