

Amend CSSB 2407 (Senate committee printing) as follows:

Strike Section 9 (page 5, lines 2-36) and replace with the following new sections and renumber sections according:

SECTION _____. Subtitle I, Title 4, Government Code, is amended by adding Chapter 536 to read as follows:

CHAPTER 536. STRATEGIC PLAN REGARDING LONG-TERM SERVICES AND SUPPORTS FOR INDIVIDUALS WITH DISABILITIES

Sec. 536.001. PURPOSE; INTENT. (a) The purpose of this chapter is to develop a comprehensive plan to reform and rebalance Texas' system of long-term services and supports for individuals with disabilities, including individuals who are eligible for ICF-MR services.

(b) It is the intent of the legislature that the system analysis and planning effort prescribed by this chapter encompass services for individuals with disabilities across different programs and settings.

(c) It is the intent of the legislature that the reformed system:

- (1) be based on principles of self-determination;
 - (2) include person-centered planning and maximize opportunities for consumer direction for all eligible individuals;
 - (3) provide and expand timely access to services and supports in the individual's setting of choice, whether in the community or in an institution;
 - (4) base service provision on functional need;
 - (5) simplify and streamline community-based services to ensure that, to the extent possible, all individuals have access to the same array of services regardless of an individual's disability;
 - (6) improve the quality of services delivered across programs and settings, with particular attention given to services delivered to individuals in state schools and state centers;
 - (7) strengthen oversight of community-based services;
- and
- (8) increase the cost-effectiveness and sustainability of long-term care services and supports.

Sec. 536.002. PRINCIPLES OF SELF-DETERMINATION. For

purposes of this chapter, "self-determination" includes the following principles:

(1) freedom, the opportunity to choose where and with whom one lives and how one organizes all important aspects of one's life with freely chosen assistance as needed;

(2) authority, the ability to control some targeted amount of public dollars;

(3) support, the ability to organize support in ways that are unique to the individual;

(4) responsibility, the obligation to use public dollars wisely and to contribute to one's community; and

(5) confirmation, the recognition that individuals with disabilities must be a major part of the redesign of the human services system of long-term care.

Sec. 536.003. CREATION OF STRATEGIC PLAN. The commission shall create a strategic plan for reform of the services and supports available for individuals with disabilities, including individuals eligible for ICF-MR services. The commission shall develop the plan with the input of the strategic plan advisory committee using a clearly defined process that allows ongoing and meaningful statewide public involvement.

Sec. 536.004. STRATEGIC PLAN ADVISORY COMMITTEE. (a) The strategic plan advisory committee is established to provide information and assist the commission in the creation of the strategic plan under this chapter.

(b) The advisory committee is composed of the following members, appointed by the executive commissioner:

(1) one representative of each of the following:

(A) the commission;

(B) the Department of Aging and Disability Services;

(C) the Department of State Health Services; and

(D) local mental retardation authorities;

(2) one representative who is a direct care employee of a state school;

(3) two representatives of community service providers;

(4) two representatives of an advocacy group for persons with disabilities; and

(5) two representatives who are family members of individuals residing in a state school.

(c) The advisory committee shall study and make recommendations to the commission regarding any issues the commission considers relevant in relation to:

(1) the proximity of state schools to other state schools and the geographical distribution of state schools;

(2) the proximity of state schools to community services providers and the geographical distribution of those providers;

(3) the administrative costs of each state school;

(4) the availability of other employment opportunities in the area of each state school for employees displaced by potential consolidation, including additional employees that may be needed by community services providers if a state school is consolidated;

(5) the condition of existing state school structures and existing community services providers;

(6) the ease of client transfer capability;

(7) the capacity of state schools to accommodate individuals transferred from a facility that may be identified for consolidation;

(8) the capacity of local community services providers to accommodate individuals served by each state school;

(9) identification of specialty programs and services available at each state school and whether those programs and services are available at other state schools or from local community services providers;

(10) the history of incidents of abuse, neglect, or exploitation in each state school and in community-based services;

(11) the economic impact of expanding community programs in the area of each state school, particularly in historically underserved areas of the state;

(12) the economic impact of potential consolidation of each state school; and

(13) any other relevant information as determined by the advisory committee.

(d) The advisory committee may solicit public testimony and input while performing the advisory committee's duties under this chapter.

Sec. 536.005. CONTENTS OF STRATEGIC PLAN. The strategic plan required by this chapter must:

(1) assess the need for services and supports based on current interest lists, national trends, best practices, consumer satisfaction surveys, and any other relevant data;

(2) prescribe methods to expand timely access to community-based services by:

(A) eliminating wait times for services of greater than two years;

(B) developing community-based provider capacity;

(C) improving and expanding positive behavioral supports in the community for adults and children; and

(D) applying "Money Follows the Person" methods of financing for individuals residing in state schools, state centers, or public or private ICF-MRs;

(3) analyze current utilization management methods for community-based services and determine necessary modifications to ensure more timely access to services;

(4) examine local access issues for community-based services and identify appropriate solutions;

(5) examine the current functional eligibility criteria, functional assessment tools, and service planning reimbursement methodology for the home and community-based services waiver system and determine appropriate methods to modify those protocols so individuals can access needed services, regardless of the program in which the individual is enrolled;

(6) prescribe methods to redesign the home and community-based services waiver system across all programs by:

(A) simplifying and streamlining the administrative, policy, and regulatory processes to the extent possible;

(B) ensuring that person-centered plans and philosophy match utilization review and utilization management methods and philosophy;

(C) permitting, to the extent allowed by federal law, flexibility in the development of an individualized service plan based on the needs of the individual rather than the individual's disability label or diagnosis;

(D) ensuring that an individualized service plan can be modified when the individual's support needs change; and

(E) implementing other strategies to streamline services for individuals with a disability who are eligible for waiver services;

(7) prescribe methods to improve services delivered to individuals in state schools and state centers;

(8) prescribe methods to reduce reliance on institutional placements of individuals;

(9) prescribe methods to improve the quality of services provided to individuals by:

(A) examining current methods and processes related to the quality of services and identifying which methods or processes:

(i) need further enhancements;

(ii) need to be developed; or

(iii) are effective and should be considered for implementation across all services;

(B) increasing oversight and accountability in community-based settings;

(C) developing an appropriate population of qualified direct services workers in the community who are appropriately compensated; and

(D) identifying quality measures, including timeliness of service delivery, number of individuals served, and types of services being received, and providing a process by which this information is reported to the legislature on an annual basis; and

(10) identify barriers to system reform and make recommendations to eliminate or address barriers to system reform,

including any necessary statutory amendment.

SECTION __. Not later than December 1, 2010, the Health and Human Services Commission shall submit the strategic plan required by Chapter 536, Government Code, as added by this Act, to the Governor, presiding officers of each chamber, and the members of the Senate Committee on Health and Human Services and the House Human Services Committee. The Commission must also post the strategic plan on the Commission's website.