

What is the Martin v. Taft Court Case All About?

And how could it affect the lives of 7,700 Ohioans with MR/DD?

Martin v. Taft is a 16-year-old lawsuit that was originally filed on behalf of children and adults with MR/DD who had waited for years to receive services in the “community.” To settle that suit, the federal court is now considering a settlement that had been proposed by Ohio Legal Rights and the Taft Administration.

The proposed Consent Order does NOT address the thousands of individuals on the waiting list for services. Instead, it proposes the elimination of ICF-MR funding. If that is approved, the state would ask the federal government for a new Medicaid waiver program.

Thousands of guardians and families who are members of the “class” of Martin v. Taft have voiced opposition to the proposed Consent Order. They have told the court that they were not consulted by those who crafted the proposed settlement and that they oppose eliminating the ICF-MR program.

The judge cannot change the proposed Consent Order. He can accept or reject it – and he can decertify or dissolve the class, which is precisely what hundreds of guardians and families have asked him to do. Major advocacy groups for individuals also have asked that the Court decertify the class.

Regardless of the judge’s ruling, the Taft Administration has stated clearly that it intends to ask the Ohio legislature to eliminate ICF-MR funding in his FY 2006-07 executive budget proposal, which will be unveiled in January 2005. So ultimately, this issue can only be resolved by the Ohio General Assembly.

OUR POSITION

- As proposed by the Taft Administration, elimination of ICF-MR funding would deny individuals with MR/DD the right to live in a facility of their choice as assured by federal law.
- We oppose any effort to eliminate Ohio’s ICF-MR program until a pilot program has been developed that would responsibly test the state’s ability to administer a new waiver and assure that replacement services are comparable and adequate to protect individuals’ health and safety.
- We support the availability of waivers and the individual’s right to choose them. But we oppose the elimination of the ICF-MR program with the result that it forces an additional 7,700 people into Ohio’s waiver system that already is under severe scrutiny by the federal government, which has indicated that Ohio’s waiver system is grossly out of compliance with federal law.
- ICF-MRs are not only the choice of many individuals. They’re also a necessity.

What are ICF-MRs?

ICF-MRs are intermediate care facilities for individuals with mental retardation.

ICF-MRs are responsible for providing health or rehabilitative services for individuals with mental retardation or related conditions. This includes individuals with a severe or chronic disability that impairs their general intellectual functioning or adaptive behavior – people who need ongoing support in a residential setting.

ICF-MRs must assure “active treatment,” which means an aggressive, consistent program of specialized and generic training, treatment and health services.

While they often are referred to as “institutions,” Ohio’s approximately 350 ICF-MRs range from small homes serving four individuals to homes that are large communities of more than 100 individuals.

For more information about this issue, or to learn more about how you can help children and adults with MR/DD by protecting choice and promoting quality care, contact:

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**Partners for
Choice and Quality Care**
Helping children & adults with MR/DD