

**Report to the Developmental Disabilities Council  
From  
The Advocacy Center  
January 2011**

**1. Pitts lawsuit**

This case seeks to prevent hundreds of low-income people with severe disabilities from having their services reduced to the point that their health and welfare is threatened. This may eventually lead to institutionalization in nursing facilities.

In response to the suit, last summer DHH set aside slots on the Community Choice (formerly Elderly and Disabled Adults) waiver for people who would face institutionalization if limited to 32 LT-PCS hours. The Advocacy Center is attempting to make sure that all persons whose services have been reduced pursuant to the cap are notified of this, that they have a meaningful opportunity to apply for emergency slots if they need them, that their needs are appropriately assessed, and that they receive enough services to remain safely in their own homes.

**2. Home Nursing Services Issues**

Advocacy Center staff is concerned that children are being denied Medicaid home nursing services or their hours are being reduced even though the children's conditions haven't improved. These decisions appear to be being made without proper notice regarding the reasons and without sufficient information about the child's needs (including whether family members are really available to meet their needs). Additionally, there are problems with the DHH contractor suggesting alternate services instead of home nursing without informing parents and doctors about the limitations of the alternate services.

If you know any Medicaid-eligible children (especially those on the NOW waiver waiting list) who have faced cuts in home nursing services, encourage them to call the Advocacy Center.

**3. Income Disregard**

AC is encouraging the Office for Citizens with Developmental Disabilities to implement an income disregard for NOW recipients. This would allow waiver recipients to earn more money and use some of their funds to pay a portion of their waiver costs. It's already been implemented by the Office of Aging and Adult Services.

#### **4. Voting and Elections**

The presidential preference primary and municipal primary election will be held on March 24, 2012. The Advocacy Center will be staffing a voting hotline. Call 1-800-960-7705 or email [advocacycenter@advocacyla.org](mailto:advocacycenter@advocacyla.org) to report problems on Election Day or during early voting.

AC staff is happy to conduct trainings on voting rights. Call if you're interested.

In addition, AC staff is still negotiating regarding polling place accessibility lawsuit in Jefferson parish. A woman with developmental disabilities who uses a wheelchair contacted the Advocacy Center to complain about the ramp and other accessibility barriers at her polling place. AC filed suit after numerous attempts to resolve the accessibility issues with the parish failed.

Please let AC know if you face accessibility issues or other voting barriers at your polling place.

#### **5. New Building**

The Advocacy Center New Orleans has a new home at 8325 Oak Street in New Orleans. We moved in December. Everyone's welcome to come by for a tour or stay tuned for information about our open house in April.

#### **6. Legislative Agenda**

The Advocacy Center is planning to tackle three big issues during the 2012 legislative session.

- Mental Health Bill of Rights – This initiative will guarantee certain rights for people with mental illness which include the right to live in the most integrated setting appropriate, to participate in their treatment plans, to self direction, and to refuse treatment unless this creates a danger to self or others. The bill proposes a law that is very similar to the one in place for people with intellectual disabilities.
- State Personal Care Assistance Program – This program provides state personal assistance services to persons with significant disabilities in order to support and enhance their employability and/or avoid inappropriate and unnecessary institutionalization. It is currently housed in the Office of Aging and Adult Services. We are considering legislation to move it to LA Rehabilitation Services.
- Bullying – AC will be working with a number of groups to support a bill to provide additional protections against bullying for students.

We would appreciate the support of the DD Council on these initiatives.

## **7. Bayou Health**

Over the next 6 months, Medicaid will be changing for many Louisiana residents. Medicaid services for many people will now be provided through one of five private plans. Bayou Health is the State's name for this new program.

See the attached flyer for more information about eligibility.

If your Medicaid is changing to Bayou Health, you need to pick a new plan to take over your Medicaid services. The Advocacy Center has created a flyer to help explain some important things to consider when choosing your new plan. It's also attached.

The Department of Health and Hospitals has created a Bayou Health website which may also help you understand this new program, <https://bayouhealth.com>.

Bayou Health is being rolled out over the next 6 months.

### **New Orleans and Northshore regions**

December 15, 2011 – Enrollment Begins

February 1, 2012 – Bayou Health Begins

### **Baton Rouge, Lafayette and Houma regions**

February 15, 2012 – Enrollment Begins

April 1, 2012 – Bayou Health Begins

### **Lake Charles, Alexandria, Monroe and Shreveport regions**

April 16, 2012 – Enrollment Begins

June 1, 2012 – Bayou Health Begins

Contact the Advocacy Center if you have trouble signing up for a plan or accessing the services you need.

## **8. LA Behavioral Health Partnership**

Advocacy Center staff is monitoring the changes to the behavioral health services system and will be developing information sheets in the next few weeks. Please let us know if you encounter problems.

## **9. Success stories**

A 31-year-old man with significant physical disabilities called the Advocacy Center to ask for representation at a hearing. The hearing has been set to decide whether or not his Medicaid and NOW Waiver services would be terminated because of non-eligibility. He had been on the NOW Waiver waiting list for years. Upon investigation of his case, his Advocacy Center attorney uncovered

proof of his eligibility for Medicaid and the waiver. She submitted this proof to the Department of Health and Hospitals (DHH) and, as a result, DHH rescinded its decision; the client has continued Medicaid coverage and avoided institutional placement.

A non-verbal student with autism was repeatedly sent home for autism-related behaviors, such as pinching and spitting. His parents asked the school system for help, but nothing changed until they contacted the Advocacy Center. Their Advocacy Center advocate negotiated with the school system to obtain a full AT evaluation, which resulted in the purchase of new AT devices that increased the student's ability to communicate. Better communication skills decreased the student's frustration and his negative behaviors also decreased significantly.



# ADVOCACY CENTER

SERVING PEOPLE WITH DISABILITIES AND SENIOR CITIZENS

## MY MEDICAID IS CHANGING, WHAT DO I DO NOW?

**For many people who get Medicaid, their Medicaid will now be through the Bayou Health Program. If your Medicaid is changing to the Bayou Health Program, you need to pick a private plan to take over your Medicaid.**

## BAYOU HEALTH BASICS

### Pick a Plan

- You can pick your plan by:
  - call (855) BAYOU4U or 855-229-6848, OR
  - enrolling online at [www.BAYOUhealth.com](http://www.BAYOUhealth.com) , OR
  - filling out and sending in the form you get as part of your enrollment package.
- Take Your Time: You cannot be forced to make a decision during the call.
- Before you call, make a list of your doctors and specialists and keep it with you during the call.
- You should sign up as soon as you can since some plans and doctors may fill up and not be able to take more members.
- If you do not pick a plan, one will be chosen for you.
- You have the right to change plans for at least 90 days after you sign up.
- Keep your Medicaid card. Some services like pharmacy, dental, and hospice are not changing. You will need your current Medicaid card to use these services.

### What should I know before picking a plan?

- There are two types of plans, shared savings (CCN-S) and prepaid (CCN-P). There are two shared savings plans (*Community Healthcare Solutions, United Healthcare*) and three prepaid (*Amerigroup Real Solutions, LA Care, Louisiana Healthcare Connections*), so you will have five options.
- It is important to think about all the services and options under each plan. Benefits like gift cards sound good, but these are not the only considerations when choosing.
- If a specialist takes care of most of your medical care, you may want to see if he or she will take over as your "primary care physician".

<b>PLAN TYPE</b>	<b>COVERAGE</b>	<b>PRIMARY CARE DOCTORS</b>	<b>SPECIALISTS</b>	<b>THINGS TO THINK ABOUT</b>
<b>Pre-Paid (CCN-P)</b>  <b>Amerigroup Real Solutions</b>  <b>LA Care</b>  <b>Louisiana Healthcare Connections</b>	<p>Generally, you can only go to primary doctors, specialists, hospitals, and other medical providers who are part of your plan.</p>	<p>To keep your primary doctor, that doctor has to be on your plan.</p>	<p>These plans are required to help you get services from any type of provider you need, but the provider needs to be on your plan or approved by your plan.</p>	<p>If you are having trouble finding specialists now, one of these plans might be better for you.</p>
<b>Shared Savings (CCN-S)</b>  <b>Community Healthcare Solutions</b>  <b>United Healthcare</b>	<p>Generally, you can only go to a primary doctor in your plan. You can use any willing specialists, hospitals, and other medical providers that take Medicaid (they do not need to be part of the plan).</p>	<p>To keep your primary doctor, that doctor has to be on your plan.</p>	<p>You can keep going to any specialists as long as they take Medicaid, you have doctor visits available, and your primary doctor refers you. The specialist does not need to be part of the plan, but must take Medicaid.</p>	<p>If you are happy with the services you receive under Medicaid now, one of these plans might be better for you.</p>

**What else should I do?**

- Make sure Medicaid has your current contact information. Call 888-342-6207 to update your address.
- Make sure you have updated prescriptions from your doctors before your new plan starts. In case you have problems switching to your new plan, you will want to make sure you have all of your prescriptions ahead of time.

***If you do not know if your Medicaid is changing, look at our flyer “BAYOU HEALTH Eligibility” to find out.***

Contact the Advocacy Center to report problems signing up for a plan or getting services.

1-800-960-7705 (Toll free\* Voice or Via 711 Relay) 1-855-861-3577 (TTY)  
[advocacycenter@advocacyla.org](mailto:advocacycenter@advocacyla.org) [www.advocacyla.org](http://www.advocacyla.org)



# ADVOCACY CENTER

SERVING PEOPLE WITH DISABILITIES AND SENIOR CITIZENS

**FOR MANY PEOPLE WHO GET MEDICAID, THEIR MEDICAID WILL NOW BE THROUGH THE BAYOU HEALTH PROGRAM.**

## EXPLAINING BAYOU HEALTH ELIGIBILITY

### Your Medicaid Will **NOT** change if:

- You get Medicare (red, white, & blue card)
- You are on a Medicaid Waiver, including the Community Choices Waiver (was the Elderly & Disabled Adult (EDA) Waiver), Adult Day Health Care Waiver (ADHC), New Opportunities Waiver (NOW), Children's Choice Waiver, Supports Waiver, Residential Options Waiver (ROW)
- You are receiving hospice services
- You are in a nursing home
- You are in an Intermediate Care Facility for the Developmentally Disabled (ICF/DD)
- You are between 3 and 21 years old and are on the waiting list for the New Opportunities Waiver (NOW)
- You are in the PACE Program (Program of All-Inclusive Care for the Elderly)
- Medicaid pays for your private health insurance through Louisiana Health Premium Payment (LaHIPP)
- You have limited Medical eligibility, such as: "Spend-down" Medically Needy, Aliens certified for Emergency Services only, Medicaid's Tuberculosis Infected Individual program, LaCHIP Affordable Plan Program, "Take Charge" program

### For some people, it is **OPTIONAL** for you to change your Medicaid to the Bayou Health Program if you fall within one of these groups:

- You are under 19 **AND** you are eligible for SSI, in foster care or other out-of-home placement, receiving foster care or adoption assistance, receiving services through OPH Children's Special Health Services, or enrolled in the Family Opportunity Act Medicaid Buy-In Program
- Native Americans/Alaskan Natives and members of a federally recognized tribe

Your Medicaid will change **UNLESS** you call and tell Medicaid that you want your Medicaid to stay the same. Call (855) BAYOU4U (1-855-229-6848).

### **FOR EVERYONE ELSE: YOUR MEDICAID WILL CHANGE TO THE BAYOU HEALTH PROGRAM**

- If you are not sure if your Medicaid will change, you can call (855) BAYOU4U (1-855-229-6848).

***To find out how to choose a plan, look at our flyer "BAYOU HEALTH Basics"***

Contact the Advocacy Center to report problems signing up for a plan or getting services.

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