

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 1060  
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Health & Human Services  
4/30/2009  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Individuals with intellectual and developmental disabilities (I/DD) may receive care in a variety of settings, such as large state-operated institutions and state schools, smaller community residential settings, or their own homes. Texas spends \$1.5 billion per year to serve Texans with I/DD but the state's current infrastructure of services and support is imbalanced, as demonstrated by the waiting list that includes over 37,000 people, some of whom have waited over eight years, for community-based services.

Texas has almost twice the national average rate of institutionalization during a time when an increasing number of individuals with I/DD and their families are asking for help to stay in their homes and to live as productive, engaged members of their community. Adding to their concerns about living in state schools are recurring allegations and findings of abuse, neglect, and exploitation, including findings in 2008 by the U.S. Department of Justice that showed state school operations violated constitutional rights and failed to protect residents from harm. Maintaining 13 aging facilities for a declining census of residents limits the state's opportunities to provide the services and support Texans need.

This bill would require the development of a comprehensive strategic plan to reform and rebalance Texas' system of long-term care services and supports for people with disabilities across programs and settings. The plan must also prescribe a method that will result in consolidation and closure of an unspecified number of state school facilities through a reduction in state school placements, with a goal of meeting the national average utilization rate within eight years of the plan's submission.

C.S.S.B. 1060 amends current law relating to the creation of a strategic plan to reform long-term services and supports for individuals with disabilities.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subtitle I, Title 4, Government Code, by adding Chapter 536, as follows:

#### **CHAPTER 536. STRATEGIC PLAN REGARDING LONG-TERM SERVICES AND SUPPORTS FOR INDIVIDUALS WITH DISABILITIES**

Sec. 536.001. PURPOSE; INTENT. (a) Provides that 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) Provides that 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) Provides that 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. Sets forth the principles of "self-determination" for purposes of this chapter.

Sec. 536.003. CREATION OF STRATEGIC PLAN. Requires the Health and Human Services Commission (HHSC) to create a strategic plan for reform of the services and supports available for persons with disabilities, including individuals eligible for ICF-MR services. Requires HHSC to develop the plan with the input of the strategic plan advisory committee using a clearly defined process that allows ongoing and meaningful statewide public involvement.

Sec. 536.004. STRATEGIC PLAN ADVISORY COMMITTEE. (a) Provides that the strategic plan advisory committee is established to provide information and assist HHSC in the creation of the strategic plan under this chapter.

(b) Provides that the advisory committee is composed of certain members, appointed by the executive commissioner.

(c) Requires the advisory committee to study and make recommendations to HHSC regarding any issues the HHSC considers relevant in relation to certain factors relating to state schools.

(d) Authorizes the advisory committee to solicit public testimony and input while performing the advisory committee's duties under this chapter.

Sec. 536.005. CONTENTS OF STRATEGIC PLAN. Requires the strategic plan required by this chapter to address certain issues.

SECTION 2. Requires HHSC, not later than December 1, 2010, to 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. Effective date: upon passage or September 1, 2009.