



The Arc®

Texas

84th Legislative
Session:

Win, Lose or Draw

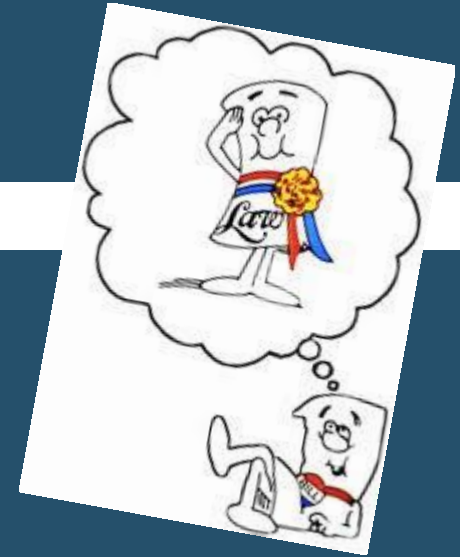
Governmental Affairs Committee:
June 2015

Political Landscape

84th Legislative Session



84th Legislature: Win, Lose or Draw



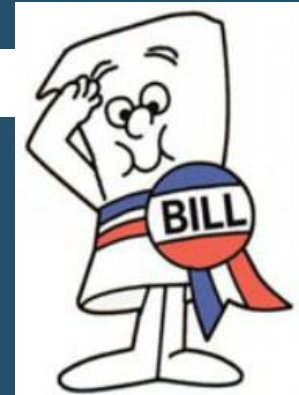
6,276 bills were filed and 1,322 passed

Statistics on the 140th Day Monday, June 1, 2015

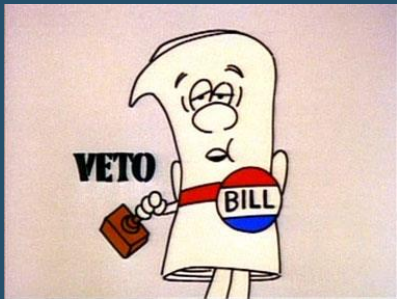
Metric	House				Senate			
	84R	83R	Diff	%	84R	83R	Diff	%
Bills Filed	4207	3950	257	+6%	2069	1918	151	+8%
Bills Passed	818	732	86	+12%	504	705	-201	-29%
Joint Resolutions Filed	133	130	3	+2%	67	63	4	+1%
Joint Resolutions Passed	2	6	-4	-67%	5	4	1	+25%

84th Session: What Now?

- During the 140 days of session all bills either:
 - Die (bills that do not pass for a variety of reasons)
 - Amended to other bills (can resurrect a dead bill)
 - Pass both chambers (House and Senate)



- If a bill passes both Chambers it is sent to the Governor.
 - Sign
 - Veto
 - Do nothing (In which case the bill passes without signature)



- Once legislation passes it becomes law



Win: Managed Care and Employment

HB 3523 (Raymond)

Managed care (SB7) follow-up bill:

1. Extending the timelines by one year for the IDD Medicaid Waiver carve-ins and by two years for the IDD Redesign Advisory Committee.
2. Meaningful assessment of outcomes for people with IDD after every transition and BEFORE the next transition takes place (
3. Ensuring the IDD Advisory Committee provides meaningful input

SB 212 (Birdwell)

- ▣ Texas Council on Purchasing from People with Disabilities Sunset bill
- ▣ Abolishes the Purchasing Council on 9/1/15
- ▣ Moves its function to TWC
- ▣ Establishes an advisory committee
- ▣ Early steps toward competitive, integrated employment



Win: ABLE Act

- Achieving a Better Life Experience (ABLE) Act
 - Signed by President Obama in December 2014
 - Allows people with disabilities to save money in a tax-free savings account as a supplement to other forms of income
- ABLE in Texas → SB 1664
 - Passed with NO opposition
 - Includes important safeguards



Win: Special Education

- **SB 1259 (Rodriguez)**
 - ARD Committee Report
- **SB 507 (Lucio)**
 - Cameras in the classroom
- **SB 1867 (Zaffirini)**
 - Computation of dropout and completion rates
- **HB 440 (Gonzales)**
 - Adapting P.E.
- **HB 1804 (Naishtat)**
 - Campus and charter school notice
- **HB 1807 (Naishtat) and SB 37 (Zaffirini)**
 - Post-secondary education bills



Win: Reading Academy Bills

- Training academies for teachers who provide reading instruction
- **SB 925 (Kolkhorst)**
 - Grades K-3; Must include methods for struggling readers
- **SB 935 (Kolkhorst)**
 - Grades 4-5; Must include methods for struggling readers



Win: Guardianship Reform



- ❑ **CSHB 39 (Smithee/Zaffirini)**
 - ❑ Lists less restrictive alternatives
 - ❑ Requires court to consider informal/formal supports and services
 - ❑ Requires more information from doctors
 - ❑ Consideration of ability to choose residence
 - ❑ Alternatives training for applicant's attorney
 - ❑ Supported decision-making agreements
- ❑ **SB 1882 (Zaffirini)**
 - ❑ Bill of rights for people under guardianship
- ❑ **HB 1438 (Thompson)**
 - ❑ Due process in court-initiated guardianship proceedings

Win: Supported Decision-Making Agreements

SB 1881 and CSHB 39



Other Wins from the 84th Session

- **SB 339 (Eltife)**
 - Legalizes cannabis oil as a treatment for people with epilepsy
- **HB 1679 (Raymond)**
 - TCDD Sunset bill → Reauthorized until 2027
- **HB 2189 (Parker)**
 - Establishes offender program for people with intellectual disabilities
- **SB 1129 (Zaffirini)**
 - Restrictions on restraint
- **SB 304 (Schwertner)**
 - 3-strike rule for nursing
- **SB760 (Schwertner)**
 - Holds MCO's more accountable.
- **SB 1385 (Schwertner)**
 - Gives DADS the ability to sanction non-Compliant providers



Lose: Special Education

Bills that did NOT pass:

- **SB 811 (Rodriguez)**
 - IEP translation
- **SB 1584 (Lucio)**
 - PBIS bill
 - SB 674 (Campbell) and HB 2684 (Giddings) did pass and include some PBIS information
- **HB 3417 (Bernal)**
 - Endorsements in special education programs



Lose: State Budget (HB1)

**Over 150,000 Individuals are Waiting for
Community Based Services!**

Medicaid Waiver Slots (waitlist reduction)		
Program	DADS Requested (20% reduction)	Funded
HCS	6,792	2,134
CLASS	4,151	752
DBMD	21	50
TxHML	1,040	0
STAR+PLUS	1,646	1,646
MDCP	1,282	104
Total	14,932	4,686

Lose/Win: State Budget

Promoting Independence		
Program	DADS Requested	Funded
HCS for people moving from large and medium ICFs — including SSLCs	500	500
Children Aging out of Foster Care	216	216
Persons at Imminent Risk of Entering an ICF	400	400
Individuals with IDD Moving from State Hospitals	120	120
Children Transitioning from a general residence operations (GRO) facility (DFPS)	25	25
STAR+PLUS for people at Imminent Risk of Nursing Facility Admission	100	Not applicable: all STAR+PLUS slots were funded in service expansion (waitlist funding)
Total	1,361	1,261

Lose/Win: State Budget

Preadmission Screening and Resident Review (PASRR)

DADS initial Request would have either transitioned or diverted **1,300** individuals with IDD from facilities

Program	Funded
HCS Slots for individuals with IDD moving out of nursing facilities	700
HCS slots for individuals with IDD being diverted from nursing facilities	600
Total	1,300

Other Items:

- **Funding for respite care and non-medical transportation to individuals with IDD in the STAR+PLUS program. (pending approval from CMS, this will be added to Community First Choice (CFC))**
- **Increased funding for behavior intervention and crisis respite services**

Draw: DADS Sunset Bill

□ **SB 204 by Hinojosa**

□ Intended to:

- Improve safety of ICF's, Home Health, PAS, Nursing facilities, etc through progressive sanctions.
- Evaluation and implementation of Crisis Intervention Teams
- Improve safety and quality of Day Habs (through reporting, tracking, information sharing)
- Provide information to the public on LTSS
- **Close The Austin State Supported Living Centers (SSLC) by 2017**
- **Form a Restructuring Commission to decide which (if any additional SSLC's should be closed). The Commission would have only made recommendations; the Legislature would still have had to approve all closures first.**

Draw: DADS Sunset Bill



What Happened?

- Passed the Senate with little opposition
- Passed the House with 22 amendments, including stripping the closure and restructuring commission.
- Died in conference committee when the House and the Senate failed to find a compromise.
- Hinojosa has stated that he is committed to this issue and we hope to see it again next session.

It is the farthest we have come in years!

Draw: HHSC Sunset Bill

- **SB 200 by Nelson**

- Intent:

1. Consolidation of agencies (DADS, DARS, DSHS, DFPS) into HHSC and TWC
2. Elimination of 31 Advisory Committees



Steve Hopson

**Our Goal: Maintain expertise
in disability (includes
stakeholder input)**

Draw: HHSC Sunset Bill



What Happened?

The bill passed both chambers with amendments

1. Consolidation of agencies into HHSC in phases
 - The Executive Commissioner will develop a transition plan
 - Establishes a Transition Legislative Oversight Committee
 - Two phases of transfer (finished by Sept. 2017)
 - DFPS and DSHS will remain as separate agencies for certain functions until Sept. 1, 2023 (study completed by 2018)
 - HHSC continues for 12 years and DSHS and DFPS for 8
2. Abolishes committees in statute
 1. PIAC, STAR KIDS, IDD Redesign Advisory Committee and The Children's Policy Council were “saved” through amendments
 2. Other Committees can be reestablished by the Executive Commissioner

The Arc of Texas and Grassroots Accomplishments

□ During the 84th Session:

- 13 Capitol Days were conducted
- Staff and advocates combined made over 485 visits
- 31 individuals (self-advocates, families, and staff) have testified on behalf of The Arc of Texas and/or Texas Advocates(oral and written).
- Over 150 advocates called and/or emailed their Legislators and/or other key Legislators to Support the Closure of Austin SSLC and the formation of the restructuring committee.

What's next?

Goals	Organizational Considerations	Constituents, Allies, and Opponents	Targets	Tactics
<ol style="list-style-type: none"> 1. List the long-term objectives of your campaign. 2. State the intermediate goals for this issue campaign. What constitutes victory? <p><i>How will the campaign</i></p> <ul style="list-style-type: none"> • Win concrete improvement in people's lives? • Give people a sense of their own power? • Alter the relations of power? <ol style="list-style-type: none"> 3. What short-term or partial victories can you win as steps toward your long-term goal? 	<ol style="list-style-type: none"> 1. List the resources that your organization brings to the campaign. Include money, number of staff, facilities, reputation, canvass, etc. <p>What is the budget, including in-kind contributions, for this campaign?</p> <ol style="list-style-type: none"> 2. List the specific ways in which you want your organization to be strengthened by this campaign. Fill in numbers for each: <ul style="list-style-type: none"> • Expand leadership group • Increase experience of existing leadership • Build membership base • Expand into new constituencies • Raise more money 3. List internal problems that have to be considered if the campaign is to succeed. 	<ol style="list-style-type: none"> 1. Who cares about this issue enough to join in or help the organization? <ul style="list-style-type: none"> • Whose problem is it? • What do they gain if they win? • What risks are they taking? • What power do they have over the target? • Into what groups are they organized? 2. Who are your opponents? <ul style="list-style-type: none"> • What will your victory cost them? • What will they do/spend to oppose you? • How strong are they? • How are they organized? 	<ol style="list-style-type: none"> 1. Primary Targets <p>A target is always a person. It is never an institution or elected body.</p> <ul style="list-style-type: none"> • Who has the power to give you what you want? • What power do you have over them? 2. Secondary Targets <ul style="list-style-type: none"> • Who has power over the people with the power to give you what you want? • What power do you have over them? 	<p>For each target, list the tactics that each constituent group can best use to make its power felt.</p> <p>Tactics must be</p> <ul style="list-style-type: none"> • In context. • Flexible and creative. • Directed at a specific target. • Make sense to the membership. • Be backed up by a specific form of power. <p>Tactics include</p> <ul style="list-style-type: none"> • Media events • Actions for information and demands • Public hearings • Strikes • Voter registration and voter education • Lawsuits • Accountability sessions • Elections • Negotiations

What can YOU do?

Legislative Advocacy!

- ❑ The interim is where the bills begin! Make your voice heard during this important time!!
- ❑ Let your governmental affairs team here at The Arc of Texas help you advocate!
 - We are ready and available to come do a training with your group either on general advocacy or on a specific topic.
- ❑ Continue to be in touch with your local legislators!
 - Several legislators and their staff recognized The Arc of Texas members during capitol visits because they had visited them in their hometowns!
- ❑ Demand (fair) coverage in the media
 - Write your local news outlet and let them know issues that affect people with IDD need to be told!
 - Respond to one-sided and biased stories with a letter or a phone call!

Thank You!

