

FYI *Monthly e-News*

For Your Information – November 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 Modifies Medicaid Waiver Services Review Process, Reductions

In response to stakeholder feedback, the Department of Aging and Disability Services (DADS) made a few modifications in its plans to reduce some services in four Medicaid waiver programs starting on Dec. 1, 2011. These cost containment measures affect the Home and Community-based Services (HCS), Community Living Assistance and Support Services (CLASS), Medically Dependent Children Program (MDCP), and the Community Based Alternatives (CBA) waivers.

Two modifications are:

- **Service limits will not be reduced in behavioral supports under the HCS and CLASS programs.**
- **A second level of review was added to the evaluation process followed in reducing services in all four waivers.** It will look at:
 1. Initial denials to Exception Requests. This will determine if additional information is available that supports the original request to exceed the new service caps.
 2. Voluntary service reduction requests. DADS will contact the individual or legally authorized representative and service provider to ensure the individual is fully aware of the exception process.

If DADS's final decision on an exception request is delayed beyond Dec. 1 because of the second level review, services will be continued at the current level until the final decision is issued.

Hydrotherapy Ending in CLASS Program

In related news, DADS plans to remove hydrotherapy from the list of specialized therapies available in CLASS program effective Nov. 30, 2011. DADS determined that individuals can receive similar benefits from other services such as physical, occupational, aquatic and massage therapy. CLASS case management agencies are contacting individuals now who receive hydrotherapy in order to review their needs and consider alternate interventions. More details on this reduction in services are in a letter to providers at <http://www.dads.state.tx.us/providers/communications/2011/letters/IL2011-134.pdf>.

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Medicaid Waiver Services *Continued*

Background on Wavier Reductions/Review

While many HCS, CLASS, MDCP and CBA waiver participants will have no change in services, about 20 percent face significant reductions. Individuals in all four programs who face potential reductions should have heard from their case manager or service provider by now. These reductions are part of an effort to save \$31 million through cost containment measures as required by the Texas Legislature.

More details on the cost containments, appeals process and how to file a complaint are in two presentations you can access from TCDD's website at <http://www.txddc.state.tx.us>: "*Service Cuts in Medicaid Waiver Programs*" and "*Justifying Your Services.*" These materials were created by The Arc of Texas; Disability Rights Texas; EveryChild, Inc.; and the Coalition of Texans with Disabilities in collaboration with the Texas Center for Disability Studies at The University of Texas at Austin; the Center on Disability and Development at Texas A&M University; and the Texas Council for Developmental Disabilities.

If you are having trouble with the review process or need help with an appeal, you can contact DADS Consumer Rights and Services at (800) 458-9858 (select option 3 for complaints regarding Waiver Services) or email CRSComplaints@dads.state.tx.us. You can also seek help from Disability Rights Texas' Intake Line at (800) 252-9108.

Speaker Straus R eleases House I nterim S tudy C harges

Between each legislative session, Interim Committees study key issues and make recommendations that are used in drafting legislation and making future decisions. These committees hold hearings and obtain public input, providing many opportunities to educate legislators about disability topics and your concerns.

House Speaker Joe Straus released many of his interim study charges for the House of Representatives committees on Oct. 20, 2011, as listed at <http://www.house.state.tx.us/media/pdf/interim-charges-82nd.pdf>. He also asked all House committees to "Find ways to increase transparency, accountability and efficiency in state government." Committee reports are due Dec. 1, 2012. Senate interim charges are not out yet.

A number of House charges will affect people with disabilities, including charges on the state budget; Medicaid; funding for mental health services; education including school discipline, positive behavioral models and monitoring the new testing program to measure student knowledge; health care and health insurance; and criminal justice plus commitments for individuals with mental disabilities. TCDD staff are working on a list of key interim charges and will post it on our Texas Legislature page at http://www.txddc.state.tx.us/public_policy/txlegis.asp.

Individuals who wish to provide input on any interim issues can submit written comments directly to the committee involved or attend hearings. A few House and Senate committees are meeting already. Schedules for House committee meetings are at <http://www.house.state.tx.us/schedules/committee-schedules>. Schedules for Senate Committee meetings are at <http://www.senate.state.tx.us/75r/senate/events.htm>. The Texas Legislature convenes again Jan. 8, 2013.

TEA Explains New Student Assessments, Accommodations

The Texas Education Agency (TEA) is continuing to develop and post information on the new statewide testing program to measure students' knowledge and skills, as well as accommodations for students with disabilities. Testing under the new State of Texas Assessments of Academic Readiness (STAAR) program -- which is replacing the Texas Assessment of Knowledge and Skills (TAKS) -- begins in March 2012.

The admission, review and dismissal (ARD) committees will determine which assessment is appropriate for each student with disabilities based on individual needs. A small number of students with disabilities will be eligible for STAAR Modified (for grades 3-9) and STAAR Alternate (grades 3-high school), which will replace TAKS-Modified and TAKS-Alternate. However, the transition will be phased in for high school students. This means that:

- Students in Grades 3-8 will take [STAAR](#), [STAAR-Modified](#) or [STAAR-Alternate](#).
- Students beginning 9th grade will take [end of course exams](#) (STAAR, STAAR Modified or STAAR Alternate).
- Students repeating 9th grade and in 10th grade+, will take [TAKS](#), [TAKS-Modified](#) or [STAAR-Alternate](#).
- Students in grades 3-11 who are eligible for an alternate assessment based on alternate academic achievement standards will take STAAR Alternate beginning in the 2011-2012 school year. TAKS-Alt will no longer be available.

The STAAR program for grades 3-8 will assess the same subjects and grades that are currently assessed on TAKS. However, grade-specific assessments in high school will be replaced with 12 end-of-course assessments: Algebra I, geometry, Algebra II, biology, chemistry, physics, English I, English II, English III, world geography, world history, and U.S. history.

Each decision to use an accommodation during a statewide assessment is made on an individual basis, considering the student's needs and regular accommodations. Some accommodations that are used in the classroom or on other tests will not be allowed during STAAR to ensure test integrity and security.

Information on STAAR, STARR Modified and STAAR Alternate is at <http://www.tea.state.tx.us/student.assessment/special-ed>. Details on testing accommodations are at <http://www.tea.state.tx.us/student.assessment/accommodations/staar-telpas>.

Hearings Planned in Austin, Dallas on Updating Mental Health Code

Open meetings on ways to improve the Texas Mental Health Code will be held in Austin on Nov. 15, 2011, and Dallas on Nov. 16. This code has not been substantially updated in about 25 years even though behavioral health care standards, practices and services have changed significantly. The hearings are created under a grant from the Hogg Foundation for Mental Health to study the code and recommend changes. A final report with recommendations on how to modernize the code will be produced for the Texas Legislature in July 2012. Details on the Austin hearing are at <http://events.r20.constantcontact.com/register/event?oeidk=a07e5275o4r081054b0&llr=6rbxs7dab>. Dallas details are at <http://blogs.utexas.edu/hogg/2011/09/20/upcoming-meeting-revising-the-texas-mental-health-code>.

News Briefs

State Warns of Scam Involving Medicaid Card

The Texas Health and Human Services Commission (HHSC) warns Texans with Medicaid coverage to be aware of a scam where a caller asks them to provide a bank account number and tries to sell them a replacement Medicaid card. The state recently replaced paper Medicaid IDs that were mailed monthly with a plastic “Your Texas Benefits” Medicaid card. People who lose their card can call the state for a free replacement. HHSC issued the warning after a Medicaid recipient reported that a caller said a replacement card would cost \$50 and asked for a bank account number. Medicaid recipients who receive similar calls are asked to call (800) 436-6184 and report it, along with the number the call came from.

TEA Preparing Model IEP Form

The Texas Education Agency (TEA) is preparing a model form that school districts can use in developing an individualized education program (IEP) for a student with a disability. This optional form will include IEP content that is required for all students with disabilities, as well as several supplemental sections that must be completed if applicable to the specific student. The form will be finalized by Dec. 1, 2011. Input on a draft form was due on Nov. 7. The IEP model is required under Senate Bill 1788 at <http://www.legis.state.tx.us/tlodocs/82R/billtext/html/SB01788F.htm>.

Limited Paratransit Services to Resume in 4 Austin Suburbs

Some individual with disabilities in Pflugerville, Cedar Park, Westlake and Rollingwood who need paratransit services have until Jan. 1, 2012, to apply for a new transportation program. People in these areas lost their paratransit services when each city withdrew from the Capital Metro taxing district. Under a bill passed by the Texas Legislature in 2011, Capital Metro is required to provide limited transportation services to eligible persons with disabilities who lived in one of these four cities when it withdrew from the tax district and who have continued to live in the city limits. The program, which has specific trip limitations, will end on Jan. 1, 2020. Details are at <http://www.capmetro.org/riding/MetroAccess-withdrawn-cities.asp>.

Judge Rules Haseeb Chishty Lawsuit Can Proceed

A judge ruled on Oct. 20, 2011, that Haseeb Chishty’s family can proceed with a lawsuit against the state of Texas. Haseeb was paralyzed during a beating in 2002 at the Denton State School (now called Denton State Supported Living Center). His mother filed a lawsuit in 2004 but it could not move forward without special legislation to allow the case because of government immunity protections. In 2009, the Texas Legislature passed a bill allowing the mom to sue the state of Texas, the facility and Texas Department of Aging and Disability Services. Gov. Rick Perry signed the bill. Now State District Judge Steve Burgess in Denton has given Mrs. Chishty more time to file a report needed to proceed with the case. The former care worker who admitted to beating Haseeb Chishty was sentenced to 15 years in prison.

FEDERAL UPDATE

13 New Compassionate Allowances Quickly Qualify for Disability Benefits

Thirteen more medical conditions involving the immune system and neurological disorders will be added to the list of Compassionate Allowances in December 2011 that, by definition, meet the Social Security Administration's standards for disability benefits. This will bring the total to 113 diseases and medical conditions that are fast-tracked. It allows Americans with the most serious disabilities to get their benefit decisions within days instead of months or years.

The new Compassionate Allowances cover the following conditions:

1. Malignant Multiple Sclerosis
2. Paraneoplastic Pemphigus
3. Multicentric Castleman Disease
4. Pulmonary Kaposi Sarcoma
5. Primary Central Nervous System Lymphoma
6. Primary Effusion Lymphoma
7. Angelman Syndrome
8. Lewy Body Dementia
9. Lowe Syndrome
10. Corticobasal Degeneration
11. Multiple System Atrophy
12. Progressive Supranuclear Palsy
13. The ALS/Parkinsonism Dementia Complex

Congress Examines Growth of Children's SSI

Based on concerns about the rising number of children on Supplemental Security Income (SSI) benefits program, the Government Accounting Office (GAO) presented a preliminary report to a House of Representatives subcommittee on Oct. 27, 2011. This report examines the increase in children receiving SSI benefits due to mental disabilities such as autism and attention-deficit hyperactivity disorder (ADHD) over the past decade; the role of medical evidence (such as using medication) in disability determinations; and the decrease in disability reviews to determine ongoing eligibility. SSI spends about \$9 billion per year for 1.2 million low-income children with disabilities nationwide. The GAO plans to issue its final report in April 2012. Preliminary findings are at <http://www.gao.gov/products/GAO-12-196T>.

Social Security Announces 3.6 Percent Benefit Increase for 2012

The Social Security Administration announced in October that monthly Social Security and Supplemental Security Income (SSI) benefits will increase 3.6 percent in 2012. The cost-of-living adjustment (COLA) will begin with the January 2012 benefit payments. For some beneficiaries, the increase in their Social Security benefit amount may be partially or completely offset by increases in Medicare premiums. More details are at <http://www.socialsecurity.gov/pressoffice/pr/2012cola-pr.html>.

COUNCIL NEWS

Interested in Serving on TCDD? 4 Positions Open Now

The Texas Council for Developmental Disabilities is a 27-member board appointed by the governor in keeping with state and federal laws. At least 60 percent of the Council's members must be persons with developmental disabilities, their parents or guardians, and other immediate relatives. TCDD currently has four positions available. If you are interested in serving on TCDD or other agency boards or advisory committees, please submit an application to the Governor's Appointments Office. More details on serving on TCDD are at http://www.txddc.state.tx.us/about_us/council/membership_how.asp.

Information on the appointments process and other positions the governor appoints are at <http://governor.state.tx.us/appointments>. The appointments staff is especially interested in recruiting qualified applicants who reflect the state's cultural, ethnic and geographic diversity.

Texas Tech Receives Grant to Help Students Navigate Higher Education

The Texas Council for Developmental Disabilities (TCDD) awarded funds to Texas Tech University in Lubbock for a five-year project that started Oct. 1, 2011. Project CASE (Connections for Academic Success and Employment) will offer students with developmental disabilities a wide array of supports and services to help them navigate the higher education system. It will assist students 18-25 years old in furthering their education, earning an academic degree or technical certification, exploring careers and pursuing competitive employment. Project CASE is a rural partnership of the Burkhart Center for Autism Education and Research; Texas Tech University; South Plains community college; the Department of Assistive and Rehabilitative Services (DARS); and local business partners. More details are at http://www.txddc.state.tx.us/grants_projects/includes/Texas_tech_release_09-2011.pdf. For information on all of the Council's projects, see the updated list of TCDD's Grant Project Profiles at http://www.txddc.state.tx.us/grants_projects/profiles/profiles.pdf.

RESOURCES

IDEA Manual Updated on Special Education Services in Texas

"IDEA, The Manual for Parents and Students about Special Education Services in Texas: 2012" was updated in September 2011. The manual is a joint project of The Arc of Texas and Disability Rights Texas (formerly Advocacy, Inc.). It covers federal and state laws including the Individuals with Disabilities Education Act (IDEA) last reauthorized in 2004, current federal regulations and state laws through the 2011 Texas legislative session. The revised manual is available in English and Spanish at http://www.thearcoftexas.org/site/PageServer?pagename=ARC_Idea and <http://www.disabilityrightstx.org>.

A limited number of print copies are available for individuals who do not work for a school district or agency and cannot access it online. To request a print copy, individuals can call (800) 252-9729 or e-mail rstatman@thearcoftexas.org. You can also check with your local Arc or Disability Rights Texas office or your local school district or Education Service Center to see if they have print copies.

TCDD Adds Entries on Guardianship & Alternatives, Plus More Links to Internet Resources Web Page

TCDD is compiling Internet Resources at <http://www.txddc.state.tx.us/resources/internetresources.asp>. A brief summary of resources added this month follows, including a new section on guardianship and alternatives to guardianship:

National Resources

- **Administration on Developmental Disabilities (ADD)** (<http://www.acf.hhs.gov/programs/add>)
- **ADD's DD Programs/Partners** (<http://www.acf.hhs.gov/programs/add/addprogram.html>)
Includes State Councils on Developmental Disabilities; Protection and Advocacy Agencies; and University Centers for Excellence in Developmental Disabilities; plus more.
- **Administration on Developmental Disabilities (ADD) Programs** (<http://www.acf.hhs.gov/programs.html>)
Includes Adoption/Foster Care; Child Abuse/Neglect; Child Care; Child Support Enforcement; Children, Youth & Families; Communities; DD/MR; Early Childhood Education; Head Start; Health; and more.

Texas Resources

- **Aunt Bertha resource directory** at <http://www.auntbertha.com>
Locates needs-based services such as food, health, housing, employment and education programs. Started in Central Texas. Expanding into Houston, San Antonio and other Texas cities.

Guardianship & Alternatives:

- **TCDD's Position Statement on Guardianship** at http://www.txddc.state.tx.us/public_policy/position/guardianship.asp
The Texas Council for Developmental Disabilities believes guardianship should be granted only if all other alternatives are insufficient, and only to the extent and length of time necessary, with annual reviews to determine if it can be terminated or reduced.
- **Guardianship for Texans with Disabilities** at http://www.disabilityrightstx.org/files/Guardianship_for_Texans_with_Disabilities.pdf
A general guide for persons considering guardianship for family members or friends, updated March 2011. Includes alternatives to guardianship.
- **Texas Guardianship Association** at <http://texasguardianship.org>
Non-profit dedicated to providing education and options regarding guardianship in Texas for professionals, families and volunteer guardians.
- **Guardianship and Alternatives for Students with Disabilities** at <http://texasprojectfirst.org/Guardianship.html>
- **Re-Thinking Guardianship** at <http://www.selfdetermined.org/images/PDF/guardianship.pdf>
- **A Texas Guide to Adult Guardianship** at http://www.dads.state.tx.us/news_info/publications/brochures/pub395-guardianship.pdf
Includes pros and cons of guardianship plus alternatives to guardianship.

Employment

- **"Direct Support: Working with People with Intellectual and Developmental Disabilities"** at <http://www.dads.state.tx.us/providers/jobpreview/index.html>
Department of Aging and Disability Services (DADS) video and related materials can help you decide if you would like a direct service job.

Continued on next page

Internet Resources *continued*

Education

- **Navigating College: A Handbook on Self Advocacy** at <http://www.navigatingcollege.org/download.php>
A step-by-step look at college life for students with autism. By adults with autism.
- **Healthy and Ready for College** at <http://www.thinkcollege.net/images/stories/Insight8.pdf>
Explores health care challenges in higher education and beyond for youth with intellectual disabilities. Includes a checklist on skills needed to manage health care.

Health

- **A Parent's Guide to Raising Healthy, Happy Children** at <http://www.raisingtexas.com/resources-2/early-child-guide>
Explores development, health, and safety from birth to age 5, including milestones, child care, social/emotional development, medical home, and more. Also in Spanish.
- **The Medicaid Reference Desk** at <http://www.thedesk.info>
National guide on Medicaid benefits, services and supports. Has state-by-state information on benefits, a glossary of terms, frequently asked questions, person-centered planning, and more.

Miscellaneous Disability Resources

- **Radio for the Blind** at <http://www.readingresource.org/radio.html> and **Reading & Radio Resource** at <http://www.readingresource.org>
For people who cannot read because of vision or physical impairments, learning differences, etc. Radio is online and broadcast in North Texas, including local/national news, serialized books, self-help and special programs such as cooking for people who are blind, handyman and employment.

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 at http://www.txddc.state.tx.us/training_events/training.asp. *If you would like to suggest an addition to the events list*, please send details to Lucy Walker at lucy.walker@tcdd.state.tx.us. Please note, however, that we do not include routine/monthly meetings or support groups in this list.

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@tcdd.state.tx.us. We'd especially like to hear about any advocacy opportunities, good resources, websites and conferences, etc.