



# The 84<sup>th</sup> Legislature

Impact for Adults with Intellectual and Developmental Disabilities

# Trends in the IDD Service Delivery System

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- ▶ Shift away from State Supported Living Centers (SSLC) and nursing facilities (NF) to community-based services for individuals with IDD.
- ▶ Privatized, capitated, integrated managed care through STAR+PLUS to serve more individuals at less cost.
- ▶ Reduction in General Revenue funded safety net services. Increase in Medicaid funded services, HCS, ICF-IID, Texas Home Living Waiver, CLASS, Community First Choice.

# Challenge to the 84<sup>th</sup> Legislature

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## ▶ **IDD System Redesign**

- ▶ 83<sup>rd</sup> Legislature established a system to redesign the service delivery system for individuals with IDD: Expanded Medicaid Waiver Services, and scheduled expansion of Medicaid Managed Care,
- ▶ 84<sup>th</sup> Legislature made changes to the IDD System Redesign schedule and implemented safeguards.

## ▶ **Sunset Review**

- ▶ The Sunset Commission recommended consolidation of all 5 Health and Human Services agencies (DADS, DARS, DSHS, DFPS, and HHSC) into one commission under HHSC.
- ▶ Governor Greg Abbot deployed a Strike Force to investigate HHSC contracting procedures for fraud detection services.
- ▶ 84<sup>th</sup> Legislature made changes to the Sunset Commission recommendations schedule and implemented safeguards.

# IDD System Redesign – 84<sup>th</sup> Legislature

## Expanded Medicaid Waiver Programs

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- ▶ **Reducing Interest List**
  - ▶ 2,134 Home & Community Based Services
  - ▶ Continue expansion of Texas Home Living to 10,373 (currently at 7,386)
  - ▶ 104 Medically Dependent Children's Program
  - ▶ 564 CLASS
  - ▶ 50 Deaf-Blind Multiple Disabilities
- ▶ **Promoting Independence (Reducing Institutional Care in State Institutions)**
  - ▶ 500 HCS moving from SSLC/ICF
  - ▶ 216 HCS Children leaving Foster Care
  - ▶ 400 HCS Diversion from SSLC/ICF
  - ▶ 120 HCS moving from State Hospitals
  - ▶ 25 HCS for children moving out of DFPS residential
- ▶ **Reducing Institutional Care in Nursing Facilities**
  - ▶ 700 Moving from Nursing Facilities
  - ▶ 600 Diverted from Nursing Facilities

# IDD System Redesign – 84<sup>th</sup> Legislature

## Expanded Medicaid Waiver Programs

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### Impact for Texana Center Service Area:

#### ▶ Reducing Interest List

- ▶ FY 16 -67 offers for HCS with IL dates of 7/27/04 forward
- ▶ FY 17 – 139 offers for HCS
- ▶ FY 16 – 566 offers for TxHmL with IL dates of 1/30/09 forward
- ▶ FY 17 – 516 offers for TxHmL

# IDD System Redesign – 84<sup>th</sup> Legislature

## Expanded Medicaid Waiver Programs

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### Impact for MHMRA of Harris County Service Area:

#### ▶ Reducing Interest List

- ▶ FY 16 -426 offers for HCS with IL dates of 7/27/04 forward
- ▶ FY 17 – 423 offers for HCS
- ▶ FY 16 – 1678 offers for TxHmL with IL dates of 1/30/09 forward
- ▶ FY 17 – 1881 offers for TxHmL

# IDD System Redesign – 84<sup>th</sup> Legislature

## Expanded Medicaid Programs/Safeguards

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- ▶ Crisis Respite and Behavioral Intervention Programs - \$18.6 million for DADS to expand crisis response through Local IDD Authorities
- ▶ HUB for Crisis Prevention and Stabilization – ensure effective community supports for individuals moving from, or at risk of placement, in institutional care
  - ▶ Texana Center HELP Team for the Regional Area of Harris, Gulf Coast, Tri-County and Texana Center
  - ▶ Education and Training
  - ▶ Technical Assistance
  - ▶ Case Consultation
- ▶ New Processes for monitoring individuals with IDD moving from Nursing Facilities
- ▶ New Processes for monitoring individuals with IDD moving from SSLCs

# IDD System Redesign – 84<sup>th</sup> Legislature

## Expansion of Managed Care

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- ▶ **Community First Choice (CFC) for individuals with IDD in STAR+PLUS – implemented 6/1/15**
  - ▶ Entitlement - Adds to the State Medicaid Plan long term services and supports for individuals with IDD who need personal assistance service and/or habilitation services
  - ▶ Local Authority responsible for Eligibility Determination and Annual redetermination for all ages
  - ▶ Local Authority responsible for Initial Functional Assessment and Annual Reassessment for ages 18+, making recommendations to the MCO for a service needs (type and amount)
  - ▶ Local Authority responsible for Service Coordination for Individuals enrolled in CFC through STAR+PLUS Medicaid
  - ▶ Managed Care Organizations (MCOs) responsible for Provider Choice (All) and Service Coordination for individuals in CFC through Traditional Medicaid



# IDD System Redesign – 84<sup>th</sup> Legislature

## Expansion of Managed Care

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- ▶ **Community First Choice (CFC) for individuals with IDD in STAR+PLUS – Challenges of Implementation**
  - ▶ Lack of Outreach – families don't understand the benefit
  - ▶ Lack of statewide processes for implementation
  - ▶ Eligibility Challenges
    - ▶ Diagnosis of IDD or
    - ▶ Related Condition with ABL of 2 or greater
    - ▶ Utilization Review processes
    - ▶ Statewide lack of resources to complete eligibility determination
  - ▶ Delayed implementation – pending referrals to MCOs
  - ▶ Adequate Provider Network

# IDD System Redesign – 84<sup>th</sup> Legislature

## Expansion of Managed Care/ Schedule Reset

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- ▶ **HB 3523 (Raymond) – Pushed expansion dates set by SB 7 (83<sup>rd</sup> Legislature) back by one year**
  - ▶ Delayed timeline for transfer of TxHmL into STAR PLUS by not later than September 1, 2018
  - ▶ Delayed timeline for transfer of HCS, CLASS, Deaf Blind and Community ICFs into STAR PLUS by not later than September 1, 2021

# IDD System Redesign – 84<sup>th</sup> Legislature

## Expansion of Managed Care/ Safeguards

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- ▶ **HB 3523 (Raymond) – Ensuring effective implementation of SB 7 goals**
  - ▶ Strengthens role of the IDD System Redesign Committee regarding evaluation of Pilot and evaluation of transition stages
  - ▶ Enhances current evaluation requirements, HHSC to consult with IDD System Redesign Committee for reporting to Legislature on the success of Managed Care Pilot and TxHmL in areas of access, quality acute care, meaningful outcome through person-centered planning, integration of acute care and long term service coordination, efficiency, housing, employment assistance and employment options.
  - ▶ Ensures that DADS maintains regulatory and oversight authority necessary to ensure health/safety of individuals receiving CFC services.

# Sunset Review – 84<sup>th</sup> Legislature

## Initial Recommendations

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- ▶ **Charge:** Sunset Advisory Commission is required to periodically review each state agency to determine continued need. The latest review involved the state's health and human services agencies: DADS, DARS, DFPS, DSHS, and HHSC
- ▶ **February 2015 Recommendations to the 84<sup>th</sup> Legislature:**
  - ▶ Consolidate the 5 HHS agencies into one commission under HHSC
  - ▶ DADS Sunset recommended closure of Austin SSLC by September 2017 and creation of a SSLC Restructuring Committee to determine the future of SSLCs in Texas. Also recommended improvements in the quality and safety of services in day habilitation facilities.
  - ▶ DARS Sunset recommended 2 year transition of the reorganization of DARS, moving Vocational Rehabilitation programs for people who are blind and for people with other disabilities to the Texas Workforce Commission.

# Sunset Review – 84<sup>th</sup> Legislature

## Strike Force

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- ▶ **March 2015 Governor Greg Abbott's HHSC Strike Force changed the course of Sunset Legislation. A special team examined the inner workings off HHSC. Key issues:**
  - ▶ Contracting procedures for fraud detection services
  - ▶ OIG use of fraud detection technologies
  - ▶ Contracting procedures in general
  - ▶ Organization and Management
  - ▶ Consolidation of HHSC agencies
  - ▶ Vision and Leadership
- ▶ **Strike Force findings changed the consolidation timeline:**
  - ▶ DADS, DARS, parts of DFPS (excluding adult and child protective services), DSHS (excluding public health and data collection) and HHSC combined by 9/1/17
  - ▶ Remaining DFPS and DSHS assessed for consolidation with HHSC in September 2018.

# Sunset Review – 84<sup>th</sup> Legislature Implementation

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- ▶ **DADS SB 204 Failed to Pass**
  - ▶ Passed in the Senate
  - ▶ House voted to remove provisions for closure of SSLC and SSLC Restructuring Committee
- ▶ **Other Sunset Bills passed, with the revisions recommended based on the findings of the Strike Force**

# Impact Bills – 84<sup>th</sup> Legislature

## SB 1664, the Texas ABLE Act

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### ▶ **Achieving a Better Life Experience Act**

- ▶ Creates a way for Texans with disabilities to save private funds for their own disability-related expenses without losing Medicaid eligibility (savings beyond the \$2,000 asset cap)
- ▶ Allows a person to open a tax-advantaged savings account for disability-related expenses
- ▶ Family and friends may gradually contribute funds for use on qualifying, disability-related expenses (assistive technology, home modifications, accessible vehicles)
- ▶ Similar to 529 Plans that families use to save for college

# Impact Bills – 84<sup>th</sup> Legislature

## Autism Services in Texas

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### ▶ **\$14.4 Million allocated to DARS**

- ▶ Phase out comprehensive ABA for children enrolled in DARS ABA grant programs
- ▶ Expand access to Focused ABA
- ▶ Increase number of children served to 1,970 (295 served in 2014)

### ▶ **\$8.1 Million allocated to Higher Education Coordinating Board**

- ▶ Parent-directed treatment training
- ▶ BCBA training for teachers and paraprofessionals
- ▶ Research, development and evaluation of innovative treatment models

▶ ~~Administrative support~~

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# Impact Bills – 84<sup>th</sup> Legislature

## Guardianship Reform

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- ▶ **Bills passed to reform guardianship policies and laws**
  - ▶ CSHB 39 implemented guardianship reform to protect individuals with IDD (Combined HB 39 and SB 1881)
  - ▶ CCHB 39 authorized supported decision making agreements for certain adults with disabilities (Combined HB 39 and SB 1881)
  - ▶ HB 3914 requires court appointed guardian ad litem or court investigator for individuals believed to be incapacitated persons.

## Themes of interest for friends and families of Individuals with Intellectual Developmental Disabilities

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- ▶ Demand for community-based services continues to outpace funding.
- ▶ Need to develop system-wide capacity to serve people with high behavioral health and/or intensive medical needs.
- ▶ Expansion of STAR+PLUS moves people previously served by DADS to Medicaid programs.
- ▶ Eligibility Determination by the Local Authority is a first step for enrollment in Medicaid programs, including Community First Choice.

# Helpful Contacts

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- ▶ [www.thearcoftexas.org](http://www.thearcoftexas.org)
- ▶ [www.arcoffortbend.org](http://www.arcoffortbend.org)
- ▶ [www.legis.state.tx.us](http://www.legis.state.tx.us)
- ▶ [www.texanacenter.com](http://www.texanacenter.com)
- ▶ [www.txcouncil.com](http://www.txcouncil.com)
- ▶ [www.tcdd.texas.gov](http://www.tcdd.texas.gov)

