DADS Vision and Mission

• Vision
  Ṣ 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
  Ṣ 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:
  ð Individuals with physical disabilities
  ð Individuals with intellectual and developmental disabilities
  ð Individuals age 60 and older, their family members and other caregivers, who are eligible for services under the Older Americans Act

• Long-term services and supports are services to meet an individual’s health or personal care needs over an extended period of time and may include:
  ð Assistance with bathing, toileting, dressing, eating
  ð Meal preparation
  ð Relief for caregivers
  ð Home modifications and repairs
  ð Transportation
  ð Adaptive aids
  ð Nutrition services such as home delivered meals or meals at senior centers
  ð Services at licensed facilities

• DADS also regulates providers of long-term services and supports.
Demographics

• Aging – a key trend affecting Texas. Texas: third-largest population of older adults (60+) in U.S.
  Ŷ By 2020, older adults to comprise almost 19% of Texas population; were less than 13% in 2000.
  Ŷ Older population expected to increase 50% between 2010 and 2020; age 85+ to increase 54% by 2025.
  Ŷ Aging population will increase number of people with disabilities, chronic health conditions - impacting state’s health and human services system.

• Texas has second largest population of people with disabilities, with estimated 3 million living in the community with one or more disabilities.
  Ŷ Among adults 18-64, 10% have a disability; among adults 65+, 41% have a disability.
  Ŷ Approximately 133,000 have significant intellectual disability; potentially eligible for DADS services.
DADS Organization

• DADS is organized into three main functional areas:
  ã Access and Intake
    • Area Agencies on Aging
    • Local Authorities
    • Community Services and Program Operations
    • Guardianship Services
    • Community Services Contracts
    • Utilization Management and Review
  ã Regulatory Services
    • Licensing
    • Survey
    • Enforcement
  ã State Supported Living Centers
Access to Long-Term Services and Supports

- Individuals can obtain long-term services and supports through a variety of local access and entry points.
  - Area agencies on aging (AAAs) help individuals who are older, their family members and other caregivers by providing:
    - information
    - benefits counseling
    - assistance in accessing community services
  - Local authorities help individuals with intellectual or developmental disabilities by:
    - providing eligibility determination
    - completing assessments
    - assisting in accessing appropriate services and supports
  - DADS community services regional offices help individuals who are older and those with physical disabilities by:
    - determining eligibility for programs that provide alternatives to institutional placement
    - completing assessments
    - assisting with accessing appropriate services
Medicaid Entitlement

• “Entitlement” means the federal government does not, and a state cannot, limit the number of eligible individuals who can enroll in the program. Each individual who meets eligibility requirements must be served, and Medicaid must pay for any service included in the Medicaid State Plan.

• States are not allowed to establish interest lists for entitlement services.
Medicaid Entitlement

The long-term services and supports Medicaid entitlements in the State Plan include both institutional and community-based services.

• Institutional entitlements:
  Ŷ Nursing facilities
  Ŷ Intermediate care facilities for individuals with an intellectual disability or related condition (ICF/IID) – includes state supported living centers
  Ŷ Hospice services received in a home, community or facility setting

• Community-based entitlements:
  Ŷ Primary Home Care (PHC)
  Ŷ Community Attendant Services (CAS)
  Ŷ Day Activity and Health Services (DAHS)
  Ŷ Targeted Case Management
Medicaid Community Services 1915(c) Waivers

Federal laws and regulations provide flexibility for states to design waiver programs to address the needs of a specific population.

• A “waiver” is an exception to the usual Medicaid requirements, granted to a state by the Centers for Medicare and Medicaid Services (CMS), usually to provide services in an individual’s home or community-based setting, rather than an institution.

• A state’s authority for waivers comes from the Social Security Act.

• A state must ensure overall cost neutrality of a waiver compared to the cost of the institutional entitlement.
Medicaid Community Services Waivers

• Medicaid community services waiver programs:
  Ṣ Three waive off nursing facility eligibility:
    • STAR+PLUS
    • Community Based Alternatives (CBA)
    • Medically Dependent Children Program (MDCP)
  Ṣ Four waive off ICF/IID eligibility:
    • Home and Community-based Services (HCS)
    • Community Living Assistance and Support Services (CLASS)
    • Deaf Blind with Multiple Disabilities (DBMD)
    • Texas Home Living (TxHmL)

• Waiver programs are administered by DADS, with the exception of Youth Empowerment Services (YES), which is a 1915 (c) waiver administered by the Department of State Health Services (DSHS), and STAR+PLUS, which is an 1115 waiver administered by HHSC.

• An individual can be enrolled in only one 1915 (c) waiver program. Legislative appropriations determine the availability of waiver services.
Other Services

- Eligibility requirements vary by program.
  - Services funded with other federal dollars*:
    - Community Services and Supports (Title XX Block Grant)
      - Adult foster care
      - Consumer managed personal attendant services
      - Day activity and health services
      - Emergency response services
      - Family care
      - Home delivered meals
      - Residential care
      - Special services for persons with disabilities
    - Older Americans Act funding
      - Access and assistance services
      - Nutrition services
      - Services to assist independent living
      - Services for caregivers
  - State funded services
    - In-Home and Family Support (IHFS)
    - Individuals with an intellectual disability community services

*Services may be funded in part by general revenue
DADS Guardianship Program

• DADS is directed to provide services to individuals who are:
  Ŷ Referred by Adult Protective Services and determined by a court to lack capacity;
  Ŷ Aging out of Child Protective Services conservatorship who are incapable of managing their own affairs as determined by a court with probate authority;
  Ŷ Referred by a court with probate authority in certain circumstances, which includes persons who:
    • Appear to need a guardian and a joint agreement is reached between the court and DADS; or
    • Are wards of the court and located more than 100 miles from the court that created the guardianship and no other individual or entity is available to serve as guardian - limited to 55 annually.
DADS Guardianship Services

• Services include managing the ward’s:
  ᵃ ᵃ living arrangements
  ᵃ ᵃ estates
  ᵃ ᵃ medical treatment
  ᵃ ᵃ funeral arrangements
  ᵃ ᵃ disposal of property

• Services provided directly by DADS staff and through contracts with local guardianship programs

• Number of active guardianships as of August 2012:
  ᵃ 1,366
  ᵃ 924 served directly by DADS staff
  ᵃ 442 served by contract guardianship providers

• DADS must limit its guardianship services to individuals who can fund their own needs
Regulatory Services

• DADS is responsible for regulating the following long-term services and supports providers*:
  Ŷ Nursing facilities – 1,215 (licensure and certification)
  Ŷ Intermediate care facilities - 861 (licensure and certification)
  Ŷ Assisted living facilities – 1,723 (licensure)
  Ŷ Adult day care facilities – 498 (licensure)
  Ŷ Home and community support services agencies – 6,063 (licensure and certification)
  Ŷ Home and Community-based Services waiver providers - 706
  Ŷ Texas Home Living waiver providers -277

*As reported in the FY2012 Annual Report
State Supported Living Centers

- DADS operates state supported living centers (SSLCs), which are certified as providers of Medicaid-funded services in the ICF/IID program.
- SSLCs provide residential services and supports for approximately 3,700 persons with intellectual disabilities at 13 locations:
  - Abilene
  - Austin
  - Brenham
  - Corpus Christi
  - Denton
  - El Paso
  - Lubbock
  - Lufkin
  - Mexia
  - Richmond
  - Rio Grande*
  - San Angelo
  - San Antonio

*Note: The Rio Grande State Center is operated by the Texas Department of State Health Services and provides ICF/IID services through a contract with DADS.*
Department of Justice (DOJ) Settlement Agreement

- 2009 - state of Texas entered into a settlement agreement with the Department of Justice to make broad system improvements to SSLCs and the ICF/IID component of the Rio Grande State Center

- Three monitoring teams jointly selected by parties and approved by the court. The teams:
  - Conduct onsite reviews every six months
    - Sixth round of reviews begins in March 2013
  - Issue a report approximately 45 days after the onsite review

- The most recent monitor’s report for each facility is posted on the DADS website at: http://www.dads.state.tx.us/monitors/reports/index.html
DOJ Settlement Agreement, Cont.

• DOJ settlement agreement:

  ṭ All 13 centers making steady, sustained progress toward full compliance as care and services to residents continue to improve

  ṭ Significant improvements still needed before full compliance is achieved in all areas

  ṭ Goal to establish systemic, long-term changes to address increasingly complex behavioral and medical needs
DADS Initiatives
Promoting Independence Initiative and Plan and Money Follows the Person Demonstration

• Texas Promoting Independence Initiative: a response to *Olmstead* Supreme Court Decision (1999); addressed individual’s right to choose where to receive long-term services and supports. Governors’ Executive Orders and legislation support the initiative.

• DADS also participates in federal Money Follows the Person Demonstration; receives enhanced federal funding to assist Texans with disabilities, and those who are aging, to move from institutions to community settings.

• Texas program includes pilot projects to remove barriers to individuals with complex needs moving back to their community.
Money Follows the Person Demonstration Projects

• Four of the more notable pilots include:
  Ŷ Voluntary closure of 11 large ICF/IID facilities
  Ŷ Behavioral health pilot - a collaboration with DSHS and HHSC:
    • Addressing substance abuse and mental health issues in Bexar County and Austin
    • Approximately 240 individuals have moved into the community with these services
  Ŷ Funding for 24 transition specialists at SSLCs to assist individuals who want to move to a community setting
  Ŷ A collaboration pilot involving the Austin SSLC and three local authorities to enhance transition planning for individuals moving from the SSLC to a community setting
Balancing Incentive Program (BIP)

- 2% enhanced Federal Medicaid Assistance Percentage (FMAP) through September 2015 to increase community based long-term services and supports

- State must implement the following structural requirements:
  - “no wrong door” eligibility and enrollment system
  - core standardized assessment instruments
  - conflict-free case management activities

- By October 2015, the state must spend more than 50% of Medicaid long-term services and supports funds on community based services

- Additional FMAP must be used to improve access to community based long-term services and supports
BIP – Rebalancing Activities

- Statewide, coordinated “no wrong door” system
- Behavioral Intervention Teams to help individuals with challenging behaviors and mental illness avoid institutional placement
- Electronic health/life records for individuals with intellectual and developmental disabilities
- New standardized assessment instrument for individuals with intellectual and developmental disabilities
DADS Exceptional Items
## Summary of Exceptional Items

<table>
<thead>
<tr>
<th>Agency Exceptional Items</th>
<th>FY 2014 GR-Related</th>
<th>FY 2014 ALL FUNDS</th>
<th>FY 2015 GR-Related</th>
<th>FY 2015 ALL FUNDS</th>
<th>Biennium GR-Related</th>
<th>Biennium ALL FUNDS</th>
<th>FTEs FY14</th>
<th>FTEs FY15</th>
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<td>HB 1 Introduced</td>
<td>2,685,471,291</td>
<td>6,482,596,152</td>
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<td>Exceptional Items:</td>
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<td>1 Maintain Operations at SSLCs</td>
<td>10,284,568</td>
<td>24,926,242</td>
<td>11,941,419</td>
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<td>2 Enhance Pre-Admission Screening and Resident Review (PASRR)</td>
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<td>4 Promoting Independence</td>
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<td>5a Community Expansion</td>
<td>54,438,508</td>
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<td>5b Provide attendant &amp; habilitation services to IDD population</td>
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<td>41,665,743</td>
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<td>6 Protecting Vulnerable Texans</td>
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<td>7 Improving Support for SSLC Residents</td>
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<td>8 PACE Expansion</td>
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