

Update to The Arc of Texas Membership
80th Texas Legislature: Budget and Long Term Care Issues
March 19, 2007

In addition to the various Special Education initiatives posted previously, The Arc of Texas is also working on issues related to the Budget and Long Term Care (LTC) services and supports this legislative session. At this time, over 60 LTC-related bills are being tracked. Below, we've highlighted a few of those bills for your information. If you are not sure whether The Arc of Texas SUPPORTS or OPPOSES a certain bill, do not hesitate to contact Amy Mizcles (amizcles@thearcoftexas.org).

HB 1 (Chisum) and SB 1 (Ogden)—SUPPORT WITH CHANGES

The respective budget bills are being tracked closely. As you have seen in previous messages, we are working with the state's leadership to help influence this process so that "exceptional items" are added to the budget. Some of these exceptional items include: a 20% reduction in the waiting lists; addressing demographic growth of the waiting lists; funding promoting independence initiatives separately from the waiting lists initiatives; restoring and increasing provider rates to ensure a living wage and benefits for direct care workers, etc.

HB52 (Chavez) / SB696 (Harris)—SUPPORT

These bills increase the personal needs allowance from \$45 to \$60 a month for residents of long-term care facilities.

HB650 (Rodriguez)—SUPPORT WITH CHANGES

This bill establishes a taskforce that will assist long term care facilities in developing the capacity to transition from providing facility-based to community-based long term care services and supports to people with disabilities. This bill could potentially help providers transition from an ICFs/MR to an HCS Program operation. However, the bill language does not define the term "long term care facility." We would like to see this bill define long-term care facilities that will be subject to this language. In addition, and as has been mentioned to the Representative's staff, the taskforce must include a representative from the intellectual and developmental disability community.

HB2439 (Truitt)—SUPPORT

This bill, like last session's HB2572, works to codify the provider of last resort agreement between the Texas Council on Community MHMR Centers and the Private Providers Association of Texas. In addition to doing just that, this bill (HB2439) also works to codify the newly developed provider of last resort agreement between the mental health stakeholders. The Arc of Texas was included in the development of this bill from the start.

HB2452 (Burnam)—SUPPORT WITH CHANGES

This bill establishes drug testing for state school employees. As the bill currently reads, every superintendent will be required to develop an illegal drug use policy for their respective institutions and the policy must require mandatory drug testing of employees one time per year. The third provision in the bill relates to probationary periods and termination of employees found in violation of the policy. The Arc of Texas is working with Rep. Burnam's office to ensure that the Department of Aging and Disability Services (DADS) is required to develop ONE illegal drug use policy that can be executed state- and system-wide. In addition, we made the recommendation that the policy include random drug testing at least one time per year. We also asked that the language related to punishment for illegal drug use be clarified to ensure only one short-term probationary period, with random drug testing throughout this period, that is followed by immediate termination should the individual be found to be in violation of the DADS policy. Furthermore, The Arc of Texas believes this policy should be extended to all individuals that work with persons with disabilities.

HB3766 (O'Day)—SUPPORT WITH CHANGES

This bill established a self-determination pilot program via the Department of Aging and Disability Services. This is a bill that some of our very own volunteers are working on. The Arc of Texas will work closely with those volunteers as they fine tune HB3766.

SB108 (Deuell)—SUPPORT

Do you remember Congressman Pete Sessions' Family Opportunity Act? I hope you do! Sen. Deuell's SB108 establishes a Medicaid buy-in program for children with disabilities with a family income up to 300% of the federal poverty level. This is a good, good thing for middleclass Texans. Families will be required to pay monthly premiums on a sliding scale.

SB319 (Deuell)—SUPPORT

This bill establishes Money Follows the Person for persons in State Schools and Community Large ICFs/MR (14+ beds). MFP allows the dollars being spent to maintain an individual in an institution to be transferred in order to provide supports and services to that same individual in the community, provided that the individual chooses to move from the institution to the community. MFP already exists for persons residing in Nursing Facilities. This bill allows the Health and Human Services (HHSC) Executive Commissioner to adopt rules under which he/she can decertify a bed in the Large ICFs/MR. By decertifying an ICF/MR bed, the "bed" is no longer funded in the institution. Decertification ensures that the dollars funding the individual's "bed" in the institution can be transferred and used to fund that same individual's community-based supports and services. Lastly, SB319 directs HHSC and DADS to submit a joint report on or before December 1, 2008 concerning (1) the effectiveness of the MFP mechanism for individuals in Large ICFs/MR and (2) their recommendation regarding the expansion of MFP to additional ICFs/MR.

SB419 (Lucio)—SUPPORT

This bill redefines autism spectrum disorder as a neurobiological disorder and it establishes autism health insurance parity. This bill also requires health benefit plans to provide benefits to children between the ages of three and five. The bill specifies that services for this population may include applied behavioral analysis, behavior training and behavior management, speech therapy, occupational therapy, physical therapy or medications or nutritional supplements used to address symptoms of autism spectrum disorders.

SB1870 (Zaffirini)—SUPPORT

This bill removes the conflict of interest that currently exists in the Community Living Options Information Process (CLOP) for adults living in State Schools. The previous Legislature (79th) removed the conflict of interest in the CLOP (called "permanency planning") for individuals under the age of 23. Today, State School staff are responsible for informing State School adult residents about their community living options at least once a year. Through this bill delegates the CLOP responsibility to the Mental Retardation Authorities. This bill also ensures that Mars provide service coordination and relocation services to an institutionalized individual who chooses a community living option to ensure a timely, appropriate and successful transition to the community.