

BILL ANALYSIS

C.S.S.B. 2407
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Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Individuals with intellectual and developmental disabilities may receive care in a variety of settings, such as large state-operated institutions known as state schools and in smaller community residential settings, including in their own homes. Issues such as quality of care, access to care, client and resident safety, and other concerns are brought before the legislature every session.

C.S.S.B. 2407 requires the development of a comprehensive strategic plan to improve services in state schools and in community settings using a clearly defined process that allows ongoing and meaningful statewide public involvement.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 2407 amends the Government Code to require the Health and Human Services Commission (HHSC) to create a strategic plan for the improvement of the services and supports available for individuals with disabilities, including individuals eligible for ICF-MR services. The bill requires HHSC to develop the plan using a clearly defined process that allows ongoing and meaningful statewide public involvement.

C.S.S.B. 2407 requires the strategic plan to assess the need for services and supports based on current interest lists, national trends, best practices, consumer satisfaction surveys, and any other relevant data; prescribe methods to expand timely access to community-based services by eliminating wait times for services of greater than two years, developing community-based provider capacity, and improving and expanding positive behavioral supports in the community for adults and children; analyze current utilization management methods for community-based services and determine necessary modifications to ensure more timely access to services; examine local access issues for community-based services and identify appropriate solutions; 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; prescribe methods to redesign the home and community-based services waiver system across all programs by simplifying and streamlining processes to the extent possible, ensuring that person-centered plans and philosophy match utilization review and utilization management methods and philosophy, permitting 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, ensuring that an individualized service plan can be modified when the individual's support needs change, and implementing other strategies to streamline services for individuals with a disability who are eligible for waiver services; prescribe methods to improve services delivered to individuals in

state schools and state centers; prescribe methods to improve the quality of services provided to individuals by examining current methods and processes related to the quality of services, increasing oversight and accountability in community-based settings, developing an appropriate population of qualified direct services workers in the community who are appropriately compensated, identifying quality measures, and providing a process by which this information is reported to the legislature on an annual basis; and identify barriers to system improvements and make recommendations to eliminate or address barriers to system improvements, including any necessary statutory amendment.

C.S.S.B. 2407 requires HHSC to submit the strategic plan to the presiding officer of the Senate Health and Human Services Committee and the House Human Services Committee not later than December 1, 2010.

C.S.S.B. 2407 establishes purpose and legislative intent, as well as the principles of self-determination, relating to the development of 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.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.S.B. 2407 omits provisions included in the original defining "department" as the Department of Aging and Disability Services (DADS), requiring DADS to contract with local mental retardation authorities regarding the community living options information process, adding a condition to the contract requirements, and establishing requirements for an annual report regarding the outcomes of the community living options information process to be submitted to HHSC and the interagency task force on ensuring appropriate care settings for persons with disabilities. The substitute omits provisions included in the original relating to the development of diversion protocols to prevent adults and children with mental retardation from being committed to a state school. The substitute differs from the original by requiring the development of a comprehensive plan to improve Texas' system of long-term services and supports for individuals with disabilities, whereas the original requires the development of a comprehensive plan to reform and rebalance Texas' system of long-term services and supports for individuals with disabilities. The substitute differs from the original by removing the specification, associated with the legislative intent that the system improve the quality of services delivered across programs and settings, that particular attention be given to services delivered to individuals in state schools and state centers.

C.S.S.B. 2407 omits provisions included in the original relating to the establishment and required duties of the strategic plan advisory committee. The substitute removes provisions included in the original requiring the strategic plan to apply "Money Follows the Person" methods of financing for individuals residing in state schools, state centers, or private ICF-MRs, to prescribe methods to reduce reliance on institutional placements of individuals, and to consider DADS' ability to reduce the number of state school residents. The substitute omits provisions included in the original regarding and relating to the transfer of case management for certain Section 1915(c) waiver programs to local mental retardation authorities, requiring that a person be recommended by an interdisciplinary team from a local mental retardation authority serving the county in which an application was filed in order to be admitted or committed into a residential care facility, and setting forth the policy of the state with regard to services in a state school.

C.S.S.B. 2407 omits provisions included in the original requiring HHSC and DADS to jointly

design a plan to implement a long-term services and supports capitated or noncapitated pilot program to serve individuals with intellectual or developmental disabilities. The substitute omits provisions included in the original requiring HHSC and DADS to jointly conduct a study regarding the effectiveness of certain requirements for admission and commitment to a residential care facility. The substitute differs from the original by removing the requirements that the strategic plan be submitted to the governor, the presiding officers of each chamber, and the members of the Senate Health and Human Services Committee and the House Human Services Committee and that HHSC post the strategic plan on HHSC's website.

C.S.S.B. 2407 omits a provision included in the original requiring that the executive commissioner of HHSC apply for or pursue certain waivers under Section 1915(c) of the federal Social Security Act and providing that the bill does not make an appropriation. The substitute differs from the original by changing the effective date of the bill from September 1, 2009, to on passage, or, if the bill does not receive the required vote, September 1, 2009.