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## House Committee on Human Services

### Texas Council for Developmental Disabilities Written Comments on Interim Charge 4 September 25, 2020

*Interim Charge 4. Examine the long-term services and support system of care in Texas. Study workforce challenges for both institutional and community services, with a focus on home- and community-based services in the state's STAR+PLUS program. Review what impact funding provided by the 86th Legislature to increase the base wage for community attendant services and the increased funding for rate enhancements have on workforce retention and quality. Consider options to both stabilize and expand the workforce.*

Thank you for this opportunity to comment on the Committee's Interim Charges. My name is Linda Logan, and I am a Senior Public Policy Analyst with the Texas Council for Developmental Disabilities (TCDD). Established by state and federal law, TCDD is governed by 27 Governor-appointed board members, 60 percent of whom are individuals with developmental disabilities (DD) or family members of individuals with disabilities. The Council's purpose in law is to encourage policy change so that people with disabilities have opportunities to be fully included in their communities and exercise control over their own lives.

Texas has ranked 49th or 50th (out of 51) in every edition of *The Case for Inclusion* (ANCOR Foundation) since the report was first published in 2007, primarily due to the low level of funding for and limited number of people in community services. To truly support integration and employment, the State must place a greater emphasis on access to community services.

The State of Texas must allocate the requisite resources to support community living for people with disabilities. The increase of just a few cents in the base wage for community attendant services in 2019, after providing no increase in the previous legislative session, addresses neither the need for these services nor the budgetary consequences of having individuals lose community-based care due to

an unavailability of attendant services. An honest dialogue is needed between lawmakers and stakeholders about building community capacity and the true cost of service provision to build and maintain a long-term services and supports system.

The Promoting Independence Advisory Committee (PIAC), which was established in response to the *Olmstead v. L.C.* 1999 U. S. Supreme Court ruling, would provide such a forum for dialogue and information gathering. However, rules were recently proposed by the Texas Health and Human Services Commission to repeal the advisory committee. It would be timely to reconsider this repeal and to reinstate the PIAC to assist Texas in this important work.

### **Attendant Wages**

Across the board, attendant wages remain unacceptably low. In recognition of both the importance and difficulty of the labor involved, rates should be increased to support a living wage for all direct support professionals. It is ill-advised for the State to continue offering poverty wages for experienced direct support workers willing to work split shifts to assist people with intellectual and developmental disabilities with activities of daily living. While TCDD is speaking specifically to the system of services for persons with intellectual and developmental disabilities, the state must recognize that the broader system cannot be maintained without a strong direct support professional workforce.

Continuing a system of low wages among statewide direct support professionals without acknowledging the impact on associated quality measures, such as vacancies and turnover rates, is especially problematic during the ongoing Covid-19 pandemic. An adequate living wage is essential to combating turnover and attracting quality community-based attendants, particularly when an entry-level position at Buc-ee's is currently more lucrative. At the very least, community-based attendants should be paid at a level that is commensurate with institutional direct support providers, including benefits.

Attendant wages are the most integrated and least expensive service option used by individuals and families in the long-term services and supports system. Individuals with intellectual and developmental disabilities and their families have long expressed their concern that inadequate wages for this core service threatens the stability of long-term attendant care teams. Adequate support services must be available to people with disabilities so that they can remain in the community

rather than face inappropriate institutional placements. Without community-based attendants, some people will be forced to move to more restrictive, more expensive settings to receive needed support.

### **Expand Provider Qualifications**

Some Community First Choice (CFC) service recipients are granted more policy flexibility with respect to direct support provider qualifications and who they can hire to support them. With the exception of people using HCS and TxHmL waivers, adult waiver participants are allowed to pay a member of their household to be their attendant. In fact, this expanded flexibility was granted to HCS and TxHmL waiver participants for a short period in 2014, but it was subsequently rescinded. National caregiver studies estimate that more than 85 percent of individuals with developmental disabilities reside with and rely on their families for care. Expanding provider qualifications to allow adults equitable choice about whom they may employ as their attendant would make qualifications uniform across systems, as intended in the federal CFC regulations. This could also reduce the negative impact of low wages.

Thank you again for your time. Please do not hesitate to contact TCDD with any questions, or if we can provide any additional assistance.

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