

From: [Sunset Advisory Commission](#)
To: [Cecelia Hartley](#)
Subject: FW: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)
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From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Friday, October 17, 2014 2:46 PM
To: Sunset Advisory Commission
Subject: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)

Submitted on Friday, October 17, 2014 - 14:45

Agency: HEALTH AND HUMAN SERVICES COMMISSION HHSC

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Your Comments About the Staff Report, Including Recommendations Supported or
Opposed:

Thank you for providing the public the opportunity to comment on the Sunset Advisory Commission Staff Report titled, "Health and Human Services Commission and System Issues." We are providing comments as an affected entity.

The Texas State Independent Living Council (SILC) provided extensive comments during the Sunset Advisory Commission's review of the Department of Assistive and Rehabilitative Services (DARS). The SILC maintains a close relationship with DARS due to their designation as the state recipient of federal funds provided by the Department of Education for Independent Living (IL) programs and services. The SILC also works closely with other state agencies that provide services and supports to people with disabilities such as the Department of Aging and Disability Services (DADS) and both DARS and DADS have traditionally had representatives serve as Ex-Officios on the SILC.

Recommendations 1.1, 1.3: Merging Five HHS Agency Functions Into HHSC As you may know, the Workforce Innovation and Opportunity Act (WIOA), which was recently signed into law, changes the structure of Independent Living programs at the federal level and provides more flexibility at the state level through the State Plan for Independent Living (SPIL). Among other things, WIOA made the following changes that are relevant to the recommendations proposed in the Sunset Advisory Commission Staff Report on HHSC:

- IL Programs Moved to Department of Health and Human Services: WIOA moved IL programs from the Department of Education to the Department of Health and Human Services.
- New Process for Choosing State Recipient of IL Funds: WIOA gave the SILC and the Centers for Independent Living (CILs), through the SPIL process, the flexibility to choose the

recipient of federal funding for IL programs.

This entity would be called the Designated State Entity (DSE).

- Transition Activities Added as a Core Service: Up until the passage of WIOA, CILs were required at a minimum to provide four core services (independent living skills training, peer support, advocacy, and information and referral) for people with disabilities. WIOA added a new core service (now referenced as the 5th core service) and that is of transition services.

CILs are now required to provide transition services for those currently living in a nursing home or institution that wishes to transition into a community-based setting, for those that are at risk for entering an institution or nursing facility, as well as for those that are transitioning from secondary or post-secondary education.

As the Staff Report noted, people with disabilities are served by multiple programs and agencies which can result in system of poorly integrated program and services. We believe this fragmented approach has also posed challenges in coordinating planning and policy issues at the state level on issues impacting people with disabilities. For example, several CILs receive grants from DARS to provide independent living skills training, peer support, advocacy, and information and referral for people with disabilities but also have contracts with DADS to provide CLASS waiver services and relocation services to assist people with disabilities transitioning from nursing homes into a community-based setting. With WIOA now requiring CILs to provide transition services to people with disabilities wishing to transition from a nursing home or institution into the community or to provide services to those that are at risk for entering such facilities, it makes sense that funding for core services of a CIL would originate from one entity. However, with the current structure of DADS providing some services for people with disabilities and DARS providing others, it creates an inconsistent contracting and reporting structure that leaves CILs with additional administrative burdens. Independent Living isn't just about IL programs and Vocational Rehabilitation programs currently housed under DARS, but also the long term services and supports that are provided by DADS and HHSC are an important element to maintaining and gaining independence. It would benefit all parties involved and consumers alike to have a successful integration of programs at a delivery system level. Such an integration that the Staff Report suggests will help ensure seamless delivery of services as well as allow for a more thorough analysis of the successes of such programs and areas needing attention.

Recommendation 1.1 and 13.1: Elimination of Councils and Advisory Committees The Staff Report recommends the elimination of each agency council and a majority of HHSC Advisory Committees in an effort to reduce duplication and save resources. While we commend these efforts, we believe this may be too draconian of an effort that will have the unintended consequence of limiting, and possibly eliminating, stakeholder input. While we agree that the specific agency councils will be irrelevant if the agencies were eliminated, we believe there should remain a formal process of receiving stakeholder input on specific issues and allow for the extensive input of council and advisory committee members. It is important to allow the public to have a meaningful part of the rulemaking and regulatory process on subjects that are complex and impact the lives of so many Texans. While we understand that an extensive amount of staff time and resources have gone to ensuring this input is in place, we believe that we should applaud these efforts and in fact look for ways to increase stakeholder input rather than stifling it.

Recommendation 2.1 and 2.4: Consolidation of Administrative Support Services and Improving Assistance to and Communication with System Agencies We agree that HHSC should develop a plan to address the functions such as strategic planning, evaluation, audit, and contracting to ensure these functions are coordinated to ensure accountability and to help eliminate confusion. In addition, we agree that that HHSC should continue technical assistance to agencies with regards to managing contracts, monitoring performance measures, and submissions of deliverables.

We look forward to working with you throughout this process as you further evaluate the needs of HHSC and its agencies. We appreciate the opportunity to participate in this effort and remain available should you have any follow up questions or requests for additional information.

Any Alternative or New Recommendations on This Agency: See above.

My Comment Will Be Made Public: I agree