



House Committee on Human Services

Department of Aging and Disability Services

Commissioner Adelaide Horn

February 26, 2009

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DADS Vision and Mission

Vision

Older Texans and persons with disabilities will be supported by a comprehensive and cost-effective service delivery system that promotes and enhances individual well-being, dignity, and choice.

Mission

To provide a comprehensive array of aging and disability services, supports, and opportunities that are easily accessed in local communities.

Overview of Services and Programs

- The Texas Department of Aging and Disability Services (DADS) provides long-term services and supports to a wide range of individuals. These populations include:
 - Individuals with physical disabilities
 - Individuals with intellectual/cognitive disabilities and related conditions
 - Individuals age 60 and older, their family members and other caregivers, who are eligible for services under the Older Americans Act
- The Department also regulates providers of long-term services and supports.

DADS Responsibilities

- DADS responsibilities fall into the following functional areas:
 - Access and Intake
 - Area Agencies on Aging
 - Mental Retardation Authorities
 - Regional and Local Services
 - Guardianship
 - Provider Services
 - Institutional Services
 - Community Services
 - State Schools
 - Regulatory Services
 - Licensing and Credentialing
 - Survey Operations
 - Enforcement Operations

Access to Long-Term Services and Supports

- Individuals interested in DADS' long-term services and supports can get information and begin the eligibility and assessment process through a variety of local access and entry points. These include:
 - Area Agencies on Aging (AAAs), whose services help older persons, their family members and other caregivers by providing information, benefits counseling and assistance in accessing community services.
 - Mental Retardation Authorities (MRAs) provide eligibility determination, assessments and assist consumers in accessing appropriate services and supports.
 - DADS Regional Offices for Long-term Services and Supports, where staff assist consumers with accessing appropriate services, complete assessments and determine eligibility for programs that provide alternatives to institutional placement.

DADS Long Term Services and Supports

DADS Services

- Medicaid Entitlements (Facility and Community)
- Medicaid Community Services 1915(c) Waivers
- Non-Medicaid Federally Funded Services (Title XX, Older Americans Act)
- General Revenue Funded Services
- Program of All-inclusive Care for the Elderly (PACE): a capitated model that features a comprehensive service delivery system and integrated Medicare and Medicaid financing for individuals 55 and over. Currently available in El Paso and Amarillo with a Lubbock site seeking approval to open the end of 2009.

Medicaid Entitlement

- States must serve all persons who meet eligibility requirements.
- Medicaid must pay for services included in the Medicaid State Plan.
 - **Community Entitlement Services include:**
 - Primary Home Care (PHC)
 - Community Attendant Services (CAS)
 - Day Activity and Health Services (DAHS)
 - **Facility Entitlement Services include:**
 - Nursing Facilities
 - Intermediate Care Facilities for Persons with Mental Retardation or Related Conditions (ICFs-MR/RC), including state mental retardation facilities

Note: Hospice is another entitlement service that may be received in a home, community, or long term facility setting.

Medicaid Community Services 1915(c) Waivers

- Waiver programs allow states flexibility in:
 - Scope of eligibility
 - Geographical location in which services are provided
 - Scope of services
 - Amount of services
 - Number of people served

Medicaid Community Services 1915(c) Waivers

- Medicaid Community Services 1915(c) Waivers:
 - Waive off of Nursing Facility (NF):
 - Community-Based Alternatives (CBA)
 - Integrated Care Management (ICM)
 - Star+PLUS
 - Medically Dependent Children Program (MDCP)
 - Waive off of ICF/MR:
 - Home and Community-based Services (HCS)
 - Community Living Assistance and Support Services (CLASS)
 - Deaf-Blind/Multiple Disabilities Program (DBMD)
 - Texas Home Living (TxHmL)
 - Waive off both NF and ICF/MR:
 - Consolidated Waiver Program (CWP)
- An individual can be enrolled in only one waiver program.

Non-Medicaid Funded Services

- Eligibility requirements vary by program.
 - **Services Funded with State General Revenue**
 - Access to services for persons with mental retardation (MR)
 - In-Home and Family Support (IHFS)
 - In-Home and Family Support Services for Persons with MR
 - Community Care Services for Persons with MR
 - Residential Community Care Services for Persons with MR
 - **Services Funded with Other Federal Dollars***
 - Community Services and Supports (Title XX Block Grant)
 - Older Americans Act Funding
 - Access and Assistance Services
 - Nutrition Services
 - Services to Assist Independent Living
 - Services for Caregivers



Guardianship

Guardianship

- Serves:
 - Individuals who are aging out of Child Protective Services (CPS) conservatorship and are incapable of managing their own affairs as an adult
 - Individuals referred by Adult Protective Services (APS) who have been abused, neglected or exploited
- Services include:
 - Managing the ward's living arrangements, estates, medical treatment, including extraordinary medical procedures, and funeral arrangements and disposal of property
- Services are provided directly by DADS staff and through contracts with local guardianship programs.



Regulatory Services

Regulatory Services

- The State of Texas requires that all providers of long-term services and supports be licensed or certified and in compliance with all licensure rules.
- Providers wishing to participate in Medicare and/or Medicaid programs must be certified and in compliance with federal regulations under Titles XVIII and/or XIX of the Social Security Act.

Regulatory Services

- DADS is responsible for regulating the following long-term services and supports providers:*
- 1,176 Nursing Facilities (licensure and certification)
- 871 ICF-MR/RC Facilities (licensure and certification)
- 1,523 Assisted Living Facilities (licensure)
- 437 Adult Day Care Facilities which may provide Day Activity and Health Services (DAHS) (licensure)
- 4,680 Home and Community Support Services agencies, including home health, hospice, and personal attendant services (licensure and certification)
- 553 Home and Community-Based Services Providers
- 169 Texas Home Living Waiver Providers

*As of January 2009.

Regulatory Services

- In addition to regulating providers, DADS administers licensing, certification and permit services for employability as:
 - Nursing facility administrators
 - Nurse aides
 - Medication aides
- Regulatory processes include:
 - Survey Process
 - Annual surveys of long-term services and supports facilities and agencies
 - Complaint investigations
 - Enforcement Process
 - Appropriate enforcement actions based on the scope and severity of identified problem areas
 - Appeals Process
 - If a provider disagrees with findings and/or recommendations made by a survey team, appeals processes provide due process review.



Self-Determination

Self-Determination

- Self-Determination is the ability for people to:
 - Control their lives
 - Reach goals they have set for themselves
 - Take part fully in the world around them
- Consumer Directed Services (CDS), a component of self-determination, allows for:
 - Increased control over services and supports
 - Increased control over the persons that provide services and supports
 - Informed-choice for decision making
 - Understanding the risks and benefits of decisions
- CDS is a service delivery option in which an individual or legally authorized representative (LAR) employs and retains service providers and directs the delivery of program services.
- It is one of the available options for certain services in the Medicaid Community Services 1915(c) waivers and Consumer Managed Personal Assistance Services, CAS, PHC and Family Care.



Promoting Independence and Money Follows the Person Initiatives

Promoting Independence Initiative and Plan

- The Texas Promoting Independence Initiative and Plan is in response to several key legislative actions, decisions, and state actions related to services for individuals with disabilities.
 - **The Americans with Disabilities Act (ADA) 1990**
 - Public entity must provide services in most integrated setting appropriate and make reasonable modifications to avoid discrimination.
 - **The Olmstead Supreme Court Decision 1999**
 - Unnecessary institutionalization of persons with disabilities in state institutions is unconstitutional under ADA; identifies conditions under which states must serve persons in communities rather than in institutions.
 - **Gov. Bush Executive Order GWB-99 in 1999**
 - Directs review of services and recommendations in light of Olmstead.
 - **S.B. 367, 77th Legislature, Regular Session, 2001**
 - Requires implementation of comprehensive plan to promote independence.
 - **Gov. Perry Executive Order RP-13 in 2002**
 - Additional direction for promoting independence in housing, employment, children's services and community waiver services.

Promoting Independence Initiative and Plan

- The Promoting Independence Plan and the subsequent Promoting Independence Initiative are far reaching in their scope and implementation efforts. They:
 - Serve as an analysis of the availability, application, and efficacy of existing community-based supports for people with disabilities.
 - Include all long-term services and supports and the state's efforts to improve the provision of community-based alternatives, ensuring these programs in Texas effectively foster independence and acceptance of people with disabilities and provide opportunities for people to live productive lives in their home communities.
- Original and revised plans are available online at:
 - http://www.dads.state.tx.us/providers/pi/independence_plan.html

Money Follows the Person Demonstration

- DADS is implementing several projects under an \$18 million federal initiative that will help Texans who are aging and/or have a disability move back into their communities from institutional settings.
- One of many initiatives under the demonstration is the voluntary closure of community ICFs/MR with nine or more beds. DADS:
 - Is working with community ICF/MR providers who voluntarily choose to close their facilities and change their business model; one facility with forty beds is currently in the process of closing.
 - Is working with individuals residing in these facilities to facilitate their choice between HCS and ICF/MR.
- The demonstration includes a pilot to support up to 50 participants per year who have mental illness or substance abuse diagnoses and want to relocate from a nursing facility to the community (11 individuals are enrolled with 10 pending).
- Texas is receiving enhanced Medicaid funding on 761 individuals who have enrolled in the Demonstration as of December 31, 2008.