

**From:** [Sunset Advisory Commission](#)  
**To:** [Dawn Roberson](#)  
**Subject:** FW: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)  
**Date:** Monday, June 30, 2014 8:45:46 AM

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-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]  
Sent: Monday, June 30, 2014 8:10 AM  
To: Sunset Advisory Commission  
Subject: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)

Submitted on Monday, June 30, 2014 - 08:09

Agency: DEPARTMENT AGING AND DISABILITY SERVICES DADS

First Name: Peter

Last Name: Henning

Title: Executive Director

Organization you are affiliated with: Special Texas Homes

City: Houston

State: Texas

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

With regard to the reduction of State Supported Living Centers (SSLCs) and steps needed to accomplish the reduction (Issues 1 & 2):

- Providing quality services to people living in community centers requires that sufficient resources are provided to meet their needs. That applies not only to people moving out of SSLCs and into community settings, but also to every person living in community settings. One of those resources is quality staff. Quality staff are a combination of good training and experience. As an SSLC reduces census and moves people into community settings, staff levels will also reduce. Community providers will look to hire those trained and experienced from SSLC staff to help provide quality services to the people in their programs.

- Providing quality services also requires sufficient financial resources. Community providers need to receive sufficient reimbursement to hire and properly compensate employees – including those who worked at SSLCs. They need to receive sufficient reimbursement to establish and maintain quality services. Transitions funds are not enough – they help with the initial environmental issues (purchase of lift vans, building modifications, etc.), but the need for quality staff is ongoing.

- Small (6-person) ICF homes need to be part of the solution for providing services to people currently living at SSLCs. Current vacancy levels in community ICFs are around 15%. Those beds are ready to accept people now.

There is no need to “develop” those homes – the current infrastructure is in place now. All that is needed is sufficient reimbursement to increase staff levels and improve staff training to meet the increased needs of people leaving the SSLCs.

With regard to providing more oversight to Day Habilitation programs (Issue 3):

- I support the recommendations included in the report. I feel they are a reasonable way to protect people who participate in Day Habilitation programs.
- Day Habilitation is poorly funded, and any increase in requirements and regulation need to be accompanied by increases in reimbursement that are sufficient to cover the added costs

With regard to enforcement actions for violations (Issue 4):

- Sometimes numbers are misleading. “Violations” can range from a light bulb out, a clock not working or a staff title not changed in a policy to a failure to prevent abuse or a failure to provide medical treatment resulting in injuries. In ICFs a better statistic would be to compare “Conditions of Participation” that are not met. “Conditions of Participation” are groupings of standards. If a “Condition” is out, it indicates a major problem.
- The “Right to correct” is there to benefit the people supported by a facility. It is incentive for the provider to fix a problem quickly, thus benefiting the people. Removing the “right to correct” penalizes providers twice – because they still have to correct the issue, which costs money and time, and they have to pay a penalty on top of it. That leads to reduced funds available in the future to maintain correction and improve quality.
- The ICF penalty matrix currently is sufficient to provide providers incentives to maintain corrections and improve quality. In a small ICF, the \$5000 penalty is 20-25% of one month’s income. Loss of that revenue can severely affect a provider, especially a small “mom & pop” provider. The current matrix with its caps does not over-penalize small providers, and it provides the agency an opportunity to penalize repeat offenders.

I support the recommendations made for Issues 5, 6 & 7. I feel that the issues leading to the recommendations are symptoms of wider problems – a lack of leadership, a lack of unity in purpose (the “silo” factor) and a reliance on others to come up with plans and resolutions.

Any Alternative or New Recommendations on This Agency: No

My Comment Will Be Made Public: I agree