

HB 843

HOUSE COMMITTEE ON INSURANCE

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Hearing Date: March 16, 2021 10:30 AM - or upon final adjourn./recess or bill referral if permission granted

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Katie Mitten

Texans Care for Children

Austin, TX

Support HB 843

Texas ECI Is Highly Effective for Kids With Disabilities

Early Childhood Intervention (ECI) is a federal-state program that contracts with community organizations to provide life-changing therapies and services to babies and toddlers with autism, Down syndrome, and other disabilities and developmental delays. Working with caregivers, ECI helps children learn to walk, communicate with their families, and meet other developmental goals — reducing the need for costly special education services. The program is particularly effective because it serves children during the rapid brain development that occurs prior to age three. Texas children of all incomes are eligible for ECI based on medical diagnoses or severity of developmental delays.

But Funding Cuts Led To Program Closures and Under-Enrollment

Over the last decade, state leaders cut ECI funding and Medicaid reimbursement rates for therapy providers. Programs have shuttered. Eligible babies and toddlers have gone without support. In response to public outcry, the 2019 Texas Legislature restored some ECI funding, but per child funding levels are still below previous levels and the state needs to maximize all funding sources.

Unlike Other States, Texas Does Not Require Private Insurance Companies To Cover Most ECI Services

In Texas, private insurance companies are not required to provide coverage for specialized skills training and case management for children with developmental delays. Medicaid Managed Care Organizations, on the other hand, are required to cover such services. Consequently, Texas disproportionately relies on state General Revenue and local funds raised by ECI contractors to cover costs of services for Texas children, including those with private insurance.

HB 843 Would Maximize Non-State Sources of Revenue for the ECI Program by Requiring Private Insurance Companies to Cover ECI Services

The Legislature understands that the ECI program needs to maximize all funding sources, as evidenced by Rider 98 from last session requiring HHSC to look at ways to maximize funding. Additionally, the Legislative Budget Board's 2017 Staff Report points out that private insurance offers an opportunity to stabilize costs of the ECI program and reduce pressure on state General Revenue funds. By requiring private insurance companies to cover ECI services, Texas would join other states, establish equity between private insurance companies and Medicaid Managed Care Organizations, and take an important step toward fiscal stability for an important early intervention program for Texas children.

Robin Greiner

Self/Retired Texas Public School Special Education Teacher/Case Manager

San Antonio, TX

During my 30+ years as a Special Educator, I saw first hand how quality early childhood education and interventions made a significant difference in children with varying special needs. Those children whose parents could afford quality early childhood interventions were further along in their skill development resulting in better cooperative and independence skills. A child and subsequent adult with better cooperation, self care, and independence skills is more employable and less expensive to care for in their lifetime.

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I have been involved in the care and care management of family members with special needs and have seen the same results from early childhood interventions: more cooperative, successful, happier individuals with special needs contributing to family, friends, and communities.

Lauren Gerken

Texas Council for Developmental Disabilities

Austin, TX

Chair Oliverson and Members of the Committee,

Thank you for taking the time to read my testimony on HB 843. My name is Lauren Gerken, and I am a Public Policy Analyst for the Texas Council for Developmental Disabilities (TCDD).

TCDD is established by state and federal law and is governed by 27 Governor-appointed board members, 60 percent of whom are individuals with developmental disabilities 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.

The Council identified Early Childhood Intervention (ECI) as one of its 2021 Public Policy Priorities, and adopted the following language in preparation for the current legislative session:

Address the gaps between state funding and the required services for a growing population of infants and toddlers who enroll in ECI. Support efforts to maximize and streamline funding for ECI in Texas by working collaboratively with other state agencies, ECI programs, and lawmakers. Support efforts to increase efficiencies within ECI by addressing continuing eligibility, engaging in state-specific research on ECI's long-term impact, and ensuring families are fully educated about available services, including Medicaid waiver interest lists.

In October of 2020, a federal investigation determined that the Texas ECI program is in violation of federal law by under-enrolling infants and toddlers because of the state's decrease in ECI funding over the last decade. In addition to increasing funding levels for ECI in House Appropriations, expanding insurance coverage for services through HB 843 would support Texas' efforts towards federal compliance. The bill will free up state and federal funding for other ECI program needs. When a service is not covered by insurance, individual ECI providers are forced to rely on state or federal funds to ensure a child gets the services they are entitled to receive. Other times, families may deny critical services because they cannot afford them, which has long-term negative fiscal impacts on Texas and developmental impacts on the child.

Additionally, Texas identified a significant need regarding its funding structures even before the federal government began its investigation. In the 86th legislative session, the state office for ECI received the Rider 98 mandate, which requires Texas ECI to explore ways to maximize state and federal funds. As the state office continues to research options, the Texas Legislature has a responsibility to support ECI's efforts and offer avenues --like better insurance coverage-- for efficiency while increasing access to vital services for babies and toddlers.

Thank you again for your time, and please feel free to use TCDD as a resource regarding ECI services.

Ariel Stolbun

Children's Defense Fund - Texas

Houston, TX

As an authorized representation of Children's Defense Fund - TX (CDF-TX), a nonprofit whose mission is to ensure a healthy, head, fair, safe, and moral start in life for all children, I would like to register CDF-TX's support of Representative Lopez's bill HB 843. Rehabilitative and habilitative services in early child are crucial for providing children the best possible outcomes in life. We believe the new requirements stipulated in this bill will help more families afford and access these necessary services for their children.

Alison Mohr Boleware, Government Relations Director

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Austin, TX

The National Association of Social Workers – Texas Chapter (NASW/TX) supports HB 843 (Lopez). HB 843 would allow more access to necessary therapies for young children to grow and thrive across the state through Early Childhood Intervention (ECI). Social workers know the need for these therapies and of the importance for teaching caregivers methods to provide more engaging care between therapy appointments. The program is particularly effective because it serves children during the rapid brain development that occurs prior to age three. Texas children of all incomes are eligible for ECI based on medical diagnoses or severity of developmental delays. However, Texas private insurance companies are not required to provide coverage for ECI services, leaving those expenses to Medicaid Managed Care Organizations and ECI contractors even when children are covered by private insurance. By passing HB 843, and requiring private insurance companies to cover ECI services, Texas would join other states, establish equity between private insurance companies and Medicaid Managed Care Organizations, and take an important step toward fiscal stability for an important early intervention program for Texas children.

Guillermo Lopez, Senior Director Any Baby Can ECI

Any Baby Can

Austin, TX

Early Childhood Intervention (ECI) is an effective federal-state program that contracts with community organizations, such as the Central Texas local programs, Any Baby Can, Easter Seals, Bluebonnet Trails, Camino Real which provide life-changing therapies and services to children under age three with autism, speech delays, Down syndrome, and other disabilities and developmental delays. Working with caregivers, ECI helps children learn to walk, communicate with their families, and meet other developmental goals — reducing the need for costly special education services. The program is particularly effective because it serves children during the rapid brain development that occurs prior to age three. Texas children of all incomes are eligible for ECI based on medical diagnoses or severity of developmental delays.

As the Senior Director of ECI at Any Baby Can, I am out and about in our community working with families. I often come across families whose child received services in our ECI program over the past 21 years and who tell me about their child's success story in school and peer relationships. Many Thanks are given!

Over the last decade, state leaders cut ECI funding and Medicaid reimbursement rates for therapy providers. Programs have shuttered. Eligible babies and toddlers have gone without support. In response to public outcry, the 2019 Texas Legislature restored some ECI funding, but per child funding levels are still below previous levels and the state needs to maximize all funding sources.

Then in October 2020, the U.S. Department of Education sent a letter to HHSC stating that Texas has fallen short of its federal obligation to ensure eligible children have access to ECI services. According to federal investigators, Texas has failed to adequately fund the ECI program and must take corrective action.

Unlike other states, Texas private insurance companies are not required to provide coverage for ECI services. Medicaid Managed Care Organizations, on the other hand, are required to cover such services. Consequently, Texas disproportionately relies on state General Revenue and local funds raised by ECI contractors to cover costs of services for Texas children, including those with private insurance.

The Legislature understands that the ECI program needs to maximize all funding sources, as evidenced by Rider 98 from last session requiring HHSC to look at ways to maximize funding. Additionally, the Legislative Budget Board's 2017 Staff Report points out that private insurance offers an opportunity to stabilize costs of the ECI program and reduce pressure on state General Revenue funds.

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Laura Marquez

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Early Childhood Intervention (ECI) is an effective federal-state program that contracts with community organizations, such as Paso del Norte Children's Development Center in El Paso to provide life-changing therapies and services to children under age three with autism, speech delays, Down syndrome, and other disabilities and developmental delays. Working with caregivers, ECI helps children learn to walk, communicate with their families, and meet other developmental goals — reducing the need for costly special education services. The program is particularly effective because it serves children during the rapid brain development that occurs prior to age three. Texas children of all incomes are eligible for ECI based on medical diagnoses or severity of developmental delays.

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