

# The 81st Texas Legislature Weekly Review: Week Five

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### 1. Federal Budget Update

Late last week the United States Congress passed its version of a federal stimulus appropriations bill. The total cost of the bill exceeded \$820 billion and included a combination of tax breaks and spending increases, including increased federal budgets for a number of key disability programs. The Senate's version of the bill is significantly different than the one adopted by the U.S. House of Representatives two weeks ago. Accordingly, the bill must go to a joint House-Senate conference committee for resolution. Once a compromise version is reached both the House and Senate must again vote in favor of the bill for it to be passed. Wednesday, the Conference Committee announced that they had arrived at consensus around a compromise bill that would cost around \$780 billion. The compromise bill is expected to be voted on in both houses of Congress this weekend and, if approved, could be on the President's desk for signature by early next week.

We hope to know next week what has been included in the compromise bill and how it will impact people with disabilities and their families.

### 2. 81st Texas Legislature House Committees Named

The Texas House announced Committees on Thursday. To see a full list of members please go to the link below.

[Standing House Committee Appointments](#)

### 3. Senate Health and Human Services Committee Hearing

Senate Health and Human Services Committee Hearing The Senate HHS Committee had its organizational meeting this week. In addition to working on state school related legislation, Sen. Nelson (Committee Chair) announced that the Committee will also focus on a variety of issues including health care workforce shortage issues and abuse/neglect/exploitation of vulnerable populations. The Committee plans to meet on Tuesdays at 9 a.m., with a break while members are on the floor. As the session progresses, the Committee will also meet on Thursdays.

### 4. Senate Finance Committee (SFC)

The SFC met on Wednesday, Thursday and again on Friday morning to consider health and human services agency requests as well as to accept public testimony. The agency commissioners did a great job of laying out their agency needs, including their respective agency's exceptional item lists! The Arc of Texas volunteers testified in support of the HHSC, DADS, and DARS exceptional items lists. More specifically, we asked SFC members to support items regarding: reducing all waiting lists, funding Special Provision 48 (in the previous weekly update) to reshape the service deliver system for persons with intellectual and developmental disabilities, funding to establish the Medicaid Buy-In Program for Children with Disabilities, funding for ECI and Vocational Rehabilitation, funding the Promoting Independence initiatives to move people out of ICFs/MR, funding to prevent the institutionalization of kids and other individuals in crises, and many others!

### 5. Article 2 (health and human service agencies) budget writing subcommittee.

Senator Ogden appointed Senators Deuell, Nelson, Williams and Lucio to the Article 2 (health and human service agencies) budget writing subcommittee. Sharing our priorities with these members will be critical in the coming weeks! If you live in their districts, please contact us--we'd like to build a network of advocate constituents in those areas! Contact Ginger Mayeaux at [gmayeaux@thearcoftexas.org](mailto:gmayeaux@thearcoftexas.org).

### 6. DARS Autism Pilot Program

DARS Autism Pilot Program WILL NOT Be Cut! Please call or write Chair Ogden, Sen. Shapiro, Sen. Whitmire, Sen. Nelson and every other member on the Senate Finance Committee and thank them for supporting the DARS Autism Pilot Program!! They made it very clear at the budget hearings this week that the state general revenue funded Autism Pilot Program will not be cut. The program provides services to children with autism via four pilot sites in the Houston and Dallas/Ft. Worth area. As some of you know, every

state agency was asked to submit a proposal to the state budget committees indicating how they could each cut 2.5% in their current budgets. Given that DARS funding is primarily federal funding, any budget cuts will be made to state funded programs first. The great news is that Senate Finance Committee members know the program has been making a difference; they told DARS and HHSC that this program will not be cut!! Thanks to all of you for taking action and educating your legislators about the importance of his program. Be sure to thank them for their support soon!

#### **7. Special Education**

The Senate Education Committee had its first organizational meeting on Tuesday, Feb. 10. They heard testimony on the impact of Hurricane Ike on school districts in the gulf coast area. Several bills of interest have been referred to the committee including SB 100 that will develop teacher training academies for teachers and paraprofessionals who teach students with disabilities with an emphasis on students with Autism, SB 38 that will provide information about school district referrals of students with disabilities to disciplinary settings and SB 183 that will develop a school choice program for students with disabilities. There are two new members on the Senate Education Committee, Senator Eve Davis from Ft. Worth and Senator Mario Gallegos from Houston.

For more information, contact Rona Statman at [rstatman@thearcoftexas.org](mailto:rstatman@thearcoftexas.org)

#### **8. State School Bills of Interest**

SB 643 by Senator Jane Nelson from last weeks update, was referred to the Health and Human Services Committee this week. Stay tuned for more details as a hearing on this bill be coming soon. As a recap, this bill relates to the protection and care of individuals with mental retardation who reside in certain state-operated facilities.

For more information, contact Dawn Choate at [dchoate@thearcoftexas.org](mailto:dchoate@thearcoftexas.org)

#### **9. Medicaid Buy-In**

Medicaid Buy-InBoth HB 67 by Representative Eddie Lucio III and companion bill SB 187 by Senator Bob Deuell were both referred to two very different committees this week. HB 67 was referred to Appropriations and SB 187 was referred to Health and Human Services. As a recap, this bill will:

- Require the executive commissioner of HHSC to develop and implement a Medicaid buy-in program for children with developmental disabilities.
- Requires the commissioner to adopt rules in accordance with the federal law that provides; eligibility requirements for the program, and requirements for participants to pay premiums or cost-sharing payments
- Requires the rules to require a participant to pay premiums based on a sliding scale that is based on family income (300% Federal Poverty Level)

#### **10. Employment**

In previous weeks, we informed you that Representative Eddie Rodriguez filed HB 785 relating to employment services for persons with disabilities. A more detailed analysis of the bill is below:

- Requires the commissioner to ensure that employment services for people with disabilities are structured to ensure that they are able to obtain and maintain meaningful employment in integrated settings.
- Requires the commissioner to adopt rules that will eliminate barriers to employment services for people who are eligible for 1915(c) waiver programs. These rules must include: expanding time and budget allowances, choice about the amount of money in the consumer's budget that should be allocated toward employment services expansion of employment services to all waivers, providers under DADS contract must provide transportation, ensures that case managers assist consumers of waiver services in developing an individualized budget, selecting an approved employment services provider, and creating an employment services plan.
- Requires the executive commissioner, DARS, and DADS to collaboratively develop minimum standards for employment services providers
- Requires DARS to review and approve applications, maintain a list of employment services providers, and make the list available to anyone that requests information about employment services.
- Prohibits a person from providing employment services through a contract with DARS and DADS unless they have been approved as a provider through DARS.
- Requires the commissioner to ensure that agreements or contracts are developed as needed to allow other HHS agencies to contract with approved employment services providers and that employment services are available under consumer-directed services.
- Requires the executive commissioner to ensure that HHS agencies have expertise

about SSI, benefits, and federal work incentives.

- Requires DADS to ensure that case managers have access to and are trained to provide information regarding the use of social security, federal work incentives, and the Medicaid buy-in program
- Requires the Department to designate one staff person in each region to provide social security, federal work incentives, and the Medicaid buy-in program to consumers and families.
- Requires the executive commissioner to ensure that each MRA designates and employes to provide social security, federal work incentives, and the Medicaid buy-in program to consumers and families.
- Requires DADS to develop a plan to significantly reduce reliance on sheltered workshop by September 1, 2015.
- Requires the department to establish and require employee participation in a specialized training program for employees whose duties involve assisting youth with disabilities to transition to post-schooling activities, services for adults, or community living.
- Requires the commission to identify and implement funding options to ensure that each local workforce area has access to at least one individual who provides disability navigator services.

For more information, contact Dawn Choate at [dchoate@thearcoftexas.org](mailto:dchoate@thearcoftexas.org)

#### **11. Deaf-Blind and Multiple Disabilities**

Senator Zaffirini filed SB 37 and Representative Naishtat filed the companion bill, HB 166 back in November. These bills relate to providing home and community-based support services under the Medicaid program to persons who are deaf-blind with multiple disabilities. Both of these bills were referred to Health and Human Services this week. These bills specifically:

- Requires the department to provide home and community based services under the DBMD waiver to all persons who are deaf-blind and multi-handicap regardless of age.
- Does not prevent the department from establishing age requirements for other programs or services offered to persons who are deaf-blind with multiple disabilities.
- Requires the executive commissioner to apply for and actively pursue and amendment to expand the age requirements.

For more information, contact Dawn Choate at [dchoate@thearcoftexas.org](mailto:dchoate@thearcoftexas.org)

#### **12. Tuesdays at the Capitol**

Tuesdays at the Capitol! What are you doing on Tuesdays?? Come make a positive difference for people with intellectual and developmental disabilities at the Texas State Capitol! The Arc of Texas invites anyone who is interested in legislative issues that affect people with intellectual and developmental disabilities to sign up for a Tuesday @ the Capitol. We will meet in the capital cafeteria and then The Arc of Texas staff will assist people with legislative visits and other needed advocacy.

##### **We already have most of March booked!**

March 10th is The Arc of the Capitol Area Staff

March 17th is The Arc of Fort Bend

March 31st is a group from San Antonio

We want representation from the whole state!! Get your area signed up today!!

If you are interested in an advocacy training and/or attending a Tuesday @ the Capitol contact Ginger Mayeaux at [gmayeaux@thearcoftexas.org](mailto:gmayeaux@thearcoftexas.org) or by phone: 512-454-6694.

### **13. Upcoming Advocacy Trainings**

Advanced Advocacy Training in Houston: February 12, 2009 from 10a.m.-2p. .

For additional information contact Pam Bullock at [pbullock@thearcoftexas.org](mailto:pbullock@thearcoftexas.org)

### **14. Media Update**

Ricky Broussard, an Arc of Texas Board Member and Self-Advocate had the opportunity to participate in a KUT broadcasting about the "Social Service Squeeze" in Texas. The talked about living in the community and waiting lists. To check out the broadcast go to:

<http://kut.org/items/show/15708>

### **15. Resources**

To find your legislators and to read the bills discussed in this update, go to [www.capitol.state.tx.us](http://www.capitol.state.tx.us). Look for the "search legislation" and "who represents me" links.