

**From:** [Sunset Advisory Commission](#)  
**To:** [Dawn Roberson](#)  
**Subject:** FW: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)  
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-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]  
Sent: Monday, June 30, 2014 8:39 PM  
To: Sunset Advisory Commission  
Subject: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)

Submitted on Monday, June 30, 2014 - 20:39

Agency: DEPARTMENT AGING AND DISABILITY SERVICES DADS

First Name: Joe

Last Name: Tate

Title: Policy Specialist

Organization you are affiliated with: Community NOW!

City: Austin

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed: Community NOW! supports the recommendation by Sunset to create a closure commission to independently evaluate all of the data on SSLCs and identify 5 SSLCs for closure. The rapidly declining census, massive increase in the cost of care for the residents, and chronic deficiencies demands immediate action by the Texas Legislature. Austin State Supported Living Center(AUSSLC) should be closed immediately. AUSSLC should prove to the Texas Legislature that segregating people based on a disability label cannot be improved, nor is it a sustainable healthcare delivery model. AUSSLC has consistently failed to provide services to people with Intellectual and Developmental Disabilities despite unprecedented investment and oversight from DADS and the DOJ. Since January 2012, state regulators have threatened to decertify the center five times for failures in resident care. The AUSSLC had 33 termination warnings since fiscal year 2009 after DADS staff found major violations. Also, after DADS contracted with a private company, the Columbus Organization, and spent \$1.2 million for eight months of their services, the Austin institution is facing just as many violations as it did before the consultants arrived. The Legislature should use the current downsizing of the Austin facility as an opportunity to design a plan for the closure of 5 more SSLCs. Community NOW! also strongly supports the recommendation by Sunset to expand community capacity for the people with the highest level of need medically and behaviorally. Costs of comparable community programs for people with IDD are on average one third the cost of care at the SSLCs. It is also important for the Texas Legislature to remember the enormous numbers of individuals with the highest levels of need currently being served successfully in the community. The Sunset Commission highlighted the fact that: "Most people with extreme behavioral issues are served in the HCS program in the community already. In fact, in fiscal year 2013, 127 people with the highest level of need were in the HCS program compared to 16 in SSLCs. This statistic clearly indicates the capacity of the community to serve this population." Also, as of May 2014, only 329 SSLC residents have a "severe" health status. Our organization supports authorizing higher administrative penalties for home health agencies and assisted living facilities and repealing limits on penalties per inspection for intermediate care

facilities. The Texas Legislature should also require DADS to develop, in rule, progressive sanctions for serious or repeated violations. It is important that the Texas Legislature understand that DADS licenses more than 10,600 long-term care providers serving more than 1.3 million of Texas' most vulnerable residents, primarily the elderly and persons with disabilities. However, regulation, credentialing, and quality outreach account for only 1% of DADS total expenditures for FY 2013. In comparison, DADS spends 11% on State Supported Living Centers. This monumental undertaking is not given the proper attention, and could be one reason DADS took enforcement action in response to less than one percent, or 225, of the almost 38,000 state violations confirmed by its staff. People with disabilities, in all settings, deserve the right to live in an environment free from abuse, neglect and exploitation. Require DADS to expand the use of crisis intervention teams to help people with behavioral needs avoid negative interactions with law enforcement. In the last two years the number of alleged offenders committed to SSLCs increased by 41%. Crisis intervention teams and an increased investment in home and community based supports might help to lower the number of forensic admissions to SSLCs. Community NOW! supports the recommendation to require DADS and HHSC, in rule, to add an enhanced reimbursement level for people with complex medical needs.

Any Alternative or New Recommendations on This Agency:

DADS guardianship program of 99 staff, and at a cost to taxpayers of 6.3 million in fiscal year 2013 should be evaluated and downsized. The Texas Legislature should require DADS to develop, in rule, that all 1,366 persons currently under DADS provided guardianship programs be in the least restrictive settings in accordance with the Olmstead decision.

My Comment Will Be Made Public: I agree