

STATE OF TEXAS
HOUSE OF REPRESENTATIVES

JUN 30 2014



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June 27, 2014

Mr. Ken Levine
Director
SUNSET ADVISORY COMMISSION
P.O. Box 13066
Austin, TX 78711

RE: My Public Testimony for DADS Sunset Recommendation

Dear Ken:

As a former Sunset Commissioner, I must express my disappointment with the Sunset staff's recommendation to close six state supported living centers (SSLCs). Through the years, I have enjoyed a very good working relationship with you and your staff and have a great deal of admiration for the work you produce. It has been my belief that Sunset always prides itself on unbiased reports, but as for the DADS report, I believe that it is inaccurate and omitted many facts. The report seemed to be slanted in favor of "stake holders" operating HCS group homes.

Please allow me to paint a picture slightly different than the one portrayed in your report.

Last session, I filed HB 913 after being contacted by local police about the sorry lack of oversight of HCS group homes in my district. As Sunset modifies its DADS recommendations, I urge you to contact Brenham Police Chief Rex Phelps and ask him about large number of 911 calls received from HCS group homes. I regret that HB 913 did not receive a hearing last session; I think many failures of oversight would have been revealed if the bill would have been debated.

The DADS report merely suggests heavier penalties for the most serious HCS group home violators. I am concerned at why the report chose to ignore the systemic and under-reported failures in our state's HCS group homes. Indeed the abuse and mortality rates in HCS homes may be higher than in today's improved SSLC setting, but the confusing patchwork of reporting for group homes makes it impossible to compare.

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I fear that because so much federal money is involved, there is a concerted lobby effort to destroy the SSLC model (no matter how improved it may be). At the same time, there appears to be an effort by DADS, the Sunset Commission, and the lucrative HSC group home lobby to downplay the massive level of concern and complaints about group homes from the families of persons with IDD, and from local police forces, and even from lawmakers like me.

The loose patchwork of oversight at HCS group homes results in the "lower cost" illusion. Group homes are incorrectly compared with a full-spectrum of on-site SSLC services. Your report ignores this correlation. Judging by the overwhelming support from the public for the SSLC model at the June 25 Sunset hearing, your staff never looked at both sides of the IDD coin.

I oppose these recommendations because of the one-sided nature of the Sunset report and the misguided recommendation to close six SSLC locations and place our most fragile Texans into the dangerous setting of today's barely-regulated HCS group homes. Putting aside the callous risk to these individuals, and their families, the "cost savings" in your report are speculative. As someone who served six years on the House Appropriations Committee and twice as a budget conferee, I reject your financial assumptions.

For example, in terms of revenue gains from SSLC closures, your report failed to research whether some SSLC facilities are built on land donated for the specific function of the SSLC, with deed restrictions that revert the property to the donor, resulting in zero gain for the state. At the same time, the report suggests a rate increase for the HCS group homes to handle the load of SSLC closures. If I am reading the report correctly, the staff suggests that we move money from one model of care to another model of care that has more dangers and less oversight?

The DADS Sunset Staff Report creates a false paradigm for members of the Sunset Commission. Crucial and dangerous facts about HCS group homes were omitted, while the improvements of the SSLC model were downplayed, and many families of IDD individuals were clearly ignored.

While I appreciate your service to the state, I hope the Sunset Commission will modify these recommendations and ask why the report willfully ignored one-half of this painful debate.

Sincerely,



Rep. Lois W. Kolker