



THE MASSACHUSETTS COALITION OF FAMILIES AND ADVOCATES, Inc.

Dear Senator,

Just recently, Leo Sarkissian, executive director of The Arc of Massachusetts, wrote a column in the *Waltham Daily News Tribune* about the closing of the Fernald Developmental Center and how this is best for the residents (link to column). As he states, this is part of the Governor's "Community First" initiative and then goes on to call the "institutions" decrepit. This could not be further from the truth. The fact is private providers who support only community service programs support "Provider First!" not "Community First" Mr. Sarkissian states the ARC advocates for people with intellectual and developmental disabilities' well being, but it seems as if in fact they are instead advocating for the monies attached to these vulnerable individuals.

If Mr. Sakissian was looking to get a reaction from the *Tribune* readers, he succeeded. But not in the way I am sure he wanted. COFAR, along with many other individuals, have written to the *Tribune* in the past week concerning Mr. Sakissian's column, not in support, but to call out the misinformation and falsehoods and address their personal connections to Fernald. The links to these letters as well as COFAR's response to the Arc's column follow.

Additionally, see Fernald League response from Dave Kassel below COFAR's response. Dave's reference to ICF's/MR refers to Intermediate Care Facilities for people with Mental Retardation, the federal Medicaid designation for all of the DDS state facilities

COFAR's response:

Mass. Arc's argument is nothing new

**By Colleen Lutkevich and Thomas Frain/Guest columnists
Daily News Tribune**

It is no surprise that the Arc's Leo Sarkissian has written supporting the closure of the Fernald Center. The Arc and its provider members, all of whom hold lucrative contracts with the Massachusetts Department of Developmental Services, have been lobbying for Fernald's closure for years. Yet it is still shocking that anyone, particularly an advocate, would have such a flippant disregard for the eviction of any person from their home, never mind that the evictions are those of persons with intellectual disabilities.

The advocates of closure routinely trot out the same tired old arguments, descriptions and analogies, even including Fernald's former name, which hasn't been used since 1883!

Tufts Dental Clinic remains for another year at Fernald. It was set to close, with patients and staff all given written notices stating this. Only through vigorous advocacy were we able to postpone this closure for a year in order to give Tufts clinicians time to assist patients with finding new services. We didn't "make political hay" of it. We made it happen.

Regarding the successful outcomes of the closures of Belchertown and Dever, many of the residents were much younger and far less disabled, both intellectually and physically. Many have also not been nearly as successful as Mr. Sarkissian claims, and in some cases, guardians have had to fight for their loved one's return to facility-based care - an option that will no longer be there if the facilities are closed.

With the filing of the class action lawsuit *Ricci v. Okin* nearly 40 years ago, U.S. District Court Judge, Joseph L. Tauro raised the level of care at Fernald and the other facilities across the Commonwealth. These facilities are true homes and communities, with private rooms, therapeutic pools, adaptive equipment labs, medical offices, dental clinics and have staff who routinely stay 20-30 years.

Forty nine of the 50 states offer residences similar to Fernald and serve 100,000 people nationwide. It is a model of care that is cost effective, clinically appropriate, well monitored, and a proven commodity. Mr. Sarkissian's arguments about this model of care being outmoded or too costly are simply just not true.

The bottom line in this debate is not Fernald's failure, but rather its unparalleled success and the success of Medicaid, a state and federal program which allows states to seek reimbursement for money spent on poor and disabled people. Via Medicaid, the Federal Government reimburses the state for up to 70 percent of the care delivered at Fernald, making the per-resident cost in the DDS facilities roughly \$38,000 per year. Closing Fernald would transfer the present and future residents to homes run by corporations who will then direct the Medicaid spigot right into their own pockets.

As further proof of this privatization effort, the governor has transferred all funding for state operated group homes to the provider line item in the FY 2011 state budget, allowing even more closures of state operated group homes.

What is noticeably absent from the debate about closure and privatization is a discussion of costs at provider programs as well as the lack of government monitoring of them. The Worcester Telegram and Gazette reported recently that the CEO of Seven Hills made nearly \$500,000 in 2007, including a pension contribution of more than \$200,000 - all tax payer dollars! However wasteful, this level of compensation is not unusual. Federal filings show provider after provider enriching themselves at the expense of disabled people and the tax payer.

A vigorous cost/feasibility study is sorely needed, and COFAR is proud to have been active in promoting this issue with the Legislature. If the provider system is cheaper and better as claimed, then let's prove it. There has been no legitimate study sanctioned by the Legislature and done by an independent committee examining the care, cost, and quality of treatment provided in facilities and state operated group homes vs. the same in the provider system. COFAR receives many phone calls from families dissatisfied with the provider system, with its high turnover and its lack of monitoring. Residents are even evicted because it is allowed in the providers' contracts. We do not receive these calls about care in the state operated system.

There is a place in the continuum of care for state-operated residences for individuals with disabilities who receive services from the Department of Developmental Services. We are family members who are speaking up not only for our own families, but for many others who have no voice. As Judge Tauro said many years ago, "(t)he retarded have no potent political constituency. They must rely on the good will of those of us more fortunate than they, and the Constitution which controls the manner in which all of us must meet our varied responsibilities."

Colleen M. Lutkevich is executive director and Thomas J. Frain is president of Massachusetts Coalition of Families & Advocates. Copyright 2010 The Daily News Tribune. Some rights reserved

Setting the record straight about closing Fernald

By David Kassel/ Guest columnist

Daily News Tribune

It is unfortunate that the Arc of Massachusetts has chosen a time of great anxiety for families of the Fernald Developmental Center to celebrate over the pending closing of this critically important facility.

In his May 11, column ("Closing Fernald at long last is the best for its residents"), Leo Sarkissian, executive director of the Arc, manages to add insult to the injury now being felt by those families. In doing so, he perpetuates long-since disproved myths about care at Fernald and in other state-run Intermediate Care Facilities for the developmentally disabled (ICFs/DD), revises the history of the facilities, and misstates the cost of care in them.

Mr. Sarkissian writes that "the era of Dickensian, deservedly maligned institutions housing those who are least able to voice their objections to them must come to an end, beginning this June 30 at Fernald." Using terms like "Dickensian" and stating that residents of ICFs are unable to voice their objections to their longstanding homes is intellectually dishonest.

Mr. Sarkissian knows full well that due to federal court intervention, starting in the 1970s, conditions were dramatically improved at Fernald and other ICFs in Massachusetts. The only thing outdated here is his own characterization of today's ICFs. Here are a few inconvenient facts about ICFs around the country that Mr. Sarkissian simply refuses to acknowledge. This comes from the American Health Care Association: "Changes and improvements in ICF/DD support and training services have created one of the most progressive and technically advanced programs anywhere in the world. For residents, quality of life has improved dramatically, as access and choice have become hallmarks of the ICF/DD program."

In his column, Mr. Sarkissian cites the conclusion of one researcher that care and services in large institutions are "substantially and consistently inferior to those of people living in community settings." There is much evidence to suggest the opposite is true - that, in fact, community-based care is of lesser quality overall than that provided in state-run ICFs.

First, community-based care is provided under a waiver of the strict federal Medicaid requirements that govern ICF-based care. In a March 2007 report to U.S. District Court Judge Joseph Tauro, then U.S. Attorney Michael Sullivan stated that physician and dental services took "much longer" to arrange in the community system than they did at Fernald. And he expressed concerns about low pay and high staff turnover in the community system as well as a higher incidence of physical and sexual abuse and neglect in the community system than in the ICFs.

Mr. Sarkissian contends, without attribution, that the cost of care in ICFs is almost double the cost in the community. The Fernald League has continually sought to set the record straight about the Patrick administration's and the Arc's misleading claims about the cost of care in the state facilities. These claims are based on apples-to-oranges comparisons of the cost of caring for the average community-based resident versus the average state facility resident, who has much more profound mental retardation and higher medical needs.

Even DDS has acknowledged that when the same populations are compared, the cost can actually be higher in the community system. Moreover, the numbers used by the Arc do not take into account costs such as the state's expensive decision to lease community-based group homes from developers (which can run up to \$2 million per home) or the costs of upgrading the Wrentham Developmental Center to accommodate residents from Fernald (\$2.5 million and counting).

Mr. Sarkissian goes on to criticize the proponents of an amendment to the House budget which would delay the closures of some of the ICFs in Massachusetts as "undermining the commitment of the Legislature at large to community-based housing..." He doesn't mention that the amendment would require only that the administration undertake a cost-benefit study before any additional facilities could be closed. Why would Mr. Sarkissian oppose a cost-benefit analysis if he believes that the state facilities are more expensive than the community-based system?

Finally, Mr. Sarkissian accuses Fernald supporters of trying to "make political hay" over reports last month about the pending closure of the Tufts dental clinic at Fernald. This is a particularly silly charge because it was through the Fernald League's media outreach that the press first reported the administration's initial plan to close the Tufts clinic as of June 30. It was only after that initial press coverage that the administration announced a new plan to keep the clinic running for another year while other clinic services were expanded.

Mr. Sarkissian and the Arc should thank the Fernald League, rather than criticize its efforts to save the Tufts dental services.

The Arc of Massachusetts is a politically well connected organization whose members include human services providers that receive state funding to operate group homes in the community system. Mr. Sarkissian and the Arc should respect the dignity of those who hold opposing views to theirs.

David Kassel is a communications consultant for the Fernald League for the Retarded.

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Letters to the Editor:

<http://www.dailynewstribune.com/opinions/x1773732540/Sarkissian-wrong-on-Fernald>

<http://www.dailynewstribune.com/opinions/letters/x150482181/Wyman-Arc-hasnt-seen-what-lve-seen>

<http://www.dailynewstribune.com/opinions/letters/x150482185/All-about-Arcs-bottom-line>

<http://www.dailynewstribune.com/opinions/letters/x150482179/Fowler-Troubled-by-Sarkissians-comments>



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COFAR.org

Established in 1983, COFAR is a statewide, non-profit organization that advocates for choice in and access to comprehensive and high quality care for persons with mental retardation/developmental disabilities.

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