



**LEGISLATION & PUBLIC
INFORMATION UNIT**

1029 J Street, Suite 150
Sacramento, CA 95814

Tel: (916) 497-0331

TTY: (916) 497-0835

Fax: (916) 497-0813

www.disabilityrightsca.org

California's protection and advocacy system

January 25, 2010

Senator Mark Leno, Chair
Senate Budget and Fiscal Review Subcommittee #3
State Capitol Building, Room 4061
Sacramento, CA 95814

**RE: Opposition to the Proposal in the Governor's Budget to eliminate
Adult Day Health Care (ADHC)**

Dear Senator Leno:

Disability Rights California, a non-profit advocacy agency mandated to advance the human and legal rights of persons with disabilities, strongly opposes the budget proposal to eliminate the Adult Day Health Care (ADHC) Program. The Senate Budget Subcommittee #3 is set to consider the issue on January 26, 2010.

The governor proposes to eliminate Adult Day Health Care (ADHC) as an optional benefit within the Medi-Cal fee-for-service program. The benefit will not be available in any facility type, including Federally Qualified Health Centers.

When the governor proposed to reduce the availability of the program from 5 days a week to three days a week in the last budget cycle, the courts enjoined the State from moving forward. The court noted that reducing services violated the integration mandate of the *Olmstead* decision. Such a reduction increases the likelihood of nursing home placements, and hospitalizations of ADHC program participants that attend four and five days per week. The court further stated that individuals served in the program have complex medical needs which are being met only through ADHC.

Even with the injunction, and contrary to its findings, the governor now proposes the complete elimination of the program. This violates the law and will result in increased state costs. Thousands of Medi-cal beneficiaries - elderly persons and individuals with disabilities - will use emergency rooms, hospitals and nursing homes, all of which are more expensive than ADHC. Moreover, adoption of the proposal would mean a significant loss of millions in federal matching funds.

Adult Day Health Care centers provide such services as skilled nursing, personal care, social services, therapy, and nutritional counseling. ADHC serves a disproportionate number of low-income, at-risk individuals; 92% who depend on Medi-Cal for their health care. The three most common ADHC diagnoses – cardiovascular disease, dementia/Alzheimer’s disease and diabetes – are all high risk / high cost diseases.

Because the ADHC program:

- Promotes integration of people with disabilities into the community that is in compliance with the *Olmstead* decision;
- Helps to avoid higher cost expenditures in emergency departments, hospitals, and nursing facilities by managing these and many other diseases and conditions;

We strongly oppose elimination of the program.

Sincerely,

A handwritten signature in black ink that reads "Deborah Doctor". The signature is written in a cursive style with a large, sweeping initial "D".

Deborah Doctor
Legislative Advocate
Disability Rights California

CC: Honorable Members of the Senate Budget and Fiscal Review
Subcommittee #3

CC: Diane VanMaren, Consultant, Senate Budget and Fiscal Review
Subcommittee #3