



## The Arc of Texas 2005 Legislative Platform

(Approved by the Board of Directors on December 3, 2004)

The Arc of Texas, the state's largest nonprofit volunteer organization committed to creating opportunities for people with mental retardation and developmental disabilities to be included in their communities and to make the choices which affect their lives, will work with members of the 79<sup>th</sup> Legislature to:

### RESTORE FUNDS

- ✚ Restore 5% agency baseline budget reductions. (*DADS LAR Exceptional Item 2, \$49.6 million in All Funds or \$9.1 million in All Funds for MR-Related Sub-strategies*)
- ✚ Restore funding to account for biennial Federal Medical Assistance Percentage (FMAP) decreases. (*DADS LAR Exceptional Item 3, \$42.0 million in All Funds or \$7.6 million in All Funds for MR-Related Sub-strategies*)
- ✚ Restore Provider Rates to FY 2003 levels. (*DADS LAR Exceptional Item 6, \$133.7 million in All Funds or \$23.1 million in All Funds for MR-Related Sub-strategies*)
- ✚ Restore funding for the Mental Retardation/Developmental Disabilities In-Home and Family Support (MR/DD IHFS) Program to FY 2003 levels. (*\$7.7 million in General Revenue*)
- ✚ Restore general revenue funds for MHMR Community Centers to FY 2003 levels. (*\$23.6 million in General Revenue*)

### END WAITING LISTS

- ✚ Support *HHSC LAR Exceptional Item 17 to Reduce/Eliminate the Waiting Lists in 10 Years*. (*\$577.1 million in All Funds or \$393.5 million in All Funds for MR-Related Sub-strategies*)
  - Note: Under this 10-year plan, the Waiting Lists will be decreased by 20% in the FY 2006-2007 biennium. The Arc of Texas supports this Exceptional Item, however we will advocate for legislative adoption of a more expeditious solution to ending the Waiting List crisis so that people can receive supports and services with reasonable promptness.
- ✚ Support *HHSC LAR Exceptional Item 16 to Reduce/Eliminate the Waiting Lists with Demographic (Population) Growth*. (*\$79.2 million in All Funds or \$29.1 million in All Funds for MR-Related Sub-strategies*)
  - Note: Under this plan, legislative appropriations for FY 2006-2007 would "keep up with the population growth," therefore the Waiting Lists would not continue to grow during this time period. The Arc of Texas supports this Exceptional Item in addition to a long-term plan to eliminate the Waiting Lists.
- ✚ Support *DADS LAR Exceptional Item 5 to Promote Independence* of 146 individuals currently residing in large community ICF/MRs to HCS Medicaid Waiver Program supports and services. (*\$7.6 million in All Funds*)

## **ENSURE QUALITY SUPPORTS AND SERVICES**

- ✚ Support *DADS LAR Exceptional Item 7 for Provider Rate Increases to FY 2006-2007 levels. (\$1.34 billion in All Funds or \$1.06 billion in All Funds for MR-Related Sub-strategies)*
- ✚ Support *DADS LAR Exceptional Item 8 for Rate Increases for Direct Care Staff. (\$586.8 million in All Funds or \$85.0 million in All Funds for MR-Related Sub-strategies)*
- ✚ Maintain the 3- and 4-bed HCS Medicaid Waiver Program group home model.
- ✚ Repeal statutory requirements that Mental Retardation Authorities be considered only as “providers of last resort” effective September 2006, therefore ensuring that individuals and families have a choice between qualified providers of mental retardation supports and services.
- ✚ Support statutory requirements that allow Mental Retardation Authorities to continue to provide a limited number of both Medicaid-funded and General Revenue-funded community-based mental retardation supports and services to persons within their service area.
- ✚ Support designation of an as yet undetermined number of Mental Retardation Authorities as Intake & Access points for persons with mental retardation and developmental disabilities.

## **ENSURE AND PROMOTE SELF-DETERMINATION**

- ✚ Seek legislative adoption of a state policy statement on self-determination—the foundation for creating a service delivery system that allows consumer choice and responsibility, is cost effective, and is best practice for persons with mental retardation.
- ✚ Expand the “money follow the person” initiative to State and Community Intermediate Care Facilities for Persons with Mental Retardation (ICF/MRs).
- ✚ Establish a provision in statute (rather than through a Budget Rider) requiring “money follow the person” for all settings (i.e., State and Community ICF/MRs).

## **PROVIDE INCLUSIVE EDUCATION**

- ✚ Seek policies and statutes that increase supports for students with disabilities to be included in general education settings and to progress in the general curriculum.
- ✚ Protect special education funding throughout the legislative process (i.e. monitor public school finance negotiations).
- ✚ Increase funding for Non-Educational Community-Based Support Services (i.e. behavioral supports, medical supplies, etc.).

## **ADDRESS THE NEEDS OF AGING PERSONS WITH MENTAL RETARDATION**

- ✚ Seek legislative appointment of a planning taskforce to focus on the needs of aging persons with mental retardation and developmental disabilities.

## **ADDRESS THE NEEDS OF PERSONS WITH MENTAL RETARDATION IN THE CRIMINAL JUSTICE SYSTEM**

- ✚ Ensure that current legislative special needs offender initiatives include persons with mental retardation and developmental disabilities.
- ✚ Seek legislative adoption of proposals that require a pre-trial hearing with a jury impaneled to consider the sole issue of whether or not a defendant has mental retardation in all capital cases.

### *Notes:*

*\* The Health and Human Services Commission is identified as HHSC throughout this document.*

*\* The Department on Aging and Disability Services is identified as DADS throughout this document.*

*\* Mental Retardation (MR)-Related Sub-Strategies include HHSC and DADS Legislative Appropriations Request items for Mental Retardation Access/Intake, Home and Community Based (HCS) Medicaid Waiver, Community Living Assistance and Support Services (CLASS) Medicaid Waiver, Consolidated Waiver Pilot (CWP) Medicaid Waiver, Texas Home Living (TxHML) Medicaid Waiver, Medically Dependent Children Program (MDCP) Medicaid Waiver, and Community Intermediate Care Facilities—Mental Retardation (ICF/MRs).*

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