

# FYI *Monthly e-News*

For Your Information – September 2011  
Texas Council for Developmental Disabilities

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The “FYI” is on the Internet at <http://www.txddc.state.tx.us/resources/publications/fyi/fyindex.asp>.

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## TEXAS UPDATE & OPPORTUNITIES FOR INPUT

### DADS Announces Process to Reduce Some Waiver Services

The Department of Aging and Disability Services (DADS) will send letters this month to individuals in four Medicaid waiver programs regarding potential reductions in services. This affects the Community Based Alternatives (CBA), Community Living Assistance and Support Services (CLASS), Home and Community-Based Services (HCS) and Medically Dependent Children Program (MDCP) waivers.

While many waiver participants will have no change, about 20 percent will face significant reductions starting in December. The Texas Legislature directed DADS to save \$31 million through various cost containment measures including spending caps and limitations on services.

The state budget for the next two years requires DADS to limit some services to the “90th percentile” in these four waivers. This means that some services will be limited to the highest level received by 90 percent of individuals on each waiver, unless an exemption is granted. CLASS specialized therapies (aquatic therapy, hippotherapy, therapeutic horseback riding, massage therapy, music therapy and recreational therapy) will be limited to the 75th percentile.

While everyone on the waivers will receive a letter about the reductions, people who will have a change in their service will also be called or contacted in person. If you have questions, contact the following:

<u>Waiver Program</u>	<u>Contact Person</u>
CBA	DADS case manager
MDCP	DADS case manager
CLASS	CLASS case manager
HCS	HCS program provider or service coordinator

*If you need services that exceed a limit, your service provider can apply for an exception to the cuts based on health, safety and welfare. Individual waiver participants cannot apply for the exception, so you must ask your provider to prepare and submit the request for an exception. If an exception request is denied, you have the right to file for an appeal through the Fair Hearing process for your waiver. The appeal must be filed within 15 days of the denial of the exception.*

More details on cost containments will be in the letters from DADS and posted on the [DADS website](#).



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## Eligibility Requirements Narrowed for Early Childhood Intervention

The state budget reduces funding for Texas' Early Childhood Intervention (ECI) program by 14 percent for the next two years. Because of this cut, children must have at least a 25 percent delay in one or more areas of development (motor, communication, cognition, social-emotional or self-help) to qualify for ECI based on a developmental delay. This new eligibility criteria became effective on Sept. 1, 2011, and only affects new participants. Children can also qualify for ECI based on having specific medically diagnosed conditions or an auditory or visual impairment.

Families currently enrolled in ECI will continue to receive services and have their eligibility re-determined at least annually, as required by federal regulations. Continuing eligibility is based on having a medically diagnosed condition, auditory/visual impairment or evidence of a developmental delay. For more details, go to the [ECI website](#).

## TDHCA Approves \$4 Million to Increase Home Accessibility

The Texas Department of Housing and Community Affairs (TDHCA) recently approved \$4 million for one-time grants for up to \$20,000 per home to increase accessibility and eliminate related hazardous conditions for individuals with disabilities. These grants are available through the [Amy Young Barrier Removal Program](#), which started in 2010 when \$1.9 million was awarded to nonprofit and local government entities to help renters and homeowners to improve accessibility. Eighty-one grants were awarded by late August 2011, averaging \$11,581 per home.

Individuals can apply for a barrier removal grant if:

- The renter, owner or a member of their household has disabilities;
- They are at or below 80 percent of the Area Median Family Income; and
- There is a local program/administrator in their community.

At least 75 percent of each grant must be used on barrier removal, such as installing ramps, grab bars, handrails, accessible door or faucet handles, and buzzing or flashing devices. No more than 25 percent of the funds (a maximum of \$5,000) can be used for related health and safety hazard removal, such as repairing the home's structure or electrical or plumbing systems.

To [search for local providers](#), click on the Home Repair box and enter your city or county. You can also call TDHCA's Housing Resource Center at 1-800-525-0657.

If there is no program in your community, you can advocate for a local organization to apply for it, such as your local housing authority, city or county, rural development agency, independent living center, area agency on aging or any other nonprofit serving people who are elderly or who have disabilities.

More details on this program and an application for organizations interested in operating a local program are on the [Amy Young Barrier Removal Program](#) page. For additional information on the program, contact TDHCA Housing Trust Fund Program Coordinator [Will Gudeman](#) or (512) 475-4828. If you would to talk about how you can advocate to bring the program to your area, contact TCDD Public Policy Specialist [Belinda Carlton](#) or (512) 437-5414 or 1-800-262-0334.

## HHSC Seeks Applicants for Council on Children and Families

The Texas Health and Human Services Commission (HHSC) is accepting applications for a public representative to serve on the Council on Children and Families. Applicants must be parents of children who have received services from either HHSC or one of the council's member agencies. The council meets four to six times per year. Committee meetings may also be required and can involve travel or telephone conferencing. Public representatives are not paid, but may be reimbursed for travel costs.

The council was created in 2009 to help coordinate health, education and human services systems by promoting a common vision, shared accountability and aligned allocation of resources for children and family community supports. To learn more about the council, go to the [council's website](#).

For an application, [email the Office for Program Coordination for Children and Youth](#). Applications are due by Oct. 7, 2011.

## News Briefs

### Report Explains How Social Service Block Grant Will Be Used

A new report explains how Texas plans to use [Title XX Social Services Block Grant funds](#) (SSBG) from Oct. 1, 2011 through Sept. 30, 2012. Five state agencies use these federal funds to provide specific services for low income and at risk groups. This includes a variety of programs coordinated by the Texas Health and Human Services Commission (HHSC), Department of State Health Services (DSHS), Department of Aging and Disability Services (DADS), Department of Family and Protective Services (DFPS) and Texas Workforce Commission (TWC). Some of the programs include mental health services for children, NorthSTAR behavioral managed care, day activities, residential care, special services to persons with disabilities, attendant services, and child and adult protective services. The report includes program goals, descriptions of services to be provided, the categories or characteristics of individuals to be served, and geographic areas to be served.

## FEDERAL UPDATE

### Applications for Social Security Disability Benefits Up 50 Percent

A new report predicts that the trust fund that supports Social Security disability benefits will run out of money by 2017 unless some changes are made to the program, leaving the program unable to pay full benefits unless Congress acts. Applications for Social Security's disability program have increased almost 50 percent compared to 10 years ago as people with disabilities lose their jobs and can't find new ones in the current economy, a Congressional report indicates. About 3.3 million people are expected to apply for federal disability benefits this year. That's 700,000 more than in 2008 and 1 million more than a decade ago.

About 13.6 million people receive federal disability benefits now. This includes 7.6 million receiving Social Security Disability Insurance (SSDI); 4.4 million receiving Supplemental Security Income (SSI); and 1.6 million receiving both. SSDI paid \$124 billion in benefits in 2010, and SSI paid \$48 billion. Meanwhile, the rise in applications has increased the backlog in processing them, "with many people now facing delays of two years — or more — before their cases are resolved," The Associated Press says.

More details on the [status of disability benefits](#) are available from Kaiser Health News.

### Medicare Program for Buying Equipment/Supplies Prepares to Expand

The Centers for Medicare and Medicaid Services (CMS) invited companies to submit bids next year for an expansion of Medicare's competitive bidding program for certain Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) into more parts of the country. Under this program, Medicare beneficiaries must order their equipment from a contracted provider in order for Medicare to pay for it. This includes oxygen supplies and equipment as well as wheelchairs, scooters and related accessories, and other items.

The program is currently in nine areas, including 12 counties in the Dallas/Fort Worth area. It is expected to expand into 91 more metropolitan areas across the country on July 1, 2013, including six in Texas. **These include the Austin-Round Rock, Beaumont-Port Arthur, El Paso, Houston-Sugar Land-Baytown, McAllen-Edinburg-Mission, and San Antonio areas**, based on specific zip codes. A competitive bidding process is expected to be nationwide by 2016. CMS is also conducting a national mail-order competition for diabetic testing supplies.

Lists of the specific products and zip codes to be covered under the expansion are on the [Competitive Bidding Implementation Contractor](#) website. More [details on the bidding process](#) are on CMS's website.

## Congressional Committee Contemplates \$1.5 Trillion in Budget Cuts

President Barack Obama signed a budget agreement on August 2, 2011, that will reduce federal spending by at least \$2.2 trillion over a decade while extending the nation's authority to borrow more money. The bill includes the first installment on spending cuts which amount to \$917 billion. It also established a new joint Congressional "Super Committee" to come up with \$1.5 trillion needed in additional reductions.

Members of this Joint Select Committee on Deficit Reduction were appointed in mid-August and directed to make recommendations on budget cuts before Thanksgiving. The House and Senate are to vote on these recommended cuts by Dec. 23. If the Committee fails to obtain agreement from a majority of its members or if Congress fails to approve Committee recommendations, automatic across-the-board spending cuts will be triggered for 2013-2021. These include cutting payments to Medicare providers by two percent.

The 12-member Super Committee is co-chaired by Rep. [Jeb Hensarling](#) (R-TX) and Sen. [Patty Murray](#) (D-WA). *The committee is creating a website and planning public hearings that will allow people to submit ideas regarding budget cuts.* [Frequently Asked Questions on the Super Committee](#) and potential impacts on Medicare and Medicaid are provided by Kaiser Health News. More information on the [super committee and budget cuts](#) is provided by The Arc/U.S.

In related news, the White House budget office directed federal agencies to find ways to reduce their budget requests for fiscal year (FY) 2013, which begins on Oct 1, 2012. According to an August 17, 2011, memo agency budget requests should be at least five percent less than each agency's budget for FY 2011. Agencies should also identify additional cuts that would reduce spending by 10 percent below the current level, while recognizing programs that deserve more money. Agencies are encouraged to concentrate on specific programs to avoid across-the-board reductions. Once these requests are received by the Office of Management and Budget, there will be several months of discussions before the Obama Administration prepares its budget request to Congress in early February 2012.

Weekly updates on federal news and the budget are online in the "[Washington Wire](#)" by United Cerebral Palsy/U.S. You can also sign up for the weekly "[Capitol Insider](#)" from The Arc/U.S.

## FCC Reinstates Video Description Rules for TV

On August 25, 2011, the Federal Communications Commission (FCC) released information on reinstating rules that require video description for some television programming. Video description is a spoken description of key visual elements that is inserted into natural pauses in conversation, which improves accessibility for individuals who are blind or visually impaired. The FCC adopted rules requiring video description in 2000, but those rules were struck down by a federal court in 2002. In 2010, Congress called for reinstating the rules on video description, with some modifications.

New rules require affiliates of ABC, CBS, Fox, and NBC in the top 25 market areas and cable and satellite television providers with more than 50,000 subscribers to provide video description. ABC, CBS, Fox, NBC, USA, the Disney Channel, TNT, Nickelodeon, and TBS are each required to provide 50 hours of video-described prime time or children's programming per calendar quarter. Full compliance is required by July 1, 2012. A [report on reinstating video description](#) is on the FCC website.

## COUNCIL NEWS

### TCDD Submits Proposed FY 2012-2016 State Plan

The Texas Council for Developmental Disabilities (TCDD) submitted its proposed State Plan for Fiscal Years 2012-2016 to the Administration on Developmental Disabilities in the U.S. Department of Health and Human Services on August 15, 2011. This Plan becomes effective Oct. 1, 2011. The Plan includes goals and objectives that describe how TCDD will use federal money to support the purpose of the federal DD Act. The State Plan is on [TCDD's website](#). TCDD sincerely thanks everyone who provided input on the draft State Plan.

## RESOURCES

### TCDD Spotlights Education, Housing Resources on Internet

TCDD is compiling [Internet Resources](#). A brief summary of resources added this month follows, which features additional resources on education and housing.

#### Education

- [Texas Organization of Parents, Attorneys and Advocates](#) works to assist people in securing appropriate and quality educational services for children with a disability. Local chapters in [Austin](#), [Beaumont](#), [Coppell](#), [Houston](#), and the [Rio Grande Valley](#).
- [Inclusive Schools Network](#) supports inclusive education worldwide.
- [Glossary of Education Terms](#)
- [It's a New IDEA](#) manual for parents and students about special education services in Texas.
- [Tips for More Productive ARD/IEP Meetings](#)
- [Overview of ARD meetings in Texas](#)
- [ARD Agenda and Details](#)
- [Texas Education Agency Commissioner's Rules on ARDs/IEPs](#)
- [TCDD's Resource Guide on Higher Education for People with Disabilities](#), updated in August 2011, includes resources on Preparing for Higher Education; Educational and Career Opportunities; Specialized Resources (Materials for Educators, Admissions Testing and Study Skills, College Costs and Financial Aid); Accommodations and Technology; and Information on Individual Colleges.

## Internet Resources *continued*

### Housing

- [Accessible and Affordable Housing Options](#)
- [Adaptable and Accessible Housing/Checklists](#)
- [Universal Design & Green Home Survey Checklist](#)
- [Designing Visitable Homes in Texas](#) (aXess Homes<sup>tm</sup>)
- [Step-By-Step Guide to Accessible Bathrooms](#) includes what to change, if you rent, finding a contractor and paying for modifications.
- [Fair Housing Accessibility FIRST Guidance](#) offers technical assistance sponsored by the U.S. Department of Housing and Urban Development (HUD) on accessibility requirements of the Fair Housing Act for new multifamily housing. Also call (888) 341-7781 or [email Fair Housing FIRST at contact@fairhousingfirst.org](mailto:email Fair Housing FIRST at contact@fairhousingfirst.org).
- [Directory of Accessible Housing in Bexar County](#)

### Health

- [Quality Care Finder](#) compares health care providers including doctors, hospitals, nursing facilities, home health agencies, health and drug plans, and equipment suppliers.
- [Find and Compare Hospitals](#)
- [Kids Well Texas](#) is a grassroots initiative to increase access to health care and build support for services for children and families.
- [National Kids Well Campaign](#) monitors health care reform and opposition nationwide and in Texas.

### Miscellaneous Disability Resources

- [Supporting the Social Well-Being of Children and Youth with Disabilities](#) publication. For one free print copy, call (612) 624-4512 or [email the Impact Publication Office](#).

## Conferences, Training and Other Disability Events

Information on conferences, training and other disability events is in the “[Training and Events](#)” section of TCDD’s website. *If you would like to suggest an addition to the events list, please send details to [Melissa Rosser](#).* Please note, however, that we do not include routine/monthly meetings or support groups in this list.

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**Got News?** Please send any information you would like to submit for the “FYI” to: Lucy Walker, Texas Council for Developmental Disabilities, 6201 E Oltorf, Ste 600, Austin, TX 78741-7509; 1-800-262-0334 or (512) 437-5415; (512) 437-5434 fax or by e-mail to [Lucy Walker](#). We’d especially like to hear about any advocacy opportunities, good resources, websites and conferences, etc.