

From: [Sunset Advisory Commission](#)
To: [Cecelia Hartley](#)
Subject: FW: Comments Regarding HHSC and DADS Reviews from The Arc of San Antonio
Date: Friday, November 07, 2014 2:38:27 PM

From: Steve Enders [mailto:senders@arc-sa.org]
Sent: Friday, November 07, 2014 1:32 PM
To: Sunset Advisory Commission
Subject: Comments Regarding HHSC and DADS Reviews from The Arc of San Antonio

The Arc of San Antonio is a nonprofit service organization which provides case management and day habilitation services to individuals with intellectual and developmental disabilities. The following are comments relative to current reviews of HHSC and DADS for consideration by the Commission and Commission staff:

State Programs for Individuals with Intellectual and Developmental Disabilities Relative to Sunset Commission Reviews of DADS and HHSC and the Upcoming Legislative Session

- 1) Individuals with intellectual and developmental disabilities (I/DD) and their families pursuing community based, long-term services funded by the State of Texas (through the Department of Aging and Disability Services - DADS) through Medicaid waiver programs such as CLASS and HCS are placed on interest (waiting) lists. Recent published figures by DADS showed that the CLASS (Community Living Assistance and Support Services) program has 51,360 Texans waiting and HCS (Home & Community-based Services) has 71,802 individuals listed. Individuals typically wait 8-10 years on these interest lists before being considered for placement in these programs. Demand for these services appears to greatly exceed the resources available under these programs, which are specifically designed to assist the population with I/DD.
- 2) The DADS contracted service payment rates paid under the HCS, ICF, and Texas Home Living programs to service providers in Texas were reduced in 2011 and have been unchanged since, despite rising program costs of providing quality services to those with intellectual and developmental disabilities (I/DD). The Arc of San Antonio provides a relatively large (200 adults daily) day habilitation program which costs \$36 per day per adult to operate. The average payment received by The Arc through DADS-contracted providers who pay us in accordance with these State-determined rates is \$27 per day. While The Arc takes tremendous pride in the program improvements that have been made in our day habilitation program during the past three years (including curriculum development, increases in the numbers of off-site field trips, a new swimming/aquatics, program, and others), these have occurred in an environment of declining revenue from state-based sources. This places a growing and continued burden on local philanthropic organizations, foundations, and individual donors to fund the operating loss associated with providing a quality program for our participants.
- 3) The recently issued Sunset Commission report and recommendations on the Department of Aging and Disability Services (DADS) recommends closure of the Austin State Supported Living Center (SSLC) and the closure of up to five additional SSLC's in Texas over the next five years. This recommendation recognizes the decreasing census in these facilities and the marked transition of services over the

past several years from institutional settings to more efficient, community based settings. Savings from the SSLC closures could be used to assist with much needed funding related to items #1 and #2 above.

- 4) The Sunset Commission report and recommendations on DADS further addresses the need for development of specific safety and service requirements for day habilitation providers that contract with DADS provider agencies and the inclusion of such requirements in contracts between DADS provider agencies and local day habilitation providers. Such requirements can serve to raise the overall quality and effectiveness of day habilitation services and also assures that state funds are used to purchase quality services for individuals with I/DD. At The Arc of San Antonio, we believe that a state certification of adult day habilitation programs in Texas is a worthy endeavor.
- 5) Many Texans with I/DD and their families are relatively silent about their needs and expectations, dreams, and desires. Although efficient operation of state agencies is a key aspect of Sunset review, it is also essential that the community of Texans with I/DD have a state agency that is specifically attentive to their needs and that can truly ascertain these needs from clients who are often challenged by basic communications and relationships with state agencies and local providers. With the proposed consolidation of all five HHS state agencies (including DADS) into the Health and Human Services Commission (contained in the Sunset Commissions review and recommendations for HHSC), there is a fear that the service needs of many individuals with I/DD will go unrecognized and/or lose priority among the state's many and significant service needs.
- 6) In August of 2014, The Arc of San Antonio was notified by the Department of State Health Services (DSHS) that a contract under the Children with Special Health Care Needs, which was in place for over twenty years to provide case management services to families in the San Antonio area, would be reduced by 76% and serve 75 individuals annually (versus 350). This notification was provided nineteen working days before the new contract period. The original schedule for this contract RFP process cited a June decision timeframe, which would have afforded adequate notification time to families and the agency and more time to understand more about the rationale for the contracting decision. While The Arc recognizes that needs, priorities, and funding levels are always subject to change at the State level, a more communicative and transparent process would have served all parties better. In our review of the Sunset Commissions report and recommendations for HHSC (which we understand oversaw our RFP/contracting process), we found numerous citations regarding problems with the HHSC contracting processes. These include unclear contract oversight authority, insufficient technical support to client agencies, and unclear designation of points of contact between the State and contracting agencies. While our agency provided specific concerns about our recent contracting experience to the DSHS, we are hopeful that contracting process concerns and recommendations found in the Sunset review will lead to improvements in these processes.

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