



November 8, 2017

Ed Lake
Director, Oklahoma Department of Human Services
2400 N. Lincoln Blvd
Oklahoma City, OK 73105

Dear Director Lake:

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Mike Redman
President

Ryan Kiesel
Executive Director

The ACLU of Oklahoma and the Oklahoma Disability Law Center are gravely concerned regarding your Department's announcement of its decision to terminate more than 20,000 Oklahomans who are frail and elderly, or who are adults with disabilities, from services necessary to ensure their ability to live in community-based settings, either in their own home, or in the home of a family member. In many cases, these waiver services are necessary for the very survival of these individuals, and in all cases, these services are meant to ensure that the quality of life for people with disabilities can rise to the bare minimum standard those without disabilities readily enjoy. This includes the right to live where one chooses rather than being forced into an institution such as a nursing home. Without waiver services, many of these individuals will require nursing home care, for which the state is required, by law, to pay.

You yourself have rightly described this termination as "unconscionable." As Oklahoma's leading civil liberties organization, it is our duty to inform you that this termination is not only unconscionable, but illegal and unconstitutional. The act of arbitrarily terminating the necessary benefits of thousands of Oklahomans with disabilities, without due process, violates core civil rights laws and the U.S. Constitution. Should the State of Oklahoma fail to rescind this termination immediately, it will result in federal litigation.

As you are surely aware, by terminating the waiver programs, the state is actively engaged in budget gymnastics. Waiver services not only allow individuals to

participate in community life, we also know that waiver services are vastly less costly to the state than nursing home care. But because the money for Medicaid nursing home reimbursement flows through a different part of state government, it allows the temporary illusion of a balanced budget. In the long term, however, this accounting trick will cost taxpayers, including impacted individuals and their families, considerably more. In the end, both the fiscal and human costs of this termination are likely to be nothing short of astounding.

On behalf of thousands of affected Oklahomans and their families, who are currently in limbo about where they will live, or for how long they will live, after November 30, 2017, we ask that the Department immediately retract its termination letter and notify all recipients of the ADvantage and In-Home Supports Waivers for Adults that their benefits will continue. Otherwise, we will be forced to seek judicial intervention to protect those whose civil rights and lives are now threatened for the sake of a costly, and incredibly irresponsible, accounting trick.

We encourage you to share this letter with others in state government as you, and they, work to mitigate the impact of years of gross mismanagement of our state's governmental institutions and finances. This mismanagement has already cost Oklahoma and its people dearly. It cannot be allowed to cost thousands of our most vulnerable citizens their fundamental rights or lives.

Sincerely,



Brady Henderson
Legal Director,
ACLU of Oklahoma

Melissa Sublett
Executive Director,
Oklahoma Disability Law Center