



**ROBERT L. NICHOLS**  
STATE SENATOR

July 2, 2014

Mr. Ken Levine  
Director, Texas Sunset Commission  
Post Office Box 13066  
Austin, Texas 78711

Dear Mr. Levine,

I am writing to share my strong opposition to the Sunset staff recommendations that would force Texans out of their homes in State Supported Living Centers (SSLCs).

At the root of this issue is the definition of "community." I am concerned a driving force behind these efforts are false presumptions that SSLCs cannot be improved, are segregated, or cannot exist as a valued component within a community.

Having personally visited SSLCs on multiple occasions, I know from firsthand experience a sense of community is alive and well in the state's 15 SSLCs, just as it is throughout all of Texas. It is worth noting that neither the U.S. Supreme Court's Olmstead decision nor state statute define "community." Black's Law Dictionary defines the word:

*"A society of people living in the same place, under the same laws and regulations, and who have common rights and privileges."*

I have and will continue to support efforts to improve efficiency in the delivery of care to individuals with developmental disabilities. However, these efforts must respect the rights of Texans and their family members to receive care in a safe and caring environment of their choice.

I am particularly troubled by Health and Safety Code 533.038, which states:

*"The department may specify the facility in which a client with [individual and developmental disabilities (IDD)] under the department's jurisdiction is placed."*

Family members with loved ones residing in SSLCs have contacted my office to express their fears that their children, siblings, parents, or friends may be forcibly relocated to accommodations that are unprepared to support them. Some residents have made their homes in SSLCs for over 50 years. The trauma of relocation can be challenging enough under ordinary

circumstances, to say nothing of the critical element of family and support that Texans with IDD depend upon.

The Community Living Options Improvement Program has proven successful in identifying those individuals for whom the SSLCs are not the least-restrictive and most-inclusive environment in which to receive services. However, by the other side of the same coin, thousands of Texans, with the help of their guardians and family members, have made clear their preference to remain at home where they reside in SSLCs. In fact, the U.S. Department of Justice monitoring reports highlight that among their many successes, the SSLCs continually achieve high grades in making available information regarding other communities in which services can be found.

Unfortunately, for Texans and their families who feel private Intermediate Care Facilities or 3- to 6-bed group homes are not appropriate, the same access to information regarding SSLCs is not so readily available. This is why I was pleased to support House Bill 2276 in 2013, specifically requiring information on the availability of SSLCs be provided to persons inquiring about residential services.

While the findings of the Sunset Staff Report notes SSLCs struggle to provide a consistent level of quality care, it also finds that in order to transition to the community, people with higher behavioral and medical needs require extra support. I do not believe that support network currently exists.

The unduplicated waiting list for Community Services totals more than 112,000 as of May 31, 2014. This exceeds the capacity of SSLCs, which served roughly 3,650 Texans in FY 2013, by a 30-fold factor. I have serious reservations regarding the state's capacity to build and maintain an infrastructure capable of supporting an ever-increasing number of Texans with unique needs, while closing some facilities that have proven successful in meeting some of that need.

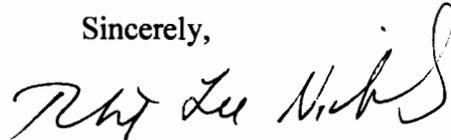
To build safer and more successful SSLCs, I support the Management Action found in Recommendation 1.4, directing the Department of Aging and Disability Services (DADS) to focus on improving the quality of life for residents and staff. Parent and family groups have worked for years to build relationships with community partners in order to improve training, promote awareness and establish support networks. I also support Recommendation 2.3, amending statutes to require DADS to establish an array of services SSLCs can provide to community clients, and authorizing the collection of fees for those services.

Ultimately, I am disappointed agency leadership has not made more of an effort to promote community engagement and inclusion beyond the property lines of the SSLCs. These facilities are tremendous assets not because of their potential property values, but because they are homes to Texans. Just like any other community, we as legislators have an enduring responsibility to help them succeed.

I look forward to working with each of you throughout the Sunset process and the upcoming Legislative Session to achieve our shared goals of making state government more efficient and accountable to the people it serves. I invite members of the Sunset Commission and Sunset staff to tour the Lufkin facility, then you will see for yourself what I have seen. You will know better why I feel so strongly about this issue.

Thank you for your consideration. Please do not hesitate to contact me if I may be of further assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert L. Nichols".

Robert L. Nichols  
State Senator

RLN/al/ms

Cc: Members of the Texas Sunset Commission