



Input for FY10-11 DADS Legislative Appropriations Request (LAR)

NOTE: All references to “MR” or “mental retardation” services and supports include persons with intellectual disabilities, autism, and/or other developmental disabilities.

Individual/Organization: **The Arc of Texas (Recommendation 1 of 11)**
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Description of Initiative/Issue: Waiting List Reduction

Over 100,000 Texans with disabilities continue to wait for Medicaid Waiver Program services and supports.

Is this Issue/Initiative: New Expansion Restoration

Proposed Solution(s):

DADS must continue all efforts to substantially reduce the waiting lists by requesting appropriate funds to move a significant number of individuals off waiting lists, while maintaining the first-come, first served provision, and so that by 2014 no individual waits more than 24 months to receive Medicaid Waiver Program services and supports.



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Individual/Organization: **The Arc of Texas (Recommendation 2 of 11)**
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Description of Initiative/Issue: Infrastructure for Waiting List Reduction

The adoption of a long-term solution to end the waiting lists will address only the needs of Texans who have waited for many years to receive Medicaid Waiver program supports and services. The DADS infrastructure must be developed and strengthened to withstand a massive expansion of services and supports to Texans with disabilities.

Is this Issue/Initiative: New Expansion Restoration

Proposed Solution:

DADS must request funds to:

1. maintain and strengthen its ability to respond to crisis/emergency situations (e.g., loss of home or death of caregiver), while maintaining the first-come, first-served provision; and
2. ensure that Medicaid Waiver Program direct care workers are paid competitive wages and benefits.



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Individual/Organization: **The Arc of Texas (Recommendation 3 of 11)**
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Description of Initiative/Issue: GR Funds for Community MR Supports & Services

General Revenue Funding for Community MR supports and services (the “Safety-Net”) was significantly reduced by 32% or \$58.8 million from the original FY03 to FY04 allocations. While the reduction accounted for some administrative savings, the budget cuts resulted in the significant reduction and/or elimination of critical GR-funded MR community supports and services (i.e., safety-net services, supported employment, etc.) Although temporary, the GR-funded safety-net services and supports are used to provide crisis intervention services—just a little bit of help—while they continue to endure another day, month, or year on the waiting list. This funding ensures that individuals in crisis do not have to be institutionalized (State-Operated ICFs/MR).

Is this Issue/Initiative: New Expansion Restoration

Proposed Solution:

DADS must request a restoration to FY03 funding levels and an overall increase of GR funds for community MR supports and services, to ensure that Mental Retardation Authorities can provide critical and essential community supports and services when crises arise and, more importantly, to eliminate more costly institutionalization of these individuals.



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Individual/Organization: **The Arc of Texas (Recommendation 4 of 11)**
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Description of Initiative/Issue: MR In-Home and Family Support Program

The 78th Texas Legislature reduced the MR In-Home and Family Support Program (MR-IHFS Program) budget by 60%. This program offers individuals and their families the opportunity to purchase desperately needed supports and services so they can remain in the communities (e.g., respite, diapers, etc.)

Is this Issue/Initiative: New Expansion Restoration

Proposed Solution:

DADS must seek a restoration of the MR-IHFS Program to FY04-05 funding levels (\$7.7 million in GR).



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Individual/Organization: **The Arc of Texas (Recommendation 5 of 11)**
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Description of Initiative/Issue: Community Living Options Information Process

Continue all Community Living Options Information Process (CLOIP) activities in State-Operated ICFs/MR and expand CLOIP to small, medium, and large Community ICFs/MR.

Is this Issue/Initiative: New Expansion Restoration

Proposed Solution:

DADS must request funding necessary to continue CLOIP activities in State-Operated ICFs/MR and to expand CLOIP so that individuals in all Community ICFs/MR (small, medium, and large) have access to the CLOIP. This request must include funding for the process and involvement of the MRAs as well as HCS Program Waiver funding.



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Individual/Organization: **The Arc of Texas(Recommendation 6 of 11)**
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Description of Initiative/Issue: Texas Promoting Independence Plan

The Texas Promoting Independence Plan ensures that individuals residing in State-Operated and large Community ICFs/MR can transition into the community within 12 months if they choose to move into the community. The plan is not applicable to small and medium Community ICFs/MR.

Is this Issue/Initiative: New Expansion Restoration

Proposed Solution:

DADS must request funding necessary to comply with the Texas PI Plan and to expand PI Plan activities to medium and small Community ICFs/MR.



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Individual/Organization: **The Arc of Texas (Recommendation 7 of 11)**
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Description of Initiative/Issue: Level Of Need (HCS Medicaid Waiver Program)

Many families are frustrated with the HCS Medicaid Waiver Program Level of Need system. They are concerned that the needs of their sons and daughters with significant disabilities (i.e. those with on-going and significant behavioral support needs) cannot be met via the current system because it does not acknowledge on-going, significant support needs.

For example, many families have experienced their loved ones being appropriately assigned the highest LON however, once the individual exhibits some improvement, DADS drops the LON assignment to a lower level. Unfortunately, for individuals with on-going and significant behavioral needs, the lower LON means the improvements and gains made via the highest LON are lost and the individual regresses once again, and so the cycle continues.

Is this Issue/Initiative: New Expansion Restoration

Proposed Solution:

DADS must request the funds needed to meet the needs of special populations:

1. Create an incentive for HCS Program providers who provide services (i.e. employment supports, supported employment, etc.) to individuals who are transitioning from high school into adulthood , and
2. Create a new HCS Program reimbursement rate for individuals with on-going significant behavioral and/or medical needs.



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Individual/Organization: **The Arc of Texas (Recommendation 8 of 11)**
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Description of Initiative/Issue: Responsible Reform of State Schools

While The Arc of Texas understands that state schools (State-Operated ICFs/MR) are outdated and certainly not the preferred or the best way to provide services to individuals with intellectual and developmental disabilities, we also understand that all state schools in Texas cannot be closed tomorrow, next month, or event next year. In Texas, the state school system provided services to 10,843 individuals at its peak in 1977. Today, that system serves less than 5,000 individuals and yet only two state schools have been closed. The problem is obvious; the state school system in Texas has yet to be “right-sized.” There are simply too many facilities for the number of individuals currently being served by the State school system.

Is this Issue/Initiative: New Expansion Restoration

Proposed Solution:

DADS must request the funds necessary to:

1. Responsibly reform the state school system in Texas in order to bring our system up to date with national policies and practices in developmental disabilities systems.
2. Adopt a multi-year plan to transition persons with intellectual and developmental disabilities to the community via the HCS Medicaid Waiver Program. The plan must promote responsible reform and must take into consideration multiple variables including the needs of the individuals, the community’s capacity and infrastructure to meet those needs, as well as the state school employees who currently serve those individuals. Begin the transitioning immediately by focusing on two priority populations:
 - a. children and
 - b. adults (and their legally authorized representatives) choosing to move into the community via the new Community Living Options Information Process (CLOIP).
3. Close the front door to State schools, with the exception of individuals who are in crisis and need short-term residential supports. [Rely on the MR Safety-Net to meet the temporary, yet critical needs of those in crisis. See Recommendation #3.]
4. Pilot a downsizing model, such as the Colorado model, to ensure that the individuals’ quality of life is improved and to minimize loss of jobs for the surrounding community.

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Individual/Organization: **The Arc of Texas (Recommendation 9 of 11)**
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Description of Initiative/Issue: Accountability & Abuse, Neglect, and Exploitation

The DADS service delivery system must also be held to the highest accountability standards, in order to ensure the best possible services and supports are delivered to persons with disabilities. See description of initiative/issue below.

Is this Issue/Initiative: New Expansion Restoration

Proposed Solution:

DADS must request the funds necessary to develop and implement a comprehensive plan to ensure quality supports and services and to minimize abuse, neglect, and exploitation. The plan must include the following factors:

1. More Stringent DADS Contracting Requirements
 - a. DADS must strengthen current regulations to ensure that providers who are failing to meet applicable federal and state statutes and those who are engaging in abusive or neglectful practices that have resulted in serious injury to or death of a client can and do lose their right to provide services in the state of Texas.

2. Reform the DADS Regulatory Function
 - a. Change existing practice to ensure that only an independent third-party can monitor providers (state-operated and community-operated), investigate allegations, and work with the provider on addressing each of the confirmed allegations. Plainly, DADS should not monitor state schools.

 - b. DADS regulatory services must obtain and use tools that help reveal the quality of an individual's life. The current system is outdated, as it places more emphasis on routine paperwork instead of assessing the impact the services and supports are having on an individual's quality of life.

3. Improved Functional Assessment Tools & Meaningful Services

- a. Initiate a pilot study to utilize the Supports Intensity Scale (SIS) and determine whether it better evaluates and determines the functional need of Texans with intellectual and developmental disabilities. [Functional need is the measurement of an individual's supports and services needs based on their medical, behavioral and life activity areas. This definition is critical in assessing the needs of individuals with disabilities and those with intellectual and disabilities in particular because while these individuals are capable of bathing themselves, cleaning their house, going to work, and balancing their check books, for example, individuals with intellectual and developmental disabilities require training, routine, instruction, praise, respect, and patience.] We suspect that this can lead to better identifying the needs of children and adults with intellectual and developmental disabilities and especially the needs of those diagnosed with autism.



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Individual/Organization: **The Arc of Texas (Recommendation 10 of 11)**
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Description of Initiative/Issue: Self-Determination

DADS is preparing to rollout the new “consumer directed services” option in the HCS and Texas Home Living Waiver Program. We applaud DADS; it is definitely a step in the right direction as the CDS program option will allow program recipients to self-direct certain services already offered by the HCS and Texas Home Living Waiver Programs. Unfortunately, the CDS option will never offer the full depth of a true self-determination model where the services are selected only after completing a comprehensive Person Centered Plan with participation of the individual’s family and loved ones.

Is this Issue/Initiative: New Expansion Restoration

Proposed Solution:

DADS must request funds to develop and implement a Self-Determination Medicaid Waiver pilot.



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Individual/Organization: **The Arc of Texas (Recommendation 11 of 11)**
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Description of Initiative/Issue: Employment

Today, there is a lack of funding for meaningful and appropriate supported employment services. People with intellectual disabilities, autism, and other developmental disabilities feel “stuck” in Sheltered Workshops or Day Habilitation programs when they want to be working at real jobs for real pay in the community.

Is this Issue/Initiative: New Expansion Restoration

Proposed Solution:

DADS must request funding to:

1. Provide meaningful and appropriate supported employment services, to include transportation;
2. Ensure that all Medicaid Waiver Programs offer supported employment services and transportation; and,
3. Study how other states, such as Vermont, have closed all sheltered workshops.