

Links

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An **ANCOR** publication of private provider practice and federal policy issues.

Innovation

Glimpses Into the Future of Developmental Disabilities Human Services Cooperatives

Gale Bohling

Change has been one of the constants in the history of services provided to people with developmental disabilities. It was not that long ago that we looked at services offered in institutions and realized that much was missing and much more could be done. It was not long ago when families who had a child with a developmental disability were faced with few options for assistance—the difficult decision of putting their loved one in an institution or go it alone.

The first changes were improvements in institutions brought on by the courts, families, professionals, advocates, media, national accreditation organizations and the federal government. Of course with change comes more change. Families began to dream of having their sons or daughters live in more home-like settings. We saw the movement of people out of institutional settings into smaller group homes on the campus of institutions. The next step

found people moving closer to their families and into group homes within the community.

Following the development of community-based group homes people began to advocate for other community service options such as family supports, early intervention programs, integrated day programs, job training and hourly in-home supports like respite personal care and many other in-home supports.

Self-Determination

With each successive step, families, and those we offered services to, gained a little more control or at least input. They were invited to team meetings and played a greater part in a system of services guided by state and federal regulations, professionals and service providers.

In the 90s we began to hear more about a shift in control. There was talk of “self determination” and “empowerment”. Movements such as “People First” were formed, and providers

looked for ways to turn over more control. States looked and continue to look for ways to directly fund persons who use services. Some individuals even formed their own micro boards, becoming their own provider. We saw the introduction of fiscal intermediaries, fiscal agents and service brokers.

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ANCOR Inaugurates Resource Partners Guide

ANCOR is proud to present the inaugural Resource Partners section of *Links*, which highlights a cross-section of consultants available to support your agency's diverse operational and management needs. This distinct section of *Links* will be published annually, providing ANCOR members with an important agency resource right at their fingertips. This is just the beginning; our objective is to expand and develop this annual portion of *Links* into a comprehensive Resource Guide for the private provider industry.

We congratulate the original Resource Partners featured in this issue and thank them for their vision and support in launching this resource. We look forward to making next year's issue even better. If your agency has employed the services of a consultant or firm you think should be included in this important compendium, please contact Marsha Patrick at ANCOR with your referral mpatrick@ancor.org; 703/535-7850.

The listings in this special section are also available on ANCOR's Web site at www.ancor.org.

Resource Partners Guide: Pages 14-25

ANCOR

The American Network of Community Options and Resources (ANCOR) was founded in 1970 to provide national advocacy, resources, services and networking opportunities to providers of private supports and services. *Links* provides a nexus for the exchange of information, ideas and opinions among key stakeholders.

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Making a Difference

Renée Pietrangelo

Activists shouldn't need the courage of Richard the Lion-Hearted, the patience of Job, or the political instincts of Machiavelli to make a difference. Sincere but bumbling activists often find



themselves out-gunned and outmaneuvered by those who've sworn allegiance to the status quo.

In today's environment, we need organizations that celebrate activism. I like to think that ANCOR has steadily evolved into an activist organization, particularly in light of the National Advocacy Campaign.

I often ask myself if it's possible to

turn tradition-soaked incumbents into gray-haired revolutionaries. Unless we're able to in some way institutionalize activism, it's unlikely we'll be able to meet the twin challenges of any age of revolution: reinventing out organizations and reinventing our industry.

Watch a flock of geese turning and swooping in flight, undeterred by wind, obstacles and distance. There is no grand vizier goose, no chair of the gaggle. They can't call ahead for a weather report. They can't predict what obstacles they'll meet. They don't know which of their number will expire in flight. Yet their course it true. And they are a flock.

Complexity theorists describe this, and the many other examples of spontaneous harmony in the universe around us, as order without careful crafting or order for free. The intricate play of the many

markets that make up the global economy, the vibrant diversity of the Internet, the behavior of a colony of ants, that winged arrow of geese—these are just a few instances in which order has emerged in the absence of any central authority.

All of them have something to teach us about how revolutionary strategies should emerge in a chaotic, crisis-prone and every-changing world. Complexity theorists have demonstrated that by creating the right set of preconditions, you can provoke the emergence of highly ordered things—maybe even things such as revolutionary concepts and innovations. Suffice to say that in considering these “precondition” it's important to remember that no organization outperforms its aspirations and that an organization's beliefs set the upper limit of what's possible. ■



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ANCOR Needs a Few Good Leaders

Fred Romkema, President

In September 2002, the ANCOR Nominating Committee's role and title was changed to reflect its role in identifying, encouraging, nurturing and nominating potential leaders of ANCOR. To that end, the mission of the committee was changed to that of being proactive in terms of selecting new leaders and the name was changed to the Board Development Committee.



That committee is now seeking new leaders. We will need excellent leadership as we face a multitude of issues and challenges.

The ANCOR organization needs support...in terms of new members, donations for the National Advocacy Campaign, and leadership. Leadership in the form of action: serving on committees, formulating policy and establishing ANCOR's position

and role in the future. We need your individual skills applied collectively to influence national priorities and efforts to gain additional members from all of you.

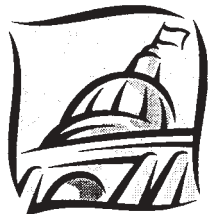
Recently, we were afforded a victory when the House of Representatives reversed their contemplated reduction of \$92 billion from the Medicaid program. That would have resulted in annual reductions ranging from 3.7 to 4.6%. No doubt the efforts of ANCOR members contributed to this victory. We will need many similar victories in the future as we face workforce issues and funding challenges and as new priorities (literally changing by the hour) confront our nation.

At the recent Winter Conference, the value of increasing social capital was discussed and self-determination, self-directed services, and parent activism were demonstrated. We were left with the feeling that while we are on the right track, this is not the time to be complacent. We must keep moving or be run over.

Traditional services must be re-con-

ceptualized in new ways; bold, innovative leadership must be recognized and nurtured; and successful models must be shared. This is what ANCOR does so well. We need the input and support of members across the broad spectrum of supports and services and the diversity of our membership. To that end, ANCOR is looking for a few good leaders!!

If you are interested in a leadership position in ANCOR, please join and become active in a committee. Volunteers are seldom, if ever, turned away. As elections are held this fall, throw your "hat in the ring." We need a few good leaders. I encourage you to contact a member of the Board Development Committee. They will be happy to counsel you on how you can maximize your participation and contribution to moving ANCOR's mission forward. ■



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Glimpses Into the Future

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However, along with this change was a concern for the burden these new responsibilities created. While turning over control works well for some, it's overwhelming to others. The answer to this problem eluded us. Some have suggested that self-determination and empowerment could have limits because it's just too much for many individuals or families to manage.

But What If...

But what if the provider of service is guided by and owned by a collective membership that democratically controls all decisions? What if the members are families or the users of the service? What if individuals who use services and their families are not alone but are part of a local collective, and that collective is part of a state wide and national collective? What if traditional providers play a pivotal but different role working in partnership with future members? All this leads to a simple idea that has been around for a long time, with a slight twist.

Human Service Cooperatives

The value statement describing co-op values was established by the International Cooperative Alliance, (ICA): "Cooperatives are based on the values of self-help, self-responsibility, democracy, equality, equity and solidarity. In a tradition of their founders, cooperative members believe in the ethical values of honesty, openness, social responsibility and caring for others."

Now imagine a human services cooperative owned and democratically controlled by members who use the services offered. When individuals or families become their own provider through a co-op, they join together with other members to ensure that the services provided meet their needs and are of the quality they demand. Within the co-op, self-determination no longer occurs in isolation; members are part of a collective that focuses on supporting all members. Even the local co-op is not alone, it can become part of a state, regional or national cooperative system.

Now for the twist. It's not easy to start such an enterprise, especially when life gets in the way. To accomplish this we must bring together two additional entities: first, we need the National Human Service Business and Co-op Development Company and second we need an experienced provider of services who is willing to support such a transition and offer its services to the cooperative as the Management Company.

The National Human Service Business and Co-op Development Company

The role of the Co-op Development Company is to facilitate startup of the new cooperative by helping members to develop their membership; establish a corporate structure; develop a business, budget and management plan; and establish outside management agreements to support the cooperative. The Co-op Development Company also provides the legal support required to start a new company. Next, the Co-op Development Company assists the co-op to find funding by researching and meeting with prospective funding sources, helping with responses to requests for proposal, grant requests and contract negotiations.

The National Human Service Business and Co-op Development Company mission: "Through positive team building efforts, our mission is to assist in the creation of environments that provide self-direction for quality and dignity in human services." Our goal is to pull together an efficient company that is directed by members and draws upon the management expertise of professionals in the field.

The Management Company, a New Role

Cooperatives can contract with a traditional provider to manage parts or all of the operation, but they do not give up control. The Management Company's role is determined by the needs of the cooperative ranging from general and administrative services, to program support to fiscal intermediary. By building this relationship, we draw upon the talents and resources of the traditional provider while turning control over to the users of the service.

Relationships: Working Together

In summary a three-way cooperative adventure provides the format for this to happen. The cooperative is responsible for direction, leadership, quality of life assurance, and oversight of the services offered within the co-op. The Management Company provides expertise in business operations, payroll, technical support, training and supervision, licensing and certification requirements, and other management activities. The third and critical part is the third-party Co-op Development Company, which provides outside, objective assistance to individuals and/or their families to start up and grow the co-op; assistance with screening and selecting a service management plan; and assisting in fund development. In addition, the Co-op Development Company provides intermediary assistance

and consultation to both the Co-op and Management Company, including quality assurance, training and development.

Bohling Inc., a national human services business and co-op development company, has already begun this adventure. ResCare, the nation's largest provider of services to persons with developmental disabilities and youth with special needs, has joined this effort by providing their support and assistance to enable the development of new cooperatives. ■

AUTHOR LINK Gale Bohling is president of Bohling Inc. Consulting Group, a national human services business and co-op development company.

ANCOR Honor Roll

The following agencies have submitted the names of homes that have succeeded in having deficiency-free surveys, which qualifies them for appearance on the ANCOR Honor Roll.

ANCOR congratulates all of the staff who make these honors possible. Send your submission for the Honor Roll to: Attn: Barry Noel, ANCOR, 1101 King St., Suite 380, Alexandria, VA 22314.

Please send supporting documentation of the surveys.

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Social Security Administration Seeks Comments on Updating Rules for Evaluating Mental Disabilities

The Social Security Administration (SSA) on March 17th announced it is seeking comments and suggestions for updating and revising the rules used to evaluate *mental disorders*, including mental retardation, in children and adults who apply for, or receive, Social Security Disability Income (SSDI) or Supplemental Security Income (SSI) benefits based on disability.

SSA's *Listing of Impairments* specifies the criteria the agency must use when determining whether an individual applying for SSDI or SSI is eligible for benefits. An individual's SSDI/SSI eligibility may also impact the eligibility for other benefits, such as Medicare or Medicaid. SSA's current listings for mental impairments for adults and children expire July 2, 2003, unless they are extended or revised. Rather than extending the current listings, SSA is planning to revise the listings for mental disorders for adults and children to incorporate new information and research and to update the terms used in the listings so they are consistent with current medical terminology. The adult

listings have not been revised since 1985; the children's listings were last revised in 1990.

Before proposing changes, SSA is seeking comment from anyone—including private providers—interested in SSA's rules used to evaluate mental retardation and other mental disorders. SSA is interested in comments that: address concerns about the current listings provisions for adults or children; include something that the listings do not include currently; and suggest improvements to the rules for evaluating whether adults and children who have mental disorders qualify for Social Security benefits. *SSA is particularly interested in any ideas about how the disability requirements of the Social Security Act and its regulations affect individuals with mental retardation who would like to work full-time or part-time with supports.*

All comments will be considered as SSA develops its notice of proposed rulemaking, in which they will formally suggest changes to the listings.

Comments must be submitted to SSA by June 16, 2003 for consideration. Comments may be submitted via mail, fax, e-mail, or the SSA web site. Mail written comments to: Commissioner of Social Security, PO Box 17703, Baltimore, MD 21235-7703. Fax comments to: (410) 966-2830. E-mail comments to regulations@ssa.gov or submit comments via SSA's web site at <http://policy.ssa.gov/pnpublic.nsf/LawsRegs>.

For additional information, view the March 17th Federal Register notice at <http://a257.gakamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-6278.pdf>. ■

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CMS Issues New Life Safety Rule for ICFs/MR

By Catherine Hayes

The Centers for Medicare and Medicaid Services (CMS) published a Final Rule regarding the Fire Safety Requirements for Certain Health Care Facilities—including ICFs/MR—in the January 10, 2003 issue of the Federal Register (Vol. 68 No. 7 pp. 1374 – 1388). The Final Rule adopts the 2000 edition of the Life Safety Code (LSC) and eliminates references to all earlier editions. At the time of *Links* publication we are still researching the impact of this rule on ICFs/MR. Below is a brief summary of the rule and some of the questions we will answer for you in the near future.

For ICFs/MR, the rule replaces the 1985 edition of the Life Safety Code with the 2000 LSC edition. Two sections of the


LSC are applicable to ICFs/MR, depending on the size and nature of the facility. Although the CMS rules states that *most ICF/MR facilities will not be impacted by this rule because the majority of these facilities are fairly new and are considered a residential occupancy rather than the more stringent health care occupancy type—there are ICF/MR facilities that care for the more severely impaired... and these facilities are similar to a LTC [long-term care] facility and will be impacted by the 2000 edition of the LSC* (p 1383, Fed. Register). We are consulting with CMS to identify which ICFs/MR are being required to comply with the Health chapter.

The State survey agency may apply different codes to different buildings or parts of buildings if it would place an “undue burden on providers to have an

entire building comply with the more stringent provisions of the Health Care chapter when they could instead meet the Board and Care for part of the facility, if appropriate” (p. 1377, Fed. Register).

The rule also makes changes that could allow a larger facility to use the Board and Care chapter, thus the specific references to homes by size (16 or more...) has been removed from the federal code. However, there are no waivers or “grandfathering” allowed for facilities under the Board and Care chapter.


There are two chapters for both the Board and Care and the Health Care sections of the code, one that applies to new providers and a separate set of rules that apply to existing providers. If an agency is currently meeting the 1985 edition Board and Care chapter requirements, they will



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apply the requirements for existing providers under the 2000 edition. CMS believes that the changes would be minimal for these providers.

The new federal rule continues to allow for State's to request that CMS "accept a State's fire and safety code instead of the LSC if the State's fire and safety code adequately protects patients" (p.1374, Fed. Register). To date, no State has formally requested that the Secretary accept their fire and safety code in place of the 2000 edition of the LSC. However, many local fire authorities adopt the LSC on their own. The LSC gives local authorities having jurisdiction (AHJs) the ability to apply any edition of the Code they wish and in any way that they wish. ANCOR is aware that local AHJs often adopt newly released editions of the LSC without formally notifying business that are expected to comply with the new requirements. Not only have some ANCOR members indicated that they already are required to comply with LSC 2000, in all likelihood, some local fire departments have probably already adopted the 2003 edition of the LSC published earlier this year. *ANCOR would like to hear from Links readers whose local authorities are applying the 2000 or 2003 LSC editions and how your agency has met the somewhat more strict requirements.*

The Federal Register includes a list of providers that are affected by the new rule. ICFs/MR are listed, *but Home and Community Based Services (HCBS) are not included and CMS has confirmed that these services are not affected by this new CMS rule.*

Although the new rule became effective date on March 11, 2003, *providers have until September 11, 2003 before they must be in compliance.* The more stringent requirements under the Health Care chapter have an effective date of September 13, 2006. ■

AUTHOR LINK Submitted by Catherine Hayes, President, H&W Independent Solutions, Inc., 11024 Balboa Blvd, #273, Granada Hills, CA 91344; 818-368-7656 or chayesconsulting@aol.com.

For More Information on Life Safety Code and ICFs/MR Regs

ANCOR is working with CMS to clarify provisions of the new rule and will provide further analysis to members. The analysis will be developed by Catherine Hayes and Joni Fritz and will be available on ANCOR's web site in late May.

In addition, private providers may find the following information helpful:

1. For a copy of the new CMS Life Safety Code rule, go online at http://www.access.gpo.gov/su_docs/fedreg/a030110c.html, and scroll to Centers for Medicare and Medicaid.
2. Copies of the 2000 and 2003 *Life Safety Code* editions may be ordered from the National Fire Protection Association (NFPA) website at www.nfpa.org/.
3. A 378-page, color-coded manual—*Intermediate Care Facilities Serving for Persons with Mental Retardation: Rules, Regulations and Guidelines*—updated in November 2000 may be ordered for \$49 from Heaton Resources by going online at <http://www.heaton.org/icfmrman.htm>.

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Proposed Rule to Revise White-Collar Exemptions Enforced By U.S. Department Of Labor

By Joni Fritz, Labor Standards Specialist



Violations of rules for the executive, administrative and professional exemptions have increased in recent years, and the minimum salary levels no longer represent even the minimum wage for a 40-hour workweek, much less the significantly higher range expected for *bona fide* exempt employees. The U.S. Department of Labor published a *proposed* rule on March 31 which is designed to “strengthen overtime protection” of lower-paid management level employees. *Public comments on the proposed rule are due to the DOL on June 30, 2003. ANCOR is seeking member input as to any impact on private providers of supports to people with disabilities.* (See end of article for where to address your comments.)

Minimum salaries for exempt employees were last increased in 1975. If finalized as proposed, the new minimum salaries for all of the exempt categories will be \$425 per week (\$22,100 per year). Computer professionals could qualify for exemption under the new salary level, or with the \$27.63 per hour statutory standard established in 1990 law. The “short test” added to current rules in 1954 will be eliminated, with a much higher salary of \$65,000 per year established for a new category of “highly compensated employees.” This means that the new duties tests will be applied to all but the highest paid exempt employees, whom it is assumed would automatically qualify under those tests.

Potential Costs and Benefits of Proposed Changes

The Department of Labor (DOL) estimates that as many as 1.3 million low-wage workers would no longer be considered exempt salaried employees, so their salaries will have to be increased to \$425 per week, or they will have to be treated as hourly employees and receive overtime payments at one and one-half their regular rate of pay when they work more than 40 hours in a workweek.

Not only will employees be removed from exempt status on the basis of the salary test, but clarification of the duties tests are expected to eliminate about 10.7 million workers from the exempt status they currently hold.

The proposed changes would result in increased recordkeeping as formerly exempt employees are required to keep track of hours worked, and paychecks differ from week to week according to the amount of overtime pay due. Ironically, one of the great impacts may be psychological as people who have considered themselves exempt management-level staff suddenly must deal with the reality that they do not qualify for that higher status.

Major Changes in Brief

Proposed modifications in the duties tests primarily are designed to clarify and simplify current rules. In addition to the increase in the minimum salary requirement, and elimination of the short test, language would be removed regarding “discretion and independent judgment;” and, for administrative employees, stronger language will be substituted for the requirement that such employees “directly assist a proprietor or exempt executive or administrative employee.” The 20 percent of time test for all of the exempt categories will also be removed and replaced by a “primary duty” test, and much duplicative language will be eliminated, as will gender specific language.

Executive Employees

The proposed duties tests are similar to those in current regulations and will require that the executive: (1) have a primary duty of the management of the enterprise or of a customarily recognized department or subdivision thereof; (2) customarily and regularly direct the work of two or more other employees; and (3) have the authority to hire or fire other employees or their suggestions and recommendations as to the hiring firing, advancement, promotion or any other change of status of other

employees must be given particular weight.

We are pleased to report that the “sole charge exception” in current rules is retained, but restated as the “*sole charge executive*.” These exempt employees will also have to be paid a salary of at least \$425 per week and be in charge of the company activities at a physically separated branch of the business. He or she must have authority to make decisions regarding the day-to-day operations of the site and to direct the work of any other employees at that establishment or branch. Only one person at any site can qualify as a sole charge executive, and then only if that person is the top person in charge at that location.

Administrative Employees

Bona fide administrative employees under the proposed rule will be required to have a primary duty of “the performance of office or non-manual work related to the management or general business operations of the employer or the employer’s customers.” They must also hold a “position of responsibility with the employer.” As stated earlier, current language regarding “customarily and regularly exercising discretion and independent judgment,” and “regularly and directly assisting a proprietor, or exempt executive or administrative employee” will be removed.

The phrase “position of responsibility” under the proposed rule refers to “the importance to the employer of the work performed or the, high level of competence required by the work performed,” which will require “a high level of skill or training.”

Other definitions in this subpart provide more direction regarding the Department’s expectations than the current rule. For example, “work related to management or general business operations” will mean work in areas such as “tax, finance, accounting, auditing, insurance, quality control, purchasing, procurement, advertising, marketing, research, safety and health, personnel management, human resources, employee benefits, labor relations, public relations, government relations and similar activities.”

“Work of substantial importance”

would be work that, by its nature or consequence, affects the employer's general business operations or finances to a significant degree. It includes such activities as "formulating, interpreting or implementing management policies; providing consultation or expert advice to management," etc. According to the DOL, positions meeting this definition might include a human resources manager, a management consultant, a purchasing agent or an executive or administrative assistant to a proprietor or chief executive of a business if such employee, without specific instructions or prescribed procedures, has been delegated authority to arrange meetings, handle callers and answer correspondence.

Work requiring a "high level of skill or training" will mean "administrative work requiring specialized knowledge or abilities or advanced training," and would include "that typically performed by financial advisors, tax consultants, insurance experts, credit managers, employee benefits experts, human resource consultants" and the like. It specifically would *not* include clerical or secretarial work, recording or tabulating data, or other mechanical repetitive, recurrent or routine work.

Professional Employees

The salary test for professional employees will also be \$425 per week, rather than at a higher level than for executive and administrative employees as under current rules. The primary duty of an exempt professional is the performance of office or non-manual work (1) "requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction," but (under the new language) "which also may be acquired by alternative means such as an equivalent combination of intellectual instruction and work experience;" or (2) "requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor."

The "learned professions" include: "law, medicine, theology, teaching, accounting, actuarial computation, engineering, architecture, various types of physical, chemical and biological sciences, pharmacy and other similar occupations that have a recognized professional status based on the acquirement of advanced knowledge and performance of work that is predominantly intellectual in character as opposed to routine, mental, manual, mechanical or physical work."

Inclusion of the word "customarily" would mean that "the exemption is also

available to employees in such professions who have substantially the same knowledge level as the degreed employees, but who attained such knowledge through a combination of work experience, training in the armed forces, attending a technical school, attending a community college or other intellectual instruction."

However, professional occupations will not include those whose duties may be performed with knowledge acquired through an apprenticeship program or "from training in routine mental, manual or physical processes such as carpenters, electricians, craftsmen, operating engineers, longshoremen, construction workers, teamsters," etc.

Salary Basis Requirements Defined

The term "salary basis" is also discussed in the subpart on compensation requirements and is generally consistent with current regulations, as per lengthy discussion in the *ANCOR Wage and Hour Handbook*.

Further Information

A more extensive discussion of the proposed rule changes appears on the ANCOR web site under Wage and Hour Issues at www.ancor.org/dev/issues/Wage_Hour.htm.

To review the text of the DOL proposed rule, go online at www.dol.gov/esa/whd/. It is important for ANCOR members to review one or the other of these documents carefully to assess the affect these Labor Department proposals will have on their agencies.

Seeking Your Comments

ANCOR is seeking comments from its members on the affects of the proposed rule on private providers of supports to people with disabilities. If you have reason to believe that implementation of the

proposed rule will create a burden on your agency, forward your comments by May 30th to Director for Public Policy Suellen Galbraith by fax at 703-535-7860, or via e-mail at sgalbraith@ancor.org. You may also wish to comment directly to the U.S. Department of Labor. Instructions for the submission of comments appear in the ANCOR overview on the ANCOR web site. ■

RESOURCE LINK For a thorough description of federal labor requirements applied to agencies that offer community residential supports and in-home services, you can obtain a copy of the *ANCOR Wage and Hour Handbook*. This publication of more than 100 pages is available at a cost of \$35 to ANCOR members and \$50 for non-members. To order your copy, send a check or money order in the appropriate amount to ANCOR, 1101 King Street, Suite 380, Alexandria, VA 22314; phone 703-5355-7850.

AUTHOR LINK For further information, author Joni Fritz can be reached from mid-May through October at her home office in Colorado; phone 970-586-5804. Her guidance is free to ANCOR members and to those who attend an ANCOR Wage and Hour Workshop or participate in a teleconference. Consultation is available to nonmembers at a cost of \$65 for up to one-half hour.

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Best Practice Strategies for Abuse Prevention: What Would You Do?

Tom Pomeranz



Subtle, insidious and almost always covert, a well kept secret effectively and unintentionally hidden by the victim. This secret of abuse is kept alive by the victim's disability. Impairments in language and speech, compounded by dysfunctions in cognitive processing and memory provide for the perfect cover for the abuser. And there is a prophetic irony.

This irony exists, for as the victim's disability acts to shelter the abuser's treachery from the light of discovery, the characteristics of the disability provide the abuser with ample reason to abuse. Perhaps the abuser is motivated to abuse as a result of the individual's failure to cooperate as "directed". Or then again the abuse may be triggered by the individual's inability to respond with the rapidity expected by their staff. Maybe a spilled glass of milk, resulting from an impaired palmar grasp, or an incident of incontinence as a consequence of poor sphincter

development may all serve as justification to abuse. Thus, more often than not, the individual's disability serves as the perfect incendiary to inflame the wrath of those who are assigned to keep them safe.

The causes that precipitate abuse are both diverse as well as pathological. Frequently this pathology defines itself by the abuser's inability to express their anger and frustration in more socially acceptable ways. Ignorance too may play a role, in that some staff lack a common sense knowledge with respect to what may constitute an act of abuse. Regardless of the factors precipitating abuse, people with intellectual disabilities are the perfect victims.

In this first in a series of articles on abuse prevention, a number of key management and supervisory issues regarding abuse will be addressed. Numerous low cost no cost best practice strategies to prevent the occurrence of abuse will be detailed.

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My First Epiphany

While waiting in the cashier line at a grocery store several weeks ago I experienced an incident that will forever alter my sensitivity and insight regarding acts of abuse. The incident occurred late one evening at a grocery store in a city in which I was consulting. While waiting in the checkout line a young child directly in front of me removed a candy bar from the rack while telling his mother he wanted the candy bar. His mother quickly snapped back to her four-year-old son that it was too late in the evening to have a candy bar. Defiantly refusing to place the candy back in the rack, the young child maintained his persistence to have the candy bar. After several threatening demands by his mother (i.e. "if you don't put that candy bar down I will...") in what seemed to me to be a blur of rage, the mother grabbed her four-year-old red headed son by the hair with one hand and forcefully slapped his face with the other. This young mother truly appeared oblivious to all those around her who were watching the spectacle.

The act by the mother was repulsive and reprehensible. There is no reason to continue the description of what further happened, the child's painful response to the blow further highlighted the terror of the moment.

The following morning (5:15a) I arrived at the supported living residence at which I was scheduled to provide on-site consultation and coaching. The woman answering the door was the same woman who stood before me the night before at the check out line at the grocery store, slapping and berating her young son. It was obvious from our initial interaction that she did not recognize me. A frightening chill came over me, knowing the potential for abuse that this staff bore.

Immediately following the on-site coaching I met with the residential director for a scheduled debriefing of my coaching observations. I had no alternative other than to share with the director my observations regarding the abusive behavior by the direct support worker toward her son, which occurred at the grocery store. The reality that I could not avoid was "*when we go to work we bring our personal lives to work with us*".

In part the potential for abusive behavior is found in the fact that all the staff that we employ have either had children... or have been one. Therein lays, in many cases, the problem. We all bring our personal lives to work with us; personal lives in which all staff have acted as either/both the giver or recipient of child rearing experiences. The experiences of many of our staff are not unlike what I observed at the grocery store. Those life experiences frequently give rise to abusive behavior in the work setting.

Preventing Anger

When I presented my observations and concerns to the residential director (RD) she was clearly shaken and lost as to what action to take. Though the behavior of the direct support worker was reprehensible, she did not violate any agency personnel policies. We both however were deeply concerned that significant potential existed with respect to an abusive incident in the work setting. The RD asked my opinion regarding what action she should take given the circumstances. I indicated that I would treat the situation as one requiring a staff training intervention. Given that the direct support worker engaged in abusive behavior in a public setting, I believed that it was very likely that *she is oblivious to what constitutes abusive behavior*. I also urged the RD to not single out this particular direct support worker for training on anger management, but rather include all the staff.

The following points highlight my recommendations to the RD relative to what should be emphasized in an introductory staff
continued on page 32

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Under the leadership of James Gardner, Ph.D., President and CEO, and Vice Presidents Michael Chapman, Cindy Kauffman and Holly Morrison, The Council is currently providing support to organizations and providers throughout the United States, and in Canada, England, Ireland, New Zealand, and Australia.

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Catherine V. Hayes, MA

FOUNDER AND PRESIDENT
H&W INDEPENDENT SOLUTIONS, INC.

H&W Independent Solutions, Inc. is a nationally focused training and consultation firm offering individually tailored services to agencies in the disability community. Our goal is simple: contributing to the improvement and enjoyment of life for those who rely on others for assistance.

Catherine started her career as a job counselor to people with epilepsy and moved into national management roles. Most recently, she worked at the U.S. Center for Medicare and Medicaid Services as the ICF/MR team leader and then as branch chief for survey and certification's Continuing Care Providers.

Catherine's experience includes work as Director of Operations and trainer/surveyor for The Council, as a provider and as a quality enhancement manager. She has family members with disabilities who have needed residential services *providing another unique perspective in the field*. As a lifelong volunteer, she was President of the Huntington's Disease Society of America, developing strategic plans and reorganizing the board and volunteer services.

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United States Department of Justice
California Association of Adult Day Services
Disability Rights Center of Maine
Harbor Regional Center
The Arc

What clients have to say:

"When Catherine was referred to me she was described as a true professional with a strong history of expertise in the field. It was immediately clear that Catherine was all that—and more. ... She added value to our operation. H&W is a wonderful resource that most people should have the opportunity to access." —Nancy Bargmann, Vice-President West Coast Region, Mentor Network

"We love Catherine here in Texas and can't get enough of her. The depth of her knowledge and experience combined with her ability to present ideas and information make her the ideal presenter... Professional, motivating, extremely knowledgeable and visionary—what more could you want, except to have her back." —Carole Smith, Executive Director, Private Providers Association of Texas



Three reasons why ANCOR members should contact Catherine Hayes:

- Perspective: Multi-dimensional perspective on service delivery from almost 30 years experience as caregiver, volunteer, provider, administrator, quality enhancement coordinator, surveyor and regulator.
- Dedication: Adding value to your organization by promoting quality and organizational improvement through training and facilitation.
- Systems: Ability to analyze and design systems promoting innovation and organizational competence.

H&W Independent Solutions, Inc.
11024 Balboa Blvd., #273
Granada Hills, CA 91344
(818) 368-7656; Fax (818) 360-3648
chayescsulting@aol.com.



John Rose

VICE PRESIDENT
OF RISK MANAGEMENT

John Rose, former chair of AAMR's special interest group on Direct Support Professionals has received numerous awards for his leadership in promoting the importance of DSP. He currently serves as a Trustee on the ANCOR Foundation and is a founding member of OADD in Canada.

irwin siegel agency inc.

insurance & risk management
human service programs

Three reasons for ANCOR members to contact us:

- The Irwin Siegel Agency, Inc. is a pioneer in insuring the Developmental Disabilities field. Our staff is aware of the specific needs of your agency from first hand experience in the field.
- Our knowledge and understanding of the Human Service Field has made it possible to provide comprehensive insurance solutions and exceptional loss control services to our customers.
- ISA's Risk Management Department is committed to helping you manage your distinct risks and control loss while advocating for quality outcomes and services.

The Irwin Siegel Agency, Inc.
25 Lake Louise Marie Road
Rock Hill, NY 12775
Toll Free (800) 622-8272; (845) 796-3661
www.siegelagency.com
siegel@siegelagency.com

In 1960, Irwin Siegel founded the Irwin Siegel Agency (ISA) in Rock Hill, New York. He realized that, although human service organizations provide vital services, it was hard for them to get insurance, and mission-specific policies were unheard of. He responded with the first property and casualty insurance package designed specifically for nonprofit providers. That was over 30 years ago, when ISA consisted of the Siegels and a handful of employees.

Since then, ISA has been setting standards for quality, creativity and timeliness in meeting providers' needs. Today, the ISA 'family' has over 100 employees. They insure Addiction Treatment, Community/Social Services, Developmental Disabilities, Medical/Physical Rehabilitation and Mental Health Care organizations in 48 states.

With a team of professionals who share direct experience in all covered specialties, ISA gives nonprofit providers the products they need, the service they expect and the acknowledgement they deserve.

The Risk Management Department develops resources in all mediums, while Client Service Specialists help insureds choose the ones that relate to their exposures. This proactive approach invites each insured to use any combination of online trainings, books, videos, loss control seminars, booklets and teleconference calls to customize their own mission-specific, risk management program.

Adjusters, trained in the unique coverages and nuances associated with the Human Service field, staff the central claims office. A national network of coordinating counsel supports the Claims Division. They are experienced in handling liability claims related to human service agencies.

The Siegel Agency engages with providers and state and national associations, such as AAMR, ANCOR, IAPSRs, NAATP, SPAN, UCP, the National Safety Council and various state associations.

ISA addressed the Long-Term Care Task Force in Kansas regarding quality and liability. New Mexico uses ISA's vehicle safety resources and recommends them to their providers. In Pennsylvania, the Deputy Secretary for MR/DD services consulted ISA regarding a proposed system of service delivery.

ISA represents the interests of people with disabilities on the NSC and is an advisor to the John F. Kennedy, Jr. Institute. Authors of trade journals and grant proposals (Project Action), UAPMN and the College of Direct Support have asked ISA's professionals to review their work. ISA is also involved in a series of leadership symposia to develop the next generation of leaders for provider associations.

Through our involvement, ISA has received many awards, such as the National Safety Council "Distinguished Service to Safety Award." Several years ago, Howard Siegel developed the *Award for Improvement in the Quality of Life for People with Disabilities*. This very successful program, presented through the National Safety Council, has provided numerous "Best Practices" in safety for people with disabilities. ISA also sponsors several other awards for the field that promote *Quality, Direct Support and the Prevention of Disabilities*.



John Ashbaugh

INFORMATION SYSTEMS CONSULTANT

Management Consultant to DD agencies with the Human Services Research Institute (HSRI) for over twenty years. Information system consultant for last five with Managed Support Systems, Danic Technology, and HSRI. Graduate degree in management information systems.

JOHN ASHBAUGH

INFORMATION SYSTEMS CONSULTANT

Three reasons why ANCOR members should contact me.

- A broad knowledge of the state of the art in information technology, what's available or soon to be available, what works and what doesn't, what's worth pursuing and what's not.
- The understanding of Developmental Disabilities (DD) Services, of agency challenges and limitations, and the experience needed to know what IT agencies can use to advantage.
- Enough experience in the analysis of existing systems to do it efficiently, and enough experience in system implementation and operations to identify manageable solutions.

John Ashbaugh
95 Warren Street
Needham, MA 02492
(781) 400-1110; Fax (781) 449-7772
jashbaugh@danic.com

John has helped private providers plan major system improvements via development and acquisition. He has helped agencies find and integrate best-of-breed software to meet agency needs. He is currently a consultant to State DD Authorities as part of an HSRI contract with CMS helping them obtain federal financing for system development and with HIPAA compliance. He speaks and publishes widely on information technology and on the many considerations involved in making good use of it. www.danic.com/whatsnew_industry.htm

Agencies need to be smart in developing their information systems—keeping abreast of information technology (IT) developments generally and in the field of developmental disabilities specifically. Errant decisions lead to wasted outlays for years to come, and the costs of poor decisions and indecision go far beyond the price of hardware and software. There is a huge investment in staff time involved in making systems work; the later corrections are made in the life of agency system(s), the more devastating the impact on operations, staff time and morale.

Knowledgeable staff, board members and associates can be good sources of information and advice, as can seminars and journals. IT consultants can be even better as they generally have a broader base of experience and information to draw on. Unfortunately, the price of most consultants is out of reach for all but the largest agencies, and most focus exclusively on helping with the search for, and selection of software.

Most agencies need to take a hard look

at their system(s) agency-wide, and then adopt a reasoned and coherent approach to system change and development. The selection of the "right" software is usually but one of many decisions to be made; rarely is it the first.

In order to gain an understanding of agency system(s) and the issues at hand, work begins with a comprehensive review of an agency's information system(s)—hardware, software and infrastructure (e.g. staffing, network, security, connectivity...). To minimize the time involved, the agency first completes an extensive survey documenting their existing system(s). After digesting the completed survey and related documentation, John follows-up with telephone interviews of the CEO/CFO and selected staff to identify and explore issues of especial concern. Findings and recommendations are conveyed in a letter report.

If the report identifies commercial applications for consideration, it always identifies two or more, enumerates known strengths and weaknesses, and recommends the best process to use in deciding among them considering the nature of the system, agency and vendor constraints. The report includes attachments as needed, e.g. sample HIPAA-compliant security policies, referenced papers, software specifications.

John's consulting is designed to address the broad needs of agencies and is priced low—\$2,700 - \$3,900.



Amy Gerowitz

CEO
OUTLOOKS

Amy, a recognized expert in the field of disabilities has over two decades of experience working with organizations that provide direct supports, and those that develop policy, and design and finance systems of service. Amy holds Masters degrees in Education, Rehabilitation Counseling and Business Administration.



Three reasons why ANCOR members should contact Amy Gerowitz and Outlooks:

Could your organization benefit from working with a consulting practice that possesses a unique combination of hands on provider experience and organizational expertise? Outlooks, founded in 1995 and its CEO, Amy Gerowitz's scope of knowledge, expertise and excellent facilitation skills can help a range of organizations:

- Improve strategic thinking and develop clearer missions, visions and realistic plans.
- Enhance the quality and scope of participant driven services and supports.
- Evaluate existing programs, policies and processes, develop organizational change strategies and provide training.

Outlooks

1209 Hidden Wood Place
Cincinnati, OH 45208
(513) 871-0835; Fax (513) 871-2135
agerowitz@outlooks.us

About Amy Gerowitz and Outlooks
First as a provider of residential supports and now as a consultant, Amy utilizes her skills to help organizations accomplish their mission. Our philosophy is based on a person-centered vision that keeps the individual in focus while balancing the needs of all stakeholders.

Outlooks' unique approach has provided clients with:

- Practical, results-oriented short and long-term strategic plans
- Program evaluation aligned with the organization's values and principles
- Successful intervention when facing regulatory compliance and quality assurance issues
- Organizational redesign based on clarified roles and responsibilities
- Strategies that balance costs with desired benefits and outcomes
- Quality enhancement initiatives that improve organizational performance
- Staff development and board training that builds consensus and strengthens teams

Our clients have included public and private organizations, focused in developmental disabilities, the arts, health care, workforce development and public policy. Our blend of education and experience, including ten years as a business owner, provides our clients with a practically focused perspective grounded in values and today's business realities. A *partial* listing of clients and areas of expertise is provided below. References are available upon request.

• Strategic Planning and Board Development

• Project Management

– Ohio Private Resource Association: Multi-year project to develop a voluntary credentialing program for direct support professionals.

– Trumbull County Board of MR/DD: Processes re-engineered to develop a person-centered system of services. Published: *Consumer Guide to Supported Living*

– Health Improvement Collaborative of Greater Cincinnati, OH: Community-wide health improvement initiatives.

• Program Evaluation, Training and Quality Enhancement Initiatives

– Human Service Research Institute (HSRI)

– Res-Care

– Ohio Department of MR/DD: Development of individualized person centered plans

– Hamilton and Medina County Boards MR/DD: Full scale program evaluations along with recommendations and planning for systems change

– Louisiana Office for Citizens with Developmental Disabilities: Development of a peer review system for QMRP's

Amy has been a frequent speaker on strategic planning, organizational redesign, change management and person-centered planning. She has also worked with HCFA (now CMS) on refinement of ICF/MR and waiver regulatory standards. Amy's volunteer activities are extensive, including her current role of President of the ANCOR Foundation.



Tim Vogel, David Potts

Tim Vogel and David Potts combined 25 years of executive, operational and financial experience in the MR/DD industry to form Scioto Properties. Formerly CEO and Treasurer of a national provider, the co-founders understand the challenges facing the industry and have developed innovative housing solutions to overcome them.



Three reasons why ANCOR members should contact Scioto Properties LLC:

- Scioto Properties has pioneered a way for residential service providers to operate without owning real estate.
- Our services:
 - Unlock equity trapped in real estate
 - Reduce capital needed for growth
 - Increase available cash
 - Diminish financial risk
 - Improve flexibility in client and agency operations
 - Reduce debt
 - Improve cost effectiveness
- Our programs are available nationally for all types of providers, including for-profit, not-for-profit and governmental agencies.

Scioto Properties LLC
5970 Wilcox Place, Suite H
Dublin, OH 43016-6808
(614) 889-5191; (614) 889-5202
www.sciotollc.com
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tvogel@sciotollc.com

In today's complex economic and regulatory environment, residential service providers face greater challenges than ever. Reimbursement programs are in flux, capital markets have tightened, and fund raising has become more difficult.

Today, it's even more important for prudent service providers to consider creative strategies to better position their agencies for the future and to help realize their full potential. These proven financial strategies are well known in other fields, but have only recently become available nationally in the MR/DD industry through Scioto Properties.

Scioto offers two innovative programs to secure and expand housing for people with disabilities.

Scioto Housing Solutions. For new or expanding residential programs or for clients moving into a new home, Scioto will purchase a home from the private real estate market and lease it to the residential service provider. In eligible states, Scioto may be able to lease directly to the client.

Our delighted customers can attest to the ease with which they have acquired more housing without the demand of seeking capital – a practice they didn't think possible in the current economic climate!

Depending on the situation, the service provider, client, government agency, case manager, parent and/or guardian, as appropriate, chooses the best housing option. Scioto then works in partnership with the appropriate parties to purchase the home, ensuring it stays within budget.

Scioto offers qualified customers

24-hour turnaround on home purchase offers, increasing the odds of a successful purchase in a fast-moving real estate market.

Sale/Leaseback Program. For providers who already own homes, Scioto will purchase the home and lease it back. We charge no up-front fees or commissions, and nothing about the clients' current living arrangement changes. Agencies acquiring other providers can also use this program to reduce the cost of acquisition.

Our satisfied clients report that the sale/leaseback program has given them the cash to do what they do best—serve clients—while reducing the financial strain and risk that excessive debt can place on an organization.

Our programs are available nationally to all providers of residential services. Whether you run a single home or a hundred homes, whether your organization is for-profit, not-for-profit or even government owned, we can help.

Scioto's service to clients doesn't end with the home purchase. We establish a long-term working partnership and are always available to assist with the housing environment or to supply future housing without the demand of seeking expensive capital and debt. We are continually researching ways to create new and innovative housing solutions.

For more information on how Scioto Properties LLC's real estate service can assist your organization or community, contact our office at 614-889-5191 or visit our Web site at www.sciotollc.com.



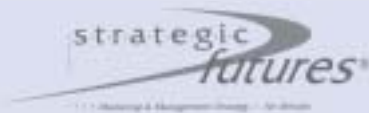
Jennifer Thompson

PRESIDENT

Ron Gunn

VICE PRESIDENT

Ronald Gunn, Vice President, and Jennifer Thompson, President, have several decades of experience between them writing proposals, facilitating strategic planning, and managing nonprofit/public sector organizations. They have successfully operated Strategic Futures Consulting Group, Inc. (“Strategic Futures®”)—a for-profit consulting group—for over 10 years.



Call Strategic Futures.®

- To accelerate your organization's success with proposal-writing training
- To get hands-on proposal writing help from experts with track records working with programs that support people with disabilities and their families
- To secure expert strategic planning assistance to help your organization grow and prosper

Strategic Futures Consulting Group, Inc.
113 South Washington St.
Alexandria, VA 22314
(703) 836-8383; Fax (703) 836-9192
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info@strategicfutures.com

Our past and current nonprofit clients include several offices of Goodwill, including their headquarters; Envision; National Industries for the Blind, and the American Speech Hearing Association. We have also worked with numerous agencies in the federal government such as the Departments of State and Defense, and with small businesses and large corporations such as EDS, Pfizer, Novartis Pharmaceuticals, and Covance.

Our organizational expertise is reinforced by the background of our president, Jennifer Thompson, and Vice President and Managing Director, Ron Gunn.

Jennifer Thompson was the founder and executive director of Careers Abound, Inc., a nonprofit based in San Francisco, that served young people with physical disabilities for over 20 years.

She also ran a publishing and marketing company called Resources Ink. She utilizes this experience to ensure that our clients' proposals have visual “sizzle” in addition to winning, reader-friendly content. In addition to her duties as CEO of Strategic Futures, she works with small businesses and nonprofits on a wide variety of marketing and strategic planning projects.

Jennifer has written winning proposals for over two decades. Her initial proposal experience began in the nonprofit sector, resulting in the creation of nonprofit projects and Careers Abound. For the last 15 years, as a marketing consultant, Jennifer has been writing successful business-to-business

proposals and business-to-government proposals that have garnered millions of dollars.

Ron Gunn, Managing Director and Vice President, has worked with organizations on a wide spectrum of organizational development and management development issues. He brings a global perspective to his work as a strategic planning facilitator, proposal-writing trainer and proposal writer. Ron has decades of experience as a proposal writer, proposal manager, and trainer in the writing and managing of winning proposals. He is a successful author of both proposals and solicitations. He understands how both sides of the table think and function. His background ranges from the nonprofit/public sector to the private sector, including public accounting. He is equally adept in guiding business-to-business proposals as he is directing successful business-to-government proposals. Ron's multi-faceted expertise as a facilitator and as a consultant in strategic planning and customer service gives his clients an enriched perspective on how to develop a winning proposal process and proposal. Ron also heads the Firm's management consulting and training practice.

In any event, you can count on Strategic Futures to give you the kind and level of service that is appropriate to your organization and your budget. Please contact us and we will be happy to give you more information or a proposal outlining what we can do to meet your needs and the fees involved.



Richard D. Johnson

PRESIDENT
VIAQUEST

ViaQuest manages residential and therapeutic programs for people with mental retardation and developmental disabilities (MR/DD) by providing habilitation and behavioral health services. Since its inception in 1999, ViaQuest-managed companies have increased profits by 250 percent, decreased regulatory citations by 56 percent, and decreased employee turnover by 27 percent.



Three reasons why ANCOR members should call:

- *Financial Challenges?*

ViaQuest practices sound fiscal management and can bring companies back from the brink of bankruptcy. We handle budgeting, such as payroll processing, billing, cost reporting, banking, and financial needs.

- *Regulatory Challenges?*

Let ViaQuest's turnaround team help you re-build your winning program. Our leaders possess a wealth of knowledge and experience to help manage an exceptional program.

- *Human Resource Challenges?*

ViaQuest employs proven recruiting and retention methods through effective employee relations. We can also assist with benefits management and administration.

ViaQuest, Inc.

525 Metro Place North, Suite 450
Dublin, Ohio 43017-5321
(614) 889-5837; Fax (614) 889-5847
www.viaquest.cc; www.vbh.cc

ViaQuest's purpose is to serve organizations that make a difference in the lives of others through management services, our employees by treating them with respect and dignity, and our communities by doing the right thing.

ViaQuest's objective is to win. To us, winning is doing something of which we can all be proud. It's judged through the eyes of our customers.

ViaQuest operates and manages:
Intermediate Care Facilities (ICF/MR)

Nine ICF/MR facilities, ranging in size from 5 to 119 beds, serving 374 residents.

Medicaid Waiver Service

Community-based services through Medicaid Waiver programs, including Individual Options and Residential Facility Waivers.

State and Locally Funded Programs

Community based services funded by state and local governments.

Habilitation Services

Physical, occupational, and speech therapy services, as well as psychology and nursing services to individuals with developmental disabilities.

Behavioral Health

Treatment programs for adults or adolescents with developmental disabilities and/or mental health concerns, who may have a history of engaging in victimizing activity or sexual offenses.

ViaQuest trains direct service employees and front line supervisors, as well as middle and upper management through *ViaQuest University*. Our training courses include:

- Direct Care Orientation
- Cost Reporting
- Supervision
- Management
- Leadership
- Regulatory Compliance
- Quality Improvement Programs
- Behavioral Health Issues

ViaQuest is value-driven. Let us become your provider of CHOICE. ViaQuest's success is often attributed to its promotion and emphasis on its values, which include: choice, humor, optimism, integrity, creativity and excellence. Your challenge is our quest. Give us a call today at (614) 889-5837.

Key Executives and Officers

Richard Johnson, President

Tom Leonard, Chief Financial Officer

Janet Pell, Vice President of Operations

Becky Meister, Vice President of HR

Lee Balsler, Vice President of Development



Yo Bestgen

PRESIDENT
Yo BESTGEN ASSOCIATES, LLC

Yo gained first hand leadership experience as the Vice President of Strategic Development for CARF, an international accreditation commission. While in Washington, D.C. she held leadership positions with United Cerebral Palsy Associations and the President's Committee on Mental Retardation and previously served as the Executive Director for a state provider association.

YO BESTGEN ASSOCIATES LLC

Three reasons you should contact Yo:

- To discover how organizations like yours tackle tough situations.
- To learn how to explore possibilities for customer-focused services.
- To maximize your resources through strategic planning and positioning.

Yo Bestgen Associates, LLC
3661 Campbell Ave., #285
Tucson, AZ 85719
(520) 299-5295; Fax (520) 299-0178
ybest@aol.com

As a leader are you working *in* your business or *on* your business? As I sat staring at the blank computer screen I became more frustrated. I had worked on this task for so long that I couldn't see past that blank screen.

Then I recalled a question asked at a recent seminar... "Are you working *in* your business or *on* your business?" I had one of those 'aha' moments. With that one question it became very clear. This project was taking charge of how I spent my time and energy. My creativity was slipping away. I was spending all of my time working *in* my business.

If you are spending most of your time responding to people, projects or events such as reacting to the most recent crisis, budget cuts, regulation changes, human resource demands, board and community issues, and consumer needs then you are working *in* your business. All critical and important!

However, as the leader, charged with the future viability of critical services for people served and the sustainability of your organization, it is imperative that you give equal time to working *on* your business. After all, tomorrow belongs to those that prepare for it today!

When you work *on* your business you shift from a reactive to a creative mode.

- Establish a time each day to work *on* your business;
- Devote that time to strategic thinking and tactical planning;
- Explore new possibilities for better

customer service, market development, diversification of services, examination of a different way of doing business...and more;

- Learn! Read, research, talk with thought leaders in the field, dialogue with customers and staff, attend a seminar, contact business and community partners.

If you are expending your leadership 'worth' on just responding you are short changing yourself and your organization and significantly underutilizing your leadership talents. Make time to work *on* your business.

Yo Bestgen Associates tailors services for your organization in areas of executive and board leadership, process facilitation, strategic planning and positioning, service system analysis, keynote presentations and seminars. Yo Bestgen Associates is a Preferred Partner of the Irwin Siegel Agency. Contact Yo Bestgen at ybest@aol.com.

State Representative Profile



David B. Cutty, MA
Arizona State
Representative

A young man with spina bifida by the name of “Bobby” is responsible for the past 31 years that I have spent with The Centers for Habilitation/TCH. I ran into Bobby shortly after transferring in 1971 to Arizona State University from Colorado State University as an undergraduate student I had paid a visit to the local county hospital’s Director of Social Services in an attempt to get involved as a volunteer when she introduced me to this 15-year old whose family had abandoned him on the doorstep of the hospital at age five. I agreed to become his “surrogate older brother.” For the next year we enjoyed pizza, ballgames, movies, rock music and model airplanes together. Then Bobby died suddenly, although not surprisingly.

In that short year Bobby taught me more about accepting life on life’s terms than I had learned in the twenty years prior. I discovered my “calling” and changed my course of study to psychology and special education. It was shortly after Bobby’s death that I became involved with TCH, then a fledgling handful of volunteers with no money and operating out of an abandoned school building near ASU. We provided education and therapy services to a handful of youngsters with disabilities. I’ve never left TCH.

Many years ago we at TCH were made aware of an organization headed by Joni Fritz who came to be regarded as the “guru of wage and hour”. Many of us in the field were struggling with the complexities of labor law in an effort to support people moving out of institutions and into our local communities. Joni and her staff came to the rescue! We joined NAPFRMR and again, I have never left.

It is only recently that I have become involved with the organization at the national level as Arizona’s state representative. It has been at the urg-

ing of some people in Arizona who I respect greatly, namely Wendy Sokol and Gale Bohling, that I have become an ardent fan and supporter of ANCOR and agreed to get more involved. The many ANCOR conferences that our staff and I have attended have contributed immeasurably to a greater understanding of best practices and standards of care in our industry. ANCOR has assisted us tremendously in helping to improve the quality of life and enhancing opportunities for the persons that we serve and support. I believe that ANCOR has set the standard in the United States for the professionalism and empowerment of the provider community. Nowhere else can provider organizations find available the depth and breadth of information offered by ANCOR.

That having been said, it has been our experience here in Arizona that not only is it imperative that we have a place at the table with our state legislature, but it is equally critical that advocates and providers also have a voice in the halls of Congress. So much of what we do at the local level to support persons with disabilities and their families is determined by what emanates from Washington, DC that it only makes sense that an entity like ANCOR maintain a continued presence on our behalf at the federal level. Our support of ANCOR is essential to its ability to do the job and do it well, as ANCOR has demonstrated it can do time after time over the years.

I only hope that I can make some small contribution to the tremendously important work performed by the dedicated and talented ANCOR staff and volunteers on behalf of individuals with disabilities and those of us who provide their supports. The ANCOR cause is not just a good cause, it is critically important to the very survival of the community-based system of services and supports to Americans with disabilities in this time of daunting challenges and competing interests. ■

Not listed in the Resource Partners Section?

**Don’t let the next opportunity
pass you by!**

**Plan now for the 2004 Resource Partners Guide
in the 2004 May *Links*.**

It’s sure to be a “keeper”!

**By reserving your space, you’ll automatically be listed
with full contact information on the Resource Partners’
page on ANCOR’s web site beginning in May 2004.
Two venues for the price of one!**

**For more information on how to become an ANCOR
Resource Partner, call Marsha Patrick at ANCOR
headquarters 703/535-7850 or email her
at mpatrick@ancor.org.**

Leave a Legacy of Leadership

When you give a gift to the ANCOR Foundation, you leave a legacy to the field of private providers. By designating the ANCOR Foundation as a beneficiary in your will or insurance policy, you directly support the continuation of the critical work needed to assure the success of the next generation of leaders in the field.

For more information on the ANCOR Foundation, contact Renée Pietrangelo at (703) 535-7850 rpietrangelo@ancor.org

Trends of Import

A recent issue of *The Futurist* noted the following trends, which are of import to private providers.

Labor Trends

- Approximately 130,000 additional K-12 teachers will be needed in the U.S. between 2000 and 2010.
 - Also needed is an addition \$10 billion increase in federal spending for such programs as Head Start, aid for disadvantaged children, Job Corps and the Job Training Partnership Act.
 - In the next ten years, close to 10 million jobs will open up for professionals, executives and technicians in skilled service occupations.
 - Rapid changes in the job market and work-related technologies will necessitate increased training for virtually every worker.
- Implications:*
- Even very small businesses must learn to see employee development and training as an investment rather than an expense.
 - Both management and employees

must get used to the idea of life-long learning. It will become a significant part of work life at all levels.

The Work Ethic is Vanishing

- Tardiness is increasing; sick-leave abuse is common.
- Job security and high pay are not the motivators they once were. People seek job fulfillment. Some 48 percent of those responding to a recent Louis Harris poll said they work because "it gives them a feeling of real accomplishment."
- Gen Xer's watched their parents remain loyal to their employers only to be downsized out of work. As a result, many will quit their job at even the hint of a better position.

Implications:

- The new generation of workers cannot simply be hired and ignored. They must be nurtured, paid well, and made to feel appreciated. Training and ongoing development is crucial. ■

In The News

The National Family Support Mapping Project The National Family Support Mapping Project is a national effort to locate and collect information on every family support program in the country and to create a national database of comprehensive information on family support programs. This information is displayed on a national map of family support programs made available via the Family Support America Web site (www.family-supportamerica.org) and other media. You can submit information regarding your organization's programs by completing a program survey located on the Web site.

Merger of Bethphage and Martin Luther Homes MOSAIC is the new organization borne of the consolidation of Bethphage and Martin Luther Homes (MLH). MOSAIC will officially begin operations on July 1, 2003. At that time, all existing services and locations for the two organizations will be recognized as MOSAIC programs.

Joining Hands, the historic project to consolidate the two renowned provider organizations, began in May 2002. Leaders from both organizations identified the mutual goal to provide better and more stable supports by sharing resources and pooling expertise.

The name MOSAIC emerged from an extensive research process. It connotes a synergy of distinct and diverse individuals coming together to create a unified whole. "Every individual is a person of worth." With this statement in mind, MOSAIC will embrace all people with disabilities, as well as employees, volunteers, congregations, supporters and community leaders as people who shine individually and come together in the common purpose to make life better for people with disabilities.

MOSAIC will serve more than 3,800 people in 16 states, Great Britain and Latvia and will employ more than 5,100

direct support professionals, regional management and home office staff. The annual operating budget will be approximately \$165 million. Services will be offered in Arizona, California, Colorado, Connecticut, Delaware, Illinois, Indiana,

Iowa, Kansas, Nebraska, New Mexico, Oregon, Tennessee, Texas, Utah and Wisconsin. MOSAIC will

serve approximately 950 people with disabilities statewide in Nebraska, and will maintain a workforce of 1,638 employees.

MOSAIC will be an affiliated social ministry organization of the Evangelical Lutheran Church in America, a recognized service organization of the Lutheran Church-Missouri Synod and a member of Lutheran Services of America.

For more information about MOSAIC, please contact Robin Gifford at 1-800-727-8317, extension 380. Or, visit www.bethphage.org/MOSAIC or www.mlhs.com/MOSAIC. ■



ANCOR Members: Make the Moving Mountains Commitment

Amy Hewitt

The National Alliance for Direct Support Professionals (NADSP) is an organization committed to the well-being and full participation of all people, including people with disabilities, in the every day lives of American neighborhoods and communities. With this in mind, the NADSP recognizes that direct support employees are crucial to this commitment and that employment conditions must be improved throughout the country to assure the continuity and quality of support necessary to fulfill the goal of self-determination and community inclusion for all people. The NADSP is not a labor union and is not affiliated with any organized labor entity. For more information about the NADSP, visit <http://www.nadsp.org>.

The Moving Mountains Commitment

is a set of workforce principles developed by the NADSP to encourage organizations and individuals to adapt policies and practices that result in a competent, committed direct support workforce.

NADSP Workforce Principles

Actively shape conditions of employment to enable DSPs to sustain themselves and their families in a self-sufficient manner by working to:

- Provide health care benefits to all employees (pro-rated for part time employment).
- Support employees in acquiring resources to meet basic life needs (e.g. housing, transportation, child care).
- Provide a living wage indexed to the cost of living that is regularly adjusted by geographic region

- Offer flexible employee benefit plans (i.e. cafeteria plans).

- Support employee assistance programs and work conditions that encourage health and wellness and prevent job burnout.

- Prevent excessive administrative costs (e.g. salaries, bonuses, and overhead) from draining resources for adequate DSP salaries/benefits and high quality support.

- Work vigorously to raise both public and private funds necessary to provide adequate services and favorable salary and benefit conditions for DSPs.

- Assure equity and fairness in determining salary, benefits, and bonuses for employees at all levels within the organization.

Promote ethical practice in direct support and partnership with service participants by working to:

- Assure direct support practice is con-



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sistent with the Code of Ethics issued by the NADSP.

- Promote the empowerment and advocacy of people receiving support and their families through education.
- Rigorously screen job candidates to eliminate those who have committed acts of abuse, neglect, exploitation or other criminal activity.

• Include the voices of support participants, their families, and DSPs in the governance and evaluation of support activities.

• Honor committed DSPs by actively striving to coach, discipline or terminate ineffective employees.

Value and empower DSPs by working to:

• Assure active and comprehensive participation of DSPs in organizational practices, policy development and decision-making.

• Include DSPs in developing plans of support for people who receive services.

• Promote a professional identity for direct support.

• Develop organizational cultures that recognize and celebrate the accomplishments of direct support.

• Promote public awareness of the achievements of DSPs.

Ensure continuity and quality of support by working to:

• Modify existing or develop new organizational practices to enhance recruitment and increase retention through the use of prior interventions.

• Track employee recruitment and retention statistics to improve outcomes.

• Provide high-quality, consistent supervision.

• Assist DSPs to overcome the isolation of decentralized environments by providing opportunities for peer support and interchange.

• Provide mentors to DSPs.

• Emphasize DSP performance outcomes that are aligned with what service participants want in their lives.

Develop a career focus regarding direct support by working to:

• Identify career and educational paths for DSPs and support DSP advancement along these paths.

• Provide incentives for DSPs to pursue professional development opportunities.

• Develop and use multi-level skill and knowledge frameworks that result in recognized awards or credentials tied to advancement (e.g. on-the-job certification, credential and apprenticeship programs, and post-secondary certifications and diplomas).

• Provide professional development opportunities ranging from job readiness and basic skills training to advanced and specialized direct support.

• Use valid skill, knowledge, and ethical practice sets as the foundation for professional development

• Provide high-quality educational experiences by using quality materials and effective instructional methods.

What can ANCOR members do to embrace the core tenants of the Moving Mountains Commitment? Here are some ideas:

1. Align several of your organizational strategic planning goals around the core tenants of the Moving Mountains Commitment.

2. Send a copy to all of your direct support employees and seek feedback from them either through team meetings, surveys or casual conversations about what your organization

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could do better to embrace and fully carry out the core tenants of the Moving Mountains Commitment.

3. Share with legislators, other potential funding sources and key stakeholder groups. Use the needs and commitments described in the Moving Mountains Commitment document as talking points regarding

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Abuse Prevention

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training curriculum on anger management.

- Don't tell someone what to do. Ask if they can instead.

- Give people reasonable choices.
- Give people options if they are not willing to do as requested.

- Listen to what other people want. Respect their right to have their own wants and needs.

- Encourage people, support them, reward them to affect change in their lives.

- Remember that someone's anger is a reflection of his or her frustration in getting needs met. Try not to take it personally.

- Be willing to state assertively what it is that you want and need.

- Be willing to negotiate so that both persons can get what they want.

- Don't expect the world to be fair. It doesn't revolve around you.

- Recognize the "should" messages in requests, and give other people the responsibility for meeting their own needs. ■

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the disconnect between what is needed to ensure quality services and what is currently possible with existing funding.

4. Obtain a copy of the Commitment and have your Board and CEO/Administrator sign it. Hang it on the wall where all people who receive services, DSPs, family members and visitors can see it.

5. Take one core tenant at a time and

review together with your management team. Challenge yourself and your managers to do a reality check by identifying those components of each tenant your organization embraces and does well and those components on which you could improve.

To obtain a copy of the NADSP Moving Mountains poster, contact Chris Ospal at: Institute on Community Integration, University of Minnesota, 150

ANCOR Mission:

To promote and assist private providers who offer services and supports to people with disabilities and their families.

ANCOR Vision:

To be the premier association providing advocacy, services and resources to private providers.

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ANCOR Calendar

2003

June 17	Audio Conference Guidelines for Supporting Sexual Activity: Legal, Ethical and Practical
July 16	Audio Conference Fiscal Employment Agents: Key Elements and Issues
Sept. 7-9	ANCOR's 2003 Governmental Activities Seminar Washington Court Hotel Washington, DC

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