

By: Zaffirini, et al.

S.B. No. 2407

Substitute the following for S.B. No. 2407:

By: Rose

C.S.S.B. No. 2407

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a strategic plan to improve 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 improve 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 improved 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

1 community or in an institution;

2 (4) base service provision on functional need;

3 (5) simplify and streamline community-based services  
4 to ensure that, to the extent possible, all individuals have access  
5 to the same array of services regardless of an individual's  
6 disability;

7 (6) improve the quality of services delivered across  
8 programs and settings;

9 (7) strengthen oversight of community-based services;  
10 and

11 (8) increase the cost-effectiveness and  
12 sustainability of long-term care services and supports.

13 Sec. 536.002. PRINCIPLES OF SELF-DETERMINATION. For  
14 purposes of this chapter, "self-determination" includes the  
15 following principles:

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

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

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

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

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

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

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

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

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

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

16                       (B) developing community-based provider  
17 capacity; and

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

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

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

25               (5) examine the current functional eligibility  
26 criteria, functional assessment tools, and service planning  
27 reimbursement methodology for the home and community-based

1 services waiver system and determine appropriate methods to modify  
2 those protocols so individuals can access needed services,  
3 regardless of the program in which the individual is enrolled;

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

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

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

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

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

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

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

23 (8) prescribe methods to improve the quality of  
24 services provided to individuals by:

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

1                   (i) need further enhancements;  
2                   (ii) need to be developed; or  
3                   (iii) are effective and should be  
4 considered for implementation across all services;

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

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

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

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

18           SECTION 2. Not later than December 1, 2010, the Health and  
19 Human Services Commission shall submit the strategic plan required  
20 by Chapter 536, Government Code, as added by this Act, to the  
21 presiding officers of the Senate Health and Human Services  
22 Committee and the House Human Services Committee.

23           SECTION 3. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect September 1, 2009.