

By: Rose

H.B. No. 1589

Substitute the following for H.B. No. 1589:

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C.S.H.B. No. 1589

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a strategic plan to reform long-term services and supports for individuals with disabilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. 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

1 services system of long-term care.

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

8 Sec. 536.004. CONTENTS OF STRATEGIC PLAN. The strategic
9 plan required by this chapter must:

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

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

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

17 (B) developing community-based provider
18 capacity;

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

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

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

27 (4) examine local access issues for community-based

1 services and identify appropriate solutions;

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

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

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

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

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

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

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

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

27 (8) 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

(9) identify barriers to system reform and make recommendations to eliminate or address barriers to system reform, including any necessary statutory amendment.

SECTION 2. 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 presiding officers of the Senate Health and Human Services Committee and the House Human Services Committee.

SECTION 3. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2009.