

FYI *Monthly e-News*

For Your Information – October 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

Advocacy Groups Provide Information on Medicaid Waiver Service Cuts

Because some individuals in four Medicaid waiver programs face potential reductions in services starting Dec. 1, 2011, several disability organizations are working together to make sure people impacted are aware of their rights and the process to appeal reductions in services. This affects some Texans enrolled in 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) Medicaid Waiver Programs.

The cuts target higher cost service plans by setting new and much lower service caps on many services. These reductions will be made through an individual review process that goes through Nov. 30, 2011. Some individuals who will be impacted have been contacted already by phone or in person; others will be contacted soon. All service reductions are effective Dec. 1, unless recipients disagreed with their reductions and got an exception approved or they asked for a Medicaid fair hearing and are waiting for a hearing date or decision. While many waiver participants will have no change, about 20 percent will face significant reductions. The Department of Aging and Disability Services (DADS) is making these service reductions as part of an effort to save \$31 million through cost containment measures that were directed by the Texas Legislature this year.

Webinars on “*Service Cuts in Medicaid Waiver Programs: Who will be affected, how will cuts be implemented and what are your rights?*” and “*Justifying Your Services: How to Explain Your Service Needs*” **are scheduled on Oct. 10-11, 2011**, in English and Spanish. While the webinars are free, space is limited so registration is required.

The webinars will be hosted by The Arc of Texas; Disability Rights Texas; EveryChild, Inc.; and the Coalition of Texans with Disabilities in collaboration with 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.

Details on the webinars plus links to the registration form and presentation materials are on [TCDD's Medicaid Webinar page](http://www.txddc.state.tx.us/training_events/webinar.asp) at http://www.txddc.state.tx.us/training_events/webinar.asp. Also watch this page for information on access an archived video after the webinars after they are held.



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HHSC Drops Prescription Limit from 1115 Medicaid Waiver Plan; CMS/Texas Agree 'In Principle' on the Managed Care Proposal

The Health and Human Services Commission (HHSC) announced on Sept. 9, 2011, that it will no longer seek to limit prescriptions to three per month for adults receiving Medicaid Managed Care, as planned in an 1115 waiver proposal submitted in July. HHSC made this decision “after further consideration and consultation with stakeholders.” Thirty-five statewide organizations and 32 local and regional organizations from disability, faith-based, provider, hospital, physician and community groups signed a letter opposing the proposed limit on prescriptions. HHSC said it will consider other ways to achieve equivalent cost savings.

The following week, on Sept. 14, the Centers for Medicare and Medicaid Services (CMS) sent a letter to HHSC saying it agrees “in principle” with proposed 1115 Medicaid plan. While the letter did not promise a date for final approval, it indicated that it could come as early as Sept. 30. HHSC initially sought approval by Sept. 1. The letter from CMS gave Texas permission to move ahead with Phase I of the expansion. A copy of the 1115 letter is on the Kaiser Health News website at <http://capsules.kaiserhealthnews.org/index.php/2011/09/texas-and-feds-agree-in-principle-on-medicaid-overhaul>.

The 1115 proposal includes a statewide expansion of Medicaid managed care, creation of Regional Healthcare Partnerships, and transition to quality-based payment systems for managed care and hospitals. The waiver also includes plans to divert savings generated by the proposed changes into a pool to cover uncompensated care costs for hospitals and other providers. More details on the proposal are in the August “FYI” at <http://www.txddc.state.tx.us/resources/publications/fyi/fyiaug11/fyistate08-11.asp#texas1> and on the HHSC 1115 proposal web page at <http://www.hhsc.state.tx.us/1115-waiver.shtml>.

DSHS Seeks Input on Privatizing a State Hospital

The Department of State Health Services (DSHS) is holding a public hearing in Austin on Oct. 17, 2011, to obtain input on a proposal to privatize a state mental health hospital. The Texas Legislature requires DSHS to develop this proposal by Sept. 1, 2012. DSHS is especially interested in strategies to minimize harmful effects on residents and staff, as well as how to determine which hospital to privatize. More details are in the hearing announcement at <http://www.dshs.state.tx.us/mhsa-announcements>.

Hearing Planned in Dallas on Updating Texas Mental Health Code

An open meeting about ways to improve the Texas Mental Health Code will be held in Dallas on Nov. 16, 2011. This code has not been substantially updated in about 25 years even though behavioral health care standards, practices and services have changed significantly. The hearing is 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. Hearing details are on the foundation’s website at <http://blogs.utexas.edu/hogg/2011/09/20/upcoming-meeting-revising-the-texas-mental-health-code>. Updates on the MH code project and future meetings are posted on Facebook at <http://www.facebook.com/pages/Texas-Mental-Health-Code-Project/235205883184236>.

Texas Celebrates Persons with Disabilities History and Awareness Month

From the signing of the U.S. Declaration of Independence in 1776 to the battle for Texas' independence at the Alamo and modern times, people with disabilities have shaped our state, nation and world. This year, the Texas Legislature designated October as Persons with Disabilities History and Awareness Month to increase public awareness of the achievements of people with disabilities and encourage public understanding of the disability rights movement. See:

<http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=82R&Bill=HB3616>

Working with a variety of disability groups and state agencies, the Texas Governor's Committee on People with Disabilities compiled a variety of resources on the Texas Persons with Disabilities History and Awareness Month web page at http://governor.state.tx.us/disabilities/resources/disability_history. It includes photos, videos, timelines, school curriculum and other resources. We invite you to browse these resources and share them with others to increase disability awareness in your community.

Additionally, the Department of Assistive and Rehabilitative Services (DARS) Commissioner Debra Wanser announced that the state agency has started a year-long effort to increase awareness of disabilities and encourage understanding of the disability rights movement. The DARS Disability Awareness page at <http://www.dars.state.tx.us/disability/index.shtml> will provide information on a variety of disability issues. Every month, it will feature a different disability and the programs the agency provides to help Texans with that disability.

The Governor's Committee is also hosting a free week-long art display in the Texas Capitol Rotunda, Oct. 10-14, in celebration of National Disability Employment Awareness Month which is also in October.

People with Disabilities Shape Texas/U.S. Heritage

A Disability Timeline of Significant Events, 1776-2010, is provided by the Governor's Committee on People with Disabilities at http://governor.state.tx.us/files/disabilities/Texas_and_National_Disability_History_Timeline_1776_to_2010_with_People_First.pdf. Each day during October, the Governor's Committee on People with Disabilities publishes a "Disability History Factoid," featuring a person with a disability who has made significant contributions to our state and nation. To get the daily factoids and other news, go to the Governor's homepage (<http://governor.state.tx.us>), select the white "Email Updates" envelope and sign up for the "Disabilities Committee."

Some examples of people and events featured in the disability timeline follow.

- Many historians believe Stephen Hopkins, one of the signers of the U.S. Declaration of Independence, had a disability, possibly cerebral palsy. Hopkins is known for saying, "my hands may tremble, my heart does not."
- Irish-born Thomas William "Peg Leg" Ward had his right leg amputated after being hit by Mexican cannon fire in 1835, on his first day in Texas. Four years later he lost his right arm to cannon fire. Over three decades, he served as a military officer, three-time mayor of Austin, Texas land commissioner and other positions.
- In 1955, Criss Cole, who was blind, served in the Texas House of Representatives. In 1963, he served in the state Senate. In 1969, he became the President Pro Tempore of the Texas Senate.
- In 1979, the legislature recognized American Sign Language (ASL) as a language that may be taught in public schools or state colleges. Ten years later, public schools were allowed to give language credit for ASL. By 2004, 129 Texas schools offered ASL for foreign language credit.
- The movie Temple Grandin, filmed in and around Austin, won five Emmy Awards in 2010. The movie is about the most well-known and accomplished adult with autism in the world.

New Census Data Show Texas' Uninsured Rate Tops the Nation

Census data released in mid-September shows that in 2010, a greater portion of Texans are uninsured (24.6 percent) than any other state's residents. While more children have insurance, that is largely due to more children signing up for Medicaid and the Children's Health Insurance Program (CHIP). The data indicate that children continued to lose coverage through their parents' job-based insurance. The total number of uninsured Texans is 6.2 million people, roughly 250,000 fewer than in 2009. A complete data analysis at <http://cppp.org/research.php?aid=1134> is provided by the Center for Public Policy Priorities.

Census data also indicates the state's poverty rate was 18.4 percent, with 4.6 million Texans living in poverty, up 8.7 percent from 2009. The national average is 15.1 percent. Texas mirrored the rest of the nation by showing a decrease in median income to \$47,464 in 2010, a figure below the national median.

News Briefs

Position Open on Council on Children and Families; Input Wanted on Vision/Mission

The Texas Health and Human Services Commission (HHSC) extended the deadline for parents to apply to serve on the Council on Children and Families (http://www.hhsc.state.tx.us/about_hhsc/AdvisoryCommittees/Council.shtml). HHSC would also like feedback on draft council vision and mission statements. Applications and the feedback are both due by Oct. 14, 2011. Applicants must be parents of children who have received services from either HHSC or one of the council's member agencies.

DADS Terminates Consolidated Waiver Program, Dec. 31

The Department of Aging and Disability Services (DADS) will terminate the Consolidated Waiver Program (CWP) on Dec. 31, 2011, because it is no longer cost effective, as federally required. This Medicaid waiver program was created in Bexar County in the fall of 2001 as a pilot program to serve individuals eligible for the state's existing Medicaid waivers through a single program. Only a few individuals are still in the consolidated waiver, and they will be transferred to other Medicaid waivers.

SafePlace, Disability Rights Texas to Address Sexual/Domestic Violence Services

The Travis County Domestic Violence and Sexual Assault Survival Center (SafePlace) will receive \$500,000 to partner with Disability Rights Texas (formerly Advocacy, Inc.) in addressing obstacles women with disabilities face in accessing domestic violence and sexual assault services. Understanding these obstacles is important in developing services for women with disabilities who are victims of domestic violence, dating violence, stalking and sexual assault. The federal dollars are funded under the Disability Grant Program created by the Violence Against Women Act of 2005. For more details, see the press release on the grant at http://www.statesman.com/blogs/content/shared-gen/blogs/austin/charity/entries/2011/09/28/safeplace_wins_money_for_women.html?cxntfid=blogs_charity_chat or <http://tinyurl.com/44vg46m>.

Hogg Foundation Seeks to Reduce Restraints in Treatment Centers

The Hogg Foundation for Mental Health is funding a new statewide program to train direct-care workers at residential treatment centers on alternatives to seclusion and restraint practices which are often used to manage the behavior of children and youth. The three-year grant will make training, information and technical assistance available to all residential treatment centers in Texas, which can apply to get individualized services at their facilities. The project will be coordinated by the Texas Network of Youth

Services. More information on the project to reduce seclusion and restraint is on the Hogg Foundation's website at http://www.hogg.utexas.edu/detail/231/rtc_training_2011.html.

FEDERAL UPDATE

My Medicaid Matters; Congress Contemplates Budget Cuts



Disability advocates rally at the Texas Capitol, seeking to prevent cuts to Medicaid services.



As Congress continued to search for ways to reduce federal spending by at least \$2.2 trillion over the next decade, disability advocates gathered to send a message that “My Medicaid Matters.” Disability advocates met at the Texas Capitol on Sept. 21 to protest billions of dollars in proposed cuts to Medicaid, while another group gathered in El Paso. Additionally, individuals representing more than 90 national advocacy groups attended a rally in Washington, D.C. Many advocates also visited or contacted their representatives to communicate their message.



“Any future Medicaid reductions from the federal level will ripple down and will result in less health care, longer waiting lists for home and community services, more children not being covered and loss of thousands of jobs in Texas,” Bob Kafka explained to advocates in Austin.

Also in September, President Barack Obama released his plan to trim the federal deficit. He proposed cutting \$320 billion from projected spending on Medicare and Medicaid in the coming decade. This would include changing how the federal government pays health providers, lowering payments to drug companies, and changing the way Medicaid costs are split with the states. Medicaid was targeted for a \$73 billion decrease, with a \$248 billion decrease proposed for Medicare.

A joint Congressional “Super Committee” is working to find \$1.5 trillion in needed budget reductions. Members of this Joint Select Committee on Deficit Reduction were directed to make recommendations on budget cuts before Thanksgiving, with Congress voting on them by Dec. 23. If a plan is not approved, automatic across-the-board spending cuts will be triggered for 2013-2021. This would include cutting payments to Medicare providers by two percent.

Federal Benefits to Switch from C checks to E lectronic Payments Only

The U.S. Department of the Treasury announced in September that it will stop sending paper checks for federal benefit payments by March 1, 2013. People who receive Social Security, Supplemental Security Income or other federal benefits -- whether for themselves or on behalf of someone else -- must switch to an electronic payment by that date.

The Treasury Department recommends using either:

- 1) Direct deposit where money goes into your checking or savings account; or
- 2) Direct Express Debit MasterCard where benefits are posted to a prepaid debit card each month.

To switch to an electronic payment, individuals who receive federal benefit checks can visit the Treasury Department's Go Direct website at <http://www.godirect.org> or call the U.S. Treasury Electronic Payment Solution Center at (800) 333-1795.

DOJ asks Supreme Court to Hear L argest Suit on Healthcare R eform

On Sept. 28, 2011, the Obama administration asked the U.S. Supreme Court to hear and rule on a legal challenge to the healthcare reform law. The Department of Justice (DOJ) filed a brief urging the court to act on the lawsuit filed by 26 state attorneys general and the National Federation of Independent Business. Some people have speculated that if the Supreme Court takes the case, it will likely rule by June 2012, a few months before the presidential election. The issue revolves around whether Congress can use its power to "regulate commerce" to require that all Americans with taxable income have health insurance by 2014.

The Justice Department is appealing a decision from the 11th U.S. Circuit Court of Appeals, which ruled that Congress did not have the authority to require that most people buy insurance. Several lawsuits have also been filed against other mandates.

President Obama Signs R eauthorization of C ombating Autism Act

President Barack Obama signed the Combating Autism Reauthorization Act of 2011 on Sept. 30, extending the original act for three more years. It calls for \$231 million annually through 2014 to fund autism research, training, prevalence tracking, and early identification and intervention programs. This bill is basically the same as the original law enacted in 2006. This includes funding to educate professionals about proper screening, diagnosis and intervention for children with autism spectrum disorder (ASD) as well as many other developmental disabilities. It also funds ASD research and surveillance.

COUNCIL NEWS

TCDD Public Policy and Grants Management Director Jobs Open

The Texas Council for Developmental Disabilities (TCDD) is accepting job applications for its Public Policy Director and its Grants Management Director through Oct. 22, 2011.

The **TCDD Public Policy Director** (http://www.txddc.state.tx.us/about_us/staff/openings2.asp) manages public policy and public information activities; supervises the analysis of public policy issues and develops recommendations for Council review; coordinates input on public policy disability issues; and organizes development of the TCDD Biennial Disability Report. (Manager IV-cc800-2469-B25-1603-TCDD)

The **TCDD Grants Management Director** (http://www.txddc.state.tx.us/about_us/staff/openings3.asp) coordinates development of TCDD-funded grant projects including monitoring procedures, workplan and budget creation, and ongoing monitoring and technical support necessary to comply with federal, state and TCDD requirements. TCDD annually awards approximately \$3.6 million to 25-30 projects across Texas. (Manager IV-cc800-2466-B25-1603-TCDD)

Applicants should have at least six years of experience in the respective areas. Supervisory experience is preferred. Salary ranges are \$5,104.50 to \$6,635.92 monthly. Both positions are part of the State of Texas compensation package at <http://sao.hr.state.tx.us/Compensation/totalcompensationpackage.html>. View job descriptions and how to apply at http://www.txddc.state.tx.us/about_us/staff/openings.asp.

Gov. Perry Appoints 3 TCDD Members

Gov. Rick Perry appointed one new member and reappointed two individuals to the Texas Council for Developmental Disabilities (TCDD). Their terms expire Feb. 1, 2017.

New Council member Gladys Cortez of McAllen is an administrator at Mission Rehabilitation Services and has a sibling with developmental disabilities. She is a member of Leadership Mission, Valley-ICAN and The University of Texas Pan American (UTPA) Deaf Rehabilitation Club. Cortez is also a past member of the UTPA American Sign Language Club and a volunteer with the Rio Grande Valley Special Olympics. She has a bachelor's degree and is currently pursuing a master's degree in general rehabilitation counseling from The University of Texas Pan American. Cortez replaces Marcia Dwyer whose term expired.

Kristine Bismeyer of San Antonio is a sales representative for Smith and Nephew Orthopedics. She is a past member of the American Cancer Society of San Antonio and San Antonio Junior League, and past vice president of fundraising for the San Antonio Symphony League. She is also a former swim coach for the San Antonio Special Olympics and past volunteer fundraiser for the Witte Museum Game Dinner. Bismeyer has a bachelor's degree from The University of Texas at Austin. She has served as a parent on the Council since February 2000.

Jose (Joe) Rivas of Denton is an adjunct instructor at North Central Texas College and Eastfield College, and a certified rehabilitation counselor. He is an attendant care training specialist and wrote two training manuals for individuals who recruit or want to be caregivers. Rivas received an associate degree and a master's degree in rehabilitation counseling from the University of North Texas. He has served as a self-advocate on the Council since December 2002.

Information on other Council members is on TCDD's Council Membership page at http://www.txddc.state.tx.us/about_us/council/membership2.asp.

4 Advocacy/Leadership Projects Start

The Texas Council for Developmental Disabilities (TCDD) awarded funds for four leadership development and advocacy training projects that started Oct. 1, 2011. These two-year grants will expand the impact of advocacy projects that TCDD previously funded under other requests for proposals. Final details are being worked out on several other grant projects and a variety of other proposals will be reviewed soon.

The grants were awarded to:

- **Brighton School, Inc., San Antonio**
To expand the Parent Alliance for Learning and Support (PALS) Program. During the first year, PALS will provide training for 200 parents of children with disabilities on general advocacy and the Individuals with Disabilities Education Act (IDEA); 60 young adults with disabilities in self-advocacy; and 40 professionals/community members in general advocacy.
- **Imagine Enterprises, Abilene**
To train six graduates of Imagine's youth leadership program to become peer-to-peer trainers. They will instruct 50 more individuals, 16-22 years old, to be peer mentors for other youth in Abilene and the surrounding counties. Imagine is partnering with three other groups in this project: the Betty Hardwick Center; Region 14 Education Service Center; and the Not Without Us Center for Independent Living.
- **Paso del Norte Children's Development Center, El Paso**
To add a parent-to-parent mentoring component to the Leadership Academy for Families. This includes recruiting 40 more families to participate in the academy, expanding community outreach, and helping parents learn how to advocate for services children with disabilities need.
- **Region 19 Education Service Center, El Paso**
To provide advanced leadership development and advocacy building activities for youth with disabilities, ages 16-21, who need continued support and advanced training to participate in school and community organizations. Paso del Norte partners with Region 19 on this project. They will also develop a peer-to-peer mentoring program for youth with disabilities.

For more details on all of the Council's projects, see TCDD's Grant Project Profiles:
http://www.txddc.state.tx.us/grants_projects/profiles/profiles.pdf.

RESOURCES

TCDD Adds More Entries to Internet Resources Web Page

TCDD is compiling Internet Resources (<http://www.txddc.state.tx.us/resources/internetresources.asp>). A brief summary of resources added this month follows:

- **Social Security Disability Help** (<http://www.socialsecurity-disability.org>)
Information and assistance to individuals interested in filing a disability claim for Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) benefits.
- **Social Security Disability Benefits/Resources & Offices in Texas** (<http://www.socialsecurity-disability.org/social-security-disability-locations/texas>)
Provides links to Social Security Disability resources; lists offices that process disability applications.
- **HUD Approved Housing Counseling Agencies in Texas** (<http://www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm?webListAction=search&searchstate=TX>)
Agencies that can provide advice on buying a home, renting, defaults, foreclosures and credit issues.
- **Search for an Affordable Apartment in Texas** (<http://www.hud.gov/apps/section8/step2.cfm?state=TX%2CTexas>)
- **Texas Housing Counselor** (<http://texashousingcounselor.org>)
Helps determine affordable housing options in Texas and which programs are best for an individual. Also links to state and federal housing programs.
- **Texas Tenants Advisor** (<http://www.texastenant.org>)
General information about renters' rights, including preventing problems and how to fight back. Links to Austin, Dallas and Houston Tenant organizations plus legal aid organizations.
- **Access Texas Housing** (<http://accesstexashousing.org>)
Search for accessible housing in Texas.
- **Affordable Housing Resources** (<http://www.dads.state.tx.us/providers/pi/housing.html>)
Compiled by the Department of Aging and Disability Services (DADS).
- **Texas State Affordable Housing Corporation** (<http://www.tsahc.org/home/default.php>)
Serves low-income Texans who do not have housing options through normal financial channels, including First Time Homebuyer programs.
- **Low-Income Assistance Paying for Telephone Services** (<http://www.lifelinesupport.org>)
Lifeline helps pay for basic phone service. Link-Up reduces the cost of starting phone service.

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 Melissa Rosser at melissa.rosser@tcdd.state.tx.us. Please note 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 at lucy.walker@tcdd.state.tx.us. We'd especially like to hear about any advocacy opportunities, good resources, websites and conferences, etc.